

REGULAR MEETING  
OCTOBER 21, 2019  
TIME: 8:00 PM

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

CONVENED:  
ADJOURNED:

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 OCT 17 P 12:55

1. Minutes, City Council Meeting, October 7, 2019.
2. PUBLIC HEARING On the 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, Order No. 19-1007791.
3. PUBLIC HEARING On the Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street, Order No. 19-1007779.
4. 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, Order No. 19-1007780.
5. Communication from the Mayor, re: Transfer Request in the amount of \$150,000.00 from Undesignated Funds to Capital Outlay-DPW Projects, to fund mitigation payment pursuant to the Special Permit for the project at 421 Bolton Street.
6. Communication from the Mayor, re: Gift Acceptance in the amount of \$300.00 from Eye Physicians of Marlborough & Worcester for the Police Department to fund community outreach initiatives.
7. Communication from the Mayor, re: OPEB Trust Update.
8. Communication from the Mayor, re: Resignation of Richard Collins from the Council on Aging Board.
9. Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit for Cameron General Contractors to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, in proper legal form, Order No. 19-1007703C.
10. Communication from City Clerk Steven Kerrigan, re: Municipal Election Call.
11. Communication from the Planning Board, re: Favorable Recommendation and recommendation for clarifying language on the Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, Order No. 19-1007756.
12. Application for Fuel Storage License, One Energy, Inc. for Underground storage of 24,000 gallons of Gasoline and 4,000 gallons of Diesel fuel, 121 Bolton Street, identified as Map 57, Parcel 289.
13. Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street.

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

14. Communication from Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, re: Petition for approval of their 2016-2018 Energy Efficiency Three-Year Term Report.
15. Communication from NSTAR Gas Company, d/b/a Eversource Energy, re: Petition for approval of its 2016-2018 Energy Efficiency Three-Year Term Report.
16. Minutes, Council on Aging, September 10, 2019.
17. Minutes, Fort Meadow Commission, September 20, 2018, May 16, 2019, June 20, 2019, July 18, 2019 & August 15, 2019.
18. Minutes, OPEB Trustees, September 25, 2019 & October 4, 2019.
19. Minutes, Parks & Recreation Commission, January 16, 2019, March 13, 2019, April 10, 2019 & June 5, 2019.
20. Minutes, Zoning Board of Appeals, September 17, 2019.
21. CLAIMS:
  - a) Tammy Booth, 655 Boston Post Road, #2208, Sudbury, other property damage and/or personal injury.
  - b) Alex Bogovich, 56 Nixon Road, Framingham, pothole or other road defect.
  - c) David Mavretic, 208 Wilson Street, other property damage and/or personal injury.
  - d) Jeffrey Simon, 30 Sheffield Terrace, pothole or other road defect.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Operations & Oversight Committee

22. **Order No. 19-1007772: That Marlborough Police Chief David Giorgi discuss the City's contract with Critter Control and the department's Policy and Operating Procedures for Animal Control.**

The Operations and Oversight Committee met with Police Chief David Giorgi and Charlie Boulmetis of the Critter Control franchise for this area (the City's Animal Control contracted vendor) to discuss the policy and operating procedures for the City's Animal Control services.

**Motion made by Councilor Robey, seconded by Chair, to accept and place on file the Order submitted by Councilor Robey. The motion carried 3-0.**

##### From Personnel Committee

23. **Order No. 19-1007789: Communication from the Mayor, regarding Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022.**

The Personnel Committee met with Betty Evangelous and discussed her work as a member of the Board of Registrars. Mrs. Evangelous serves as the Democratic representative, former City Councilor Cindy Zomar serves as the Republican representative, and Linda Clark is the third member who is Unenrolled.

**Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022. The motion carried 3-0.**

24. **Order No. 19-1007777: Communication from the Mayor, regarding 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.**

John Usinas, Laura Kyle, Cheryl Soucy, and Debra McManus appeared before the Personnel Committee and introduced themselves and gave a brief overview of their background and work as part of Marlborough's Commission on Disabilities.

**Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointments to the Commission on Disabilities of Debra McManus and Laura Kyle, for three-year terms from date of confirmation, also John Usinas and Cheryl Soucy for two-year terms from date of confirmation. The motion carried 3-0.**

From Public Services Committee

25. **Order No. 19-1007739A: 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.** Albert Galvin, Design Engineer, National Grid explained the job is for a new three-phase commercial customer by installing an intermediary pole to keep the balance of the line spans on the street in order and stable. It can be brought across the street to a pole on their property and underground will be run from there.

**Motion made by Councilor Doucette, seconded by Councilor Irish, to approve Order No. 19-1007739A with the following condition: The new pole should not be located within the City sewer easement. The pole location shall be marked out for approval by the City Engineer prior to the start of work. Motion carried 3-0.**

From Urban Affairs Committee

26. **Order No. 19-1007703: Application for Special Permit from Attorney Brian Blaesser, on behalf of Cameron General Contractors, to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive.**

The Urban Affairs Committee met with attorneys William Pezzoni (represented property owner) and Brian Blaesser (represented applicant), property owner Jon Delli-Priscoli, and transportation consultant, Bob Michaud of MDM Transportation Consultants, Inc. for a final review of the special permit application to construct a Senior Independent Living Multifamily Community at 96 Crowley Drive. The address was changed from 90 Crowley Drive to 96 Crowley Drive at the request of the City. The applicant appeared before the Site Plan Review Committee earlier in the day and their draft decision reflects the requested changes by the Site Plan Review Committee.

They continued discussion and reviewed the special permit conditions. There were no changes to conditions one through four (Construction in Accordance with Applicable Laws, Compliance with Applicable Laws, Site Plan Review, and Modification of Plans). The remaining conditions were reviewed and amended.

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



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2019 OCT 16 A 8:22

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

OCTOBER 7, 2019

Regular meeting of the City Council held on Monday, October 7, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaira, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:38 PM.

ORDERED: That the Minutes of the City Council meeting, SEPTEMBER 23, 2019, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, Order No. 19-1007756A, all were heard who wish to be heard, hearing closed at 8:04 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Flammable Solids Storage License, Ambri, Inc., 53 Brigham Street, Order No. 19-1007758, all were heard who wish to be heard, hearing closed at 8:07 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12, Order No. 19-1007762, all were heard who wish to be heard, hearing closed at 8:33 PM; adopted.

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

ORDERED: That the Communication from the Mayor, re: Certification of Free Cash in the amount of \$13,319,020.00, **FILE**; adopted.

ORDERED: That the Communication from the Mayor, re: Solect Energy Solar Proposal, **FILE**; adopted.

ORDERED: That the Reappointments of Brenda Costa, Rose Marie Elwood, Jeanne McGeough, Leslie Biggar and Patricia Gallier, to the Council on Aging Board, for three-year terms from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Nicholas Evans to the Historical Commission for a three-year term from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Wayne E. Stanley, Sr. to the Commission on Disabilities for a two-year term from date of confirmation, and withdrawal from consideration for reappointment of Anne Ryan refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Councilor Ossing, re: Municipal Aggregation – Twenty-four (24) Month Fixed Price Contract with Inspire, November 2019 through October 2021, **FILE**; adopted.

ORDERED: That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Northborough Capital Partners, LLC, a Rhode Island limited liability company the attached deed of land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as “OPEN SPACE” on Sheet 2 of 2 in a plan entitled “DEFINITIVE PROPERTY PLAN - GOODALE ESTATES - MARLBOROUGH, MA” Prepared for: Paul & Alex Ricciardi, 101 Adams Street, Quincy, MA 02189; Prepared by: Bruce Saluk, & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: July 19, 2016; Revised: September 22, 2016 and October 14, 2016, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 1099 of 2016 (the “Plan”) to which reference is made for a more particular description of said “OPEN SPACE” parcel.

Said Open Space parcel contains 5.06 acres, more or less, according to said Plan.

Said Open Space parcel is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

And further, that the City accepts a payment of \$5,000.00 to be allocated to the City’s Conservation Maintenance Fund as required by the Special Permit granted by the Planning Board for the Open Space Development at Goodale Street, in accordance with MGL c. 44, s. 53A, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for Site Plan Approval for E on Main to build a mixed-use development within the MV District, 161-175 Main Street, in proper legal form, Order No. 18/19-1007135C, **MOVED TO ITEM 30**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit for E on Main to build a mixed-use development within the MV District, 161-175 Main Street, in proper legal form, Order No. 19-1007571E, **MOVED TO ITEM 31**; adopted.

ORDERED: That the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019**; adopted.

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

- I. Section 650-7, entitled “Districts Enumerated,” is hereby **amended** as follows:
  - (1) By deleting from the first sentence the number “13” and by inserting in place thereof the number “14”.
  - (2) By inserting at the end of the list of District types, the following:  
Route 20 East Zoning District          R20E.
- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” by **inserting** the highlighted portions and text of Exhibit “A” attached to this order, inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “R20E”, and beneath the new district abbreviation R20E column the text as shown on said Exhibit “A”.
- III. Chapter 650 is hereby amended by **inserting** a new §40, entitled “Special Provisions Applicable to the Route 20 East Zoning District (R20E)”, as follows:

#### **§ 650-40. Special Provisions Applicable to the Route 20 East Zoning District (R20E)**

Within the Route 20 East Zoning District (R20E), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this section shall apply.

- A. **Purpose and vision.** The purpose of the Route 20 East Zoning District is to encourage compact mixed-use development that encourages walking and biking with development that will enhance compatible land uses and encourage desired growth patterns to improve a traditionally automobile-oriented commercial corridor for the benefit of public health, safety and welfare, by promoting integrated, pedestrian-friendly, commercial mixed-use development including retail, housing, and workplaces within close proximity to each other that are consistent with the stated economic development objectives of the City, contribute to enhanced streetscape, and designed to further promote livability and quality of life within the district.

(1) Commercial mixed-use development.

- (a) For the purposes of this Zoning District, a commercial mixed-use development shall include any eligible use set forth in Subsection E below, which shall be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, commercial mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, to reduce automobile trips and traffic congestion, and accordingly to improve air quality.
- (b) All developments shall be designed to be pedestrian-friendly and that shall include site design, building layout, and pedestrian circulation features and amenities in compliance with the design standards of this Zoning District. Pedestrian-friendly developments shall benefit the public health, safety and welfare, through the encouragement of walking and physical activity.

**B. Site plan review.** Projects within the Route 20 East Zoning District shall be subject to site plan review as provided in § 270-2, entitled “Site plan review and approval,” of the Marlborough City Code.

(1) Applicability.

- (a) In all instances, a development which proceeds within the Route 20 East Zoning District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code.
- (b) Site plan review applies to both as of right and uses available by grant of a special permit within the Route 20 East Zoning District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. [See § 270-2(3).]
- (c) Site plan review shall be conducted administratively, as provided in § 270-2, except for multifamily uses, hotel uses, and for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
- (d) The City Council may elect to vary the dimensional and parking requirements of this section by site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

**C. Special permit granting authority.** The City Council shall be the special permit granting authority within the Route 20 East Zoning District.

**D. Exclusivity/control.** This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Route 20 East Zoning District and supersedes any other provision of the Zoning Ordinance. In the event of any conflict between the provisions of this section and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.

- E. Eligible uses.** Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Route 20 East Zoning District (R20E) under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited. Uses allowed as of right and uses allowed by special permit are encouraged to be combined as a commercial mixed-use development. All uses noted as not permitted shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation.
- F. Dimensional requirements.** Dimensional requirements are set forth in § 650-41, Table of Lot Area, Yards and Height of Structures,” as specified for the R20E. The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.
- G. Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.
- (1) Parking locations.
    - (a) Parking shall be located to the side and/or rear of all new building structures that front on Route 20 East, an existing connecting street, or a new internal access street.
    - (b) Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.
  - (2) Parking access. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two parking lots shall be required. This access shall allow vehicular circulation between parking areas without the need to travel on Route 20. This access shall allow the unobstructed flow of pedestrians between adjacent properties, businesses, and parking areas. A sidewalk shall be provided on at least one side of the driveway.
  - (3) Parking requirements. Parking in the R20E shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
  - (4) Curb cuts. Curb cuts shall be minimized. To the extent feasible, vehicular access shall be provided through one of the following methods:
    - (a) Through the use of a common driveway serving multiple lots, or
    - (b) Through the use of an existing side or rear street.

**H. Design standards.** In addition to the following design standards which apply to all developments within the Route 20 East Zoning District, Route 20 East commercial mixed-use development that includes residential development shall incorporate design guidance from the City of Marlborough Multifamily Development Review Criteria and Design Guidelines as adopted by the City Council.

(1) Site layout

- (a) Site and building layout. Buildings shall be located in close proximity to streets with the primary building frontage(s) oriented to street frontage(s) and to define outdoor spaces in coordination with adjacent buildings located on the same property or abutting property.
- (b) Site and parking layout. Parking shall be located to the rear or to the side of buildings that front on a street. Where an existing parking lot is in front of a building that will be redeveloped, landscaping shall be placed to screen parking and enhance the visual appeal of the site and street frontage. Where a new parking lot is to the side or rear of a building, but adjacent to a street, landscaping shall be used to screen the parking and reduce the visual impact of the parking as viewed from the street.
- (c) Site buffer. The setback abutting an existing residential or industrial use shall include landscape plantings and features that screen and separate adjacent residential or business uses from new commercial mixed-use development. This requirement does not need to be provided where adjacent to an existing commercial mixed-use development, retail, or restaurants.

(2) Pedestrian and bicycle circulation

- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to promote pedestrian and bicycle circulation and safety. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access. Where parking is located to the rear of the building, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.
- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, and parking areas to Route 20 and between adjacent sites.
- (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.

(3) Outdoor Pedestrian Spaces

- (a) Useable Outdoor Pedestrian Space. Buildings and site features shall be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, courtyards, and other types of spaces. Useable and accessible outdoor pedestrian space shall be provided and integrated with the site plan and building design. Such outdoor pedestrian spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation. Outdoor pedestrian spaces shall be set back from major vehicular ways and be of a scale that is appropriate to the anticipated level of foot traffic.
- (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with outdoor pedestrian spaces. Outdoor pedestrian spaces and seating areas shall be oriented to street frontage, with side streets and secondary access streets the preferred locations and integrated with the streetscape. Amenities and seating shall not reduce the required sidewalk widths or impact pedestrian or bicycle circulation.

(4) Building design

- (a) Mixed-uses. Route 20 East Zoning District shall benefit from mixed-use development that combines several uses that are allowed as of right or by special permit in the district. These uses could be provided in a cluster of separate buildings or combined vertically in a single building. A mix of uses in close proximity shall be used to create smaller, walkable clusters that enhance the Route 20 East corridor and provide opportunities for residents and patrons to circulate between uses without the use of a vehicle.
- (b) Façade step back. A step back in the façade of a building shall occur at the upper floor(s) for all buildings above 3-stories in height. For example, the fourth story of a 4-story building shall be recessed from the lower 3-stories of the primary façade with a step back. Or, the fourth and fifth story of a 5-story building shall be recessed from the lower 3-stories of the primary façade with a step back. 5 feet shall be the minimum step back.
- (c) Multiple buildings. In mixed-use developments with multiple buildings, recurring forms and materials shall be used to unify the development while establishing an overall hierarchy of buildings for visual interest and orientation.
- (d) Define corners. Prominent corners of sites and buildings should be defined and celebrated by the layout and design of the building(s). Prominent building corners may use design elements such as towers, arches, unique building massing, or roof forms to serve as identifiable and memorable landmarks.
- (e) Roof forms. Gable, hip, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and shall be incorporated into mixed-use developments. Flat roofs may be incorporated into the roof design with other roof forms and features.

- (f) Blank walls. Large portions of building facades which are unarticulated or blank walls shall be avoided through the careful placement of doors, windows, façade features, and transitions in façade materials and finishes.
- (g) Design quality. Building massing and façade design shall be of a high quality with well composed and articulated building forms using a variety of techniques to create visual interest and character with architectural details, vertical and horizontal projections and recesses, changes in height, roof forms, cornice treatments, pilasters, window reveals, materials, colors, and prominent building entrances or other design features.
- (h) Building materials. Use of traditional, natural, and sustainable building materials such as wood, brick, and stone shall be preferred over other synthetic materials.

**I. Signage.**

- (1) Except as otherwise provided in this section, signage shall conform to the provision of Chapter 526 of the City Code, the Sign Ordinance.
  - a. Sign quality. Signs and sign locations shall be an integral part of a high-quality development, designed to be consistent with the scale and style of the associated buildings. Sign design and materials shall relate to the building and site elements.
  - b. Integrated signs. Signs mounted on buildings shall be integrated with the architectural design of the building and should not be located to cover or obscure architectural elements. The building design should offer an integrated location on the building façade to receive signs. For buildings with multiple tenants, a consistent and integrated location on the building façade should be designed to receive signs for each separate tenanted space.
  - c. Awnings. Awnings, trellises, or canopies are encouraged above windows, doors, and entrances to provide shade and architectural relief from flat facades while providing an alternative location for signage.

**J. Application.**

- (1) Special permits. An application for a special permit for a use in a development in the Route 20 East Zoning District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Route 20 East Zoning District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

**K. Site plan; Special Permit approval review criteria.**

- (1) Review criteria. The City Council in connection with a special permit and/or site plan application in the Route 20 East Zoning District shall review such applications with respect to the following review criteria:

- (a) Compliance of the design with the Design Standards in the above subsection H;
  - (b) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
  - (c) Scale of buildings relative to surroundings and relative to City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines;
  - (d) Quality of design and materials for building facades visible from public ways;
  - (e) Quality of design and materials for public space; and
  - (f) Placement of utilities and wiring underground, to the extent practical.
- (2) Submission requirements:
- (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, open space;
  - (b) Building elevations;
  - (c) Landscape plan;
  - (d) Lighting plan with photometrics; and
  - (e) Site and building signage plan.
- (3) Public presentation. Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

**L. Standards for roadways and drainage.**

- (1) Roadways. Internal Route 20 East Zoning District roadways shall be private ways and shall be maintained by owners/developers of the Route 20 East Zoning District and portions thereof. Private ways within the Route 20 East Zoning District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.

- (2) Stormwater management system. Developments proposed in the Route 20 East Zoning District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.
- M. **Amendments.** After approval, the owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the surrounding neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3) of § 650-59.
- IV. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled "Table of Lot Area, Yards and Height of Structures," the text as shown in highlighted format in Exhibit "B" attached hereto.
- V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established R20E shall include all or portions properties as shown in highlighted format on the Map as existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

74-2A	73-25	72-30
73-15A	73-40	72-35
73-43	73-17	73-59
72-36	73-26A	73-31B
72-28	73-35A	73-57
73-24	73-31A	73-44
73-701	73-39C	73-33
73-26	73-32	73-55
72-16B	73-27	73-39B
73-42	72-15	73-700
73-41A	73-29A	73-35
73-41	73-28	74-4
73-21	72-14	73-39A
73-39D	73-54	73-37A
73-22	72-29A	74-3A
73-20	72-29	74-3
73-16	73-54A	73-36
73-23	72-13	73-38

73-37B	73-31	61-2A
73-37	61-27	61-17
59-18	73-58	61-17A
59-12	61-27A	62-20
59-17C	59-8	62-23
59-11	60-1	62-2
59-17B	59-10	62-21
59-17	59-14	61-28
59-17A	60-24	62-2B
59-16	60-31A	62-13
59-4	61-3	61-29
59-4F	60-30A	61-29A
59-4D	61-12	61-701
59-4E	61-6	62-24
59-4C	60-31	59-7
59-4B	61-2	59-9
59-11A	61-5	61-10
59-5B	61-19	61-8
59-5A	74-2	61-1
59-5	61-18	61-14
59-5C	61-25B	61-28A
72-31	61-31	62-2A
60-26	61-22A	61-9A
60-38	62-14	61-15
60-25	61-22	61-32
60-27	61-30	62-1
60-28	61-25A	61-700
60-29	61-23	61-9
73-56	61-25	61-7
73-30	61-21	62-22
74-5	61-34	48-32
	61-20	

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

ORDERED:

**First Amended**

**License to Encroach on Public Sidewalk and Indemnification**

WHEREAS, Lost Shoe Brewing and Roasting Company currently holds a license pursuant to Council Order No. 19-1007671A (the "License") granting permission to use the License Area for the limited purpose of outdoor dining on food and/or beverages associated with the Licensee and to place tables and chairs thereon for said purpose between May 1<sup>st</sup> and September 30<sup>th</sup>, and seeks to expand this use year round;

WHEREAS the City of Marlborough (hereinafter, the "City") wishes to allow the Lost Shoe Brewing and Roasting Company to use the License Area for table service of food and/or beverages;

NOW, THEREFORE, the City of Marlborough, by and through its City Council (hereinafter, "the City"), amends the License to Lost Shoe Brewing and Roasting Company, LLC d/b/a Lost Shoe Brewing and Roasting Company as follows:

A) Paragraph 2 is deleted and replaced with the following:

The license shall be effective from the date of approval by the City for a one (1) year term. Thereafter, subject to the terms and conditions of this license, this license shall run from year to year. Licensee shall be responsible for snow and/or ice removal, if Licensee places tables and/or chairs on the License Area when snow or ice is present.

B) All other terms of said License remain binding.

**APPROVED**; adopted.

ORDERED: That the Request for Sign, Approach Student Center, 58 Apex Drive, within the HRMUOD, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment as revised to Chapter 650 §12, Nonconforming Uses, Order No. 19-1007673C, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from Attorney Brian Falk on behalf of Vincenza Sambataro, re: Proposed Additional Conditions for the Special Permit for E on Main, Order No. 19-1007571E, **MOVED TO ITEM 31**; adopted.

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

That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B and a parcel containing 432 s. f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of Map 56, Parcel 125, being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019;** adopted.

ORDERED: That the Communication from Attorney Brian Blaesser on behalf of Cameron General Contractors, re: Request to Extend Time Limitations, on the Application for Special Permit to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, until 10:00 PM on October 29, 2019, **APPROVED;** adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of 119 Ash Street, LLC (David Skarin) to convert a preexisting, nonconforming contractor's yard to an 11-unit residential townhouse project, and convert an existing single family home to a two-family dwelling, to be known as Trailside Terrace at 19 Ash Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE;** adopted.

ORDERED: That the Minutes, School Committee, August 27, 2019 & September 10, 2019, **FILE;** adopted.

ORDERED: That the Minutes, Commission on Disabilities, August 6, 2019, **FILE;** adopted.

ORDERED: That the Minutes, Library Trustees, September 3, 2019, **FILE;** adopted.

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

ORDERED: That the Minutes, Planning Board, September 9, 2019, **FILE;** adopted.

ORDERED: That the Minutes, Traffic Commission, August 28, 2019, **FILE;** adopted.

## Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: September 30, 2019

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

Convened: 7:47 PM – Adjourned: 8:00 PM

Present: Chairman Landers; Public Services Committee Members Councilors Doucette and Irish; Others in Attendance: Councilors Dumais and Robey

**Order No. 19-1007739A: 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.**

Albert Galvin, Design Engineer, National Grid explained the job is for a new three-phase commercial customer by installing an intermediary pole to keep the balance of the line spans on the street in order and stable. It can be brought across the street to a pole on their property and underground will be run from there. Chairman Landers visited the site earlier in the day and confirmed its location on their site and Hayes Memorial Drive.

City Engineer DiPersio was unable to attend the meeting and provided his comments on the petition in an email to the committee which read that the new pole should not be located within the City sewer easement. It should not be a problem to install it in a favorable location for the applicant that is outside of the easement. He suggested the pole location be marked out for approval by his office prior to the start of work.

**Motion made by Councilor Doucette, seconded by Councilor Irish, to approve Order No. 19-1007739A with the following condition: The new pole should not be located within the City sewer easement. The pole location shall be marked out for approval by the City Engineer prior to the start of work. Motion carried 3-0.**

**Motion made by Councilor Irish, seconded by Councilor Doucette, to adjourn. The motion carried 3-0. Meeting adjourned at 8:00 PM.**

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: September 30, 2019

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

Convened: 6:15 PM – Adjourned: 6:35 PM

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

Reports of Committee Continued:

**Order No. 19-1007789: Communication from the Mayor, regarding Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022.**

Betty Evangelous has enjoyed the past seven years of being on the Board of Registrars and feels as though she is giving back to the City and is looking forward to serving the City Clerk's Office to the best of her capacity. City Clerk Steven Kerrigan explained the law requires representation from the two major political parties and no more than two of the registrars may be members of the same party. Mrs. Evangelous serves as the Democratic representative, former City Councilor Cindy Zomar serves as the Republican representative, and Linda Clark is the third member who is Unenrolled. One of the primary responsibilities of the registrars is to serve at an election recall event which occurred last year in the State's Third District Primary. They also review challenges to nomination papers and, after investigation, determine their validity.

**Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022. The motion carried 3-0.**

**Order No. 19-1007777: Communication from the Mayor, regarding 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.**

John Usinas, Laura Kyle, Cheryl Soucy, and Debra McManus appeared before the Personnel Committee and introduced themselves and gave a brief overview of their background and work as part of Marlborough's Commission on Disabilities. Councilor Doucette is the City Council representative on the Commission on Disabilities and has worked closely with the other members and he spoke of their dedication to address the issues within the City.

**Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointments to the Commission on Disabilities of Debra McManus and Laura Kyle, for three-year terms from date of confirmation, also John Usinas and Cheryl Soucy for two-year terms from date of confirmation. The motion carried 3-0.**

**Motion made and seconded to adjourn. The motion carried 3-0. The meeting adjourned at 6:35 PM.**

Councilor Juaire reported the following out of the Operations & Oversight Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: September 30, 2019

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

Convened: 6:38 PM – Adjourned: 7:43 PM

Present: Chairman Juaire; Operations & Oversight Committee Members Councilors Robey and

Landers; and Councilors Clancy, Doucette, Dumais, Irish, Oram (arrived 6:50 PM), and Ossing; Police Chief David Giorgi

## Reports of Committee Continued:

**Order No. 19-1007772: That Marlborough Police Chief David Giorgi discuss the City's contract with Critter Control and the department's Policy and Operating Procedures for Animal Control with the Operations and Oversight Committee in light of recent communications from residents about animals that have been found roaming the City.**

The Operations and Oversight Committee met with Police Chief David Giorgi and Charlie Boulmetis of the Critter Control franchise for this area (the City's Animal Control contracted vendor) to discuss the policy and operating procedures for the City's Animal Control services. This issue was brought to City Councilors' attention when they were contacted by concerned residents about the lack of available Animal Control services outside standard operating hours. Chairman Juare received questions from those residents which he forwarded to the Police Chief prior to the meeting. Chief Giorgi explained he received some of the same inquiries regarding the department's responses to certain situations. Chief Giorgi has discussed with Mr. Boulmetis coverage required under his contract and ways to improve the overall response to animal calls. The City's contract with Critter Control goes back to 1992. Chief Giorgi explained the department has taken steps to rectify issues brought to his attention.

Critter Control is contracted to work Monday through Friday, 8:00 AM to 4:30 PM. After that time, a resident would call the police station for any type of animal incident and department employees have, on occasion, provided misinformation on what to do with the animal. The Chief has taken steps to remedy that, both internally within the department by educating their employees and also by providing as much information as possible to the public so the public is aware of what Critter Control is required to do, when they are required to respond, what types of calls they can respond to and when officers will respond. The Chief has posted on their Facebook page and website, a document which shows the Critter Control contract and their services, the department policies on the responsibilities of the dispatchers, supervisors, and patrol officers. This information was also provided to all the command officers, supervisors, and dispatchers so they would be aware of their roles and responsibilities. Part of correcting the problem is to abide by their own policies. Chief Giorgi admits they may not have done their best in past instances but, moving forward, their aim is to improve their response to animal control concerns.

**Motion made by Councilor Robey, seconded by Chair, to accept and place on file the Order submitted by Councilor Robey. The motion carried 3-0.**

**Motion made by Councilor Robey, seconded by Chair, to adjourn. Meeting adjourned at 7:43 PM.**

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

Meeting Name: City Council Urban Affairs Committee

Date: October 01, 2019

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

Convened: 5:36 PM – Adjourned: 6:30 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juare, Landers, Doucette, and Tunnera; Councilors Clancy and Ossing; Thomas DiPersio (City Engineer, City of Marlborough); Priscilla Ryder (Conservation Officer, City of Marlborough)

Reports of Committee Continued:

**Order No. 19-1007703: Application for Special Permit from Attorney Brian Blaesser, on behalf of Cameron General Contractors, to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive.**

The Urban Affairs Committee met with attorneys William Pezzoni (represented property owner) and Brian Blaesser (represented applicant), property owner Jon Delli-Priscoli, and transportation consultant, Bob Michaud of MDM Transportation Consultants, Inc. for a final review of the special permit application to construct a Senior Independent Living Multifamily Community at 96 Crowley Drive. The address was changed from 90 Crowley Drive to 96 Crowley Drive at the request of the City.

The applicant appeared before the Site Plan Review Committee earlier in the day and their draft decision reflects the requested changes by the Site Plan Review Committee. One of the changes was in regard to the Panther Trail which ensured the applicant would construct and maintain their portion of the trail and the other was about the sidewalk and that they connect to the future sidewalk at 92 Crowley Drive. Mr. Delli-Priscoli will provide a letter to the City indicating he will complete that connection because Cameron General Contractors cannot receive their occupancy permit without that connection due to the special permit condition.

They discussed traffic concerns at Crowley Drive and the applicant agreed to add a condition that they are responsible for putting in a rumble strip and painting in the private portion as shown on Map 10, and also if they are refused by the state, provide that documentation to the City Engineer and they will do the painting as requested and maintain either or both of those items.

Their continued discussion reviewed the special permit conditions. There were no changes to conditions one through four (Construction in Accordance with Applicable Laws, Compliance with Applicable Laws, Site Plan Review, and Modification of Plans). The following are comments on the remaining conditions:

5. Incorporation of Submissions. Chairman Delano requested the applicant compile a list of all their submissions, plans, and letters and create an addendum with their order, numbered, and provide copies of all updated documents, including any corrections, to the Legal Department.

6. Trail Construction and Grant of Easement. It states the applicant shall construct and maintain a walking trail which was added by the Site Plan Review Committee and the language indicating the City was responsible shall be removed.

7. Landscape Buffers. Shall include language in the last line, "may require adjustments to the plan as needed."

8. Driveway Entrance and Signage. The signage is so noted in the plans, specifically signage that indicates where people should go and what they should do. It is noted on the plan dated 09/27/2019. They shall include language the plans shall be recorded with the Middlesex Registry of Deeds following approval by the City Engineer and City Solicitor.

## Reports of Committee Continued:

9. Sidewalk Connections. The addition is “said connections shall be made prior to issuance of the first certificate of occupancy.”

10. Prior to First Occupancy Permit. No changes.

11. Landscape Surety. The applicant must replace landscaping plantings that have died, a standard condition.

12. Emergency Access. This item is included in the conditions and reflected in the most recent plans dated 09/27/2019. Also, it shall be approved by the City Engineer similar to the change in condition eight, “...shall be recorded with the Middlesex Registry of Deeds following approval by the City Engineer and City Solicitor.”

13. Speed/MPH Board Signage on Fitchburg Street. The applicant shall include additional language to state exactly what equipment will be used and where it will be located on the site. The rumble strip and painting may also be referenced in this condition.

14. Fee in Lieu of Payment. Chairman Delano would like this payment to be directed into a “Public Safety Capital Stabilization Fund” to be spent on the construction of the new fire station on the west side of the City.

13. Job Fair. No changes.

14. Recording of Decision. No changes.

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

**Motion made by Councilor Juaire, seconded by the Chair, to request a Suspension of the Rules at the October 7, 2019 City Council meeting to refer to the Legal Department to place in proper form. The motion carried 5-0.**

**Motion made by Councilor Juaire, seconded by the Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 6:30 PM.**

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

ORDERED: That the Application for Special Permit from Attorney Brian Blaesser, on behalf of Cameron General Contractors, to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE OCTOBER 21, 2019 COUNCIL MEETING**, adopted.

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

- 1) Authorizes the City to acquire 49 West Main Street in the total amount of \$461,000.00 as provided in the First Amendment to the Purchase and Sale Agreement, to be funded from the above-referenced account; and
- 2) Affirms its authorization for the Mayor to accept a deed pursuant to MGL c. 40, § 3 for said property located at 49 West Main Street.

**APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

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

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for Site Plan Approval for E on Main to build a mixed-use development within the MV District, 161-175 Main Street, in proper legal form, Order No. 18/19-1007135C, **FILE**; adopted.

ORDERED: That the City Council of the City of Marlborough does hereby approve and adopt, pursuant to § 650-34.B(3) of the Marlborough Zoning Ordinance, the Site Plan Review Committee’s Site Plan Permit (plans attached), which sets forth the Committee’s recommend approval, with conditions, of the site plans submitted by Vincenza Sambataro, to construct a mixed use project at 161-175 Main Street, **APPROVED**; adopted.

**President Clancy declared the vote to be unanimous (11-0).**

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

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Additional Proposed Special Permit Conditions, for E on Main, 161-175 Main Street, in proper legal form, Order No. 19-1007571E, **FILE**; adopted.

ORDERED: That the Communication from Attorney Brian Falk on behalf of Vincenza Sambataro, re: Proposed Additional Conditions for the Special Permit for E on Main, Order No. 19-1007571E, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit for E on Main to build a mixed-use development within the MV District, 161-175 Main Street, in proper legal form, Order No. 19-1007571E, **FILE**; adopted.

ORDERED:

**IN CITY COUNCIL****DECISION ON A SPECIAL PERMIT  
VINCENZA SAMBATARO****CITY OF MARLBOROUGH  
CITY COUNCIL ORDER NO. 19-1007571F  
X 18/19-1007135****DECISION ON AN APPLIATION FOR SPECIAL PERMIT**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Vincenza Sambataro (the “Applicant”) to build and operate a Mixed Use Development at 161-175 Main Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant, Vincenza Sambataro, is an individual with an address of 22 Indian Rock Road, Wayland, Massachusetts 01778.
2. The Applicant is the owner and prospective owner of the property located at 161-175 Main Street, Marlborough, Massachusetts, being shown as Parcels 76A, 77, 78, and 79 on Assessors Map 70, currently owned by the Applicant, and portions of Parcels 33A, 34, and 77A on Assessors Map 70 and portions of the adjacent stair property currently owned by the City of Marlborough (collectively, the “Site”).
3. In accordance with Article VI, Section 650-34, of the Zoning Ordinance of the City of Marlborough (“Zoning Ordinance”), the Applicant proposes to build a 97,891 square foot Mixed Use Development at 161-175 Main Street, in a building with 67 residential units, 43 on-site parking spaces, and street level commercial units (the “Use”).

4. For purposes of the Zoning Ordinance, the Site is located in the Marlborough Village District, with a small 98 square foot portion in the Business District.
5. The Site has an area of 21,650 square feet +/- as per the Site Plan referenced in paragraph 7 below, plus 1,592 +/- square feet not currently owned by Applicant.
6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit on February 20, 2019 (“Application”) for the following aspects of the Use:
  - A. A seventh (7<sup>th</sup>) story and a total building height of 81 feet, including within 50 feet of a residential zone, to accommodate a roof deck, authorized by special permit in accordance with Section 650-34.F(1) and Section 650-41, Attachment 2, Note 12;
  - B. Total lot coverage of 94%, authorized by special permit in accordance with Section 650-41, Attachment 2, Note 13;
  - C. A rear setback of 0 feet, authorized by special permit in accordance with Section 650-41, Attachment 2, Note 15;
  - D. A Mixed-Use Development over a 98 square foot portion of the Site zoned Business, authorized by special permit in accordance with Section 650-17, Attachment 1; and
  - E. Authorization for the issuance of building permits for more than 100 residential units in the Village District in a single calendar year, authorized by special permit in accordance with Section 650-34. G(1).
7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a detailed site plan entitled “E On Main” by Bruce Saluk and Assoc. Inc., said plans being comprised of Cover Sheet and Sheets EX, C1, C2, C3, C4, C5, C6, C7, and C8, with the last revision date of July 15, 2019 (said set of plans hereinafter, collectively, the “Site Plan”); and a set of twenty-one (21) architectural drawing sheets entitled “E on Main Retail and Residential” by JD LaGrasse & Associates, with the last revision date of July 12, 2019 (collectively with the Site Plan, the “Plans”), attached as “Attachment A.”
8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, April 8, 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, two members of the public spoke in opposition to the Use.
13. The Applicant, through its representatives, submitted a shadow study dated April 30, 2019, demonstrating that the shadow cast by the proposed building on December 21 at 9:00 a.m., the date each year when shadows are the longest, would not impact the property located at 15 Grant Court.
14. The Applicant, through its representatives, conducted balloon tests on May 29, 2019 and July 23, 2019, to demonstrate the height of the proposed building, with notices of the balloon tests being mailed to property owners listed on the certified list of abutters and being posted on the City website.

**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 finds that public safety will not be impacted by a reduction of the underground rear setback to zero feet and the reduction will yield a better design for the Use.
- D. 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 Mixed Use Development as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
  1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable laws, codes, and regulations, including without limitation, Building Code and Zoning Ordinance, in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built in compliance with this Special Permit and according to the Plans as may be amended during Site Plan Review.
  2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the City Council in accordance with Section 650-34 of the Zoning 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 of this Special Permit and conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. 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. Conditions imposed by site plan review, as approved by the City Council, shall also be conditions of this Special Permit, and any violations of those conditions shall be violations of this Special Permit. Modification of site plan shall be permitted to the extent allowed by the ordinances of the City of Marlborough.
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 project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Noise. In addition to complying with all City ordinances and regulations concerning noise and nuisances, the Applicant, its successors and/or assigns, shall stipulate in the bylaws governing the Use that no individual(s) shall use the exterior areas of the building's roof deck or exterior patios and balconies of the building in such a way as to generate noise that unreasonably disturbs neighboring properties. Amplified sound shall not be permitted on the north side of the exterior area of the building's roof deck.
7. Roof Deck Use. The roof top and roof deck shall be for the exclusive use of the residents of the building on the Site and/or their guests and shall not be utilized for outside events or rented or leased.

- 7A. Roof Deck Occupancy. The maximum number of people allowed on the building's roof top and roof deck level at one time shall be 325.
- 7B. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties.
8. 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: 10 – Nay: 1**

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

**Nay: Irish**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 9:38 PM; adopted.



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

PAGE 1

ORDERED:

That the 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, be and is herewith refer **URBAN AFFAIRS COMMITTEE, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 21, 2019.**

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 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.



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

PAGE 2

ORDERED:

- (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

ORDER NO. 19-1007791



## IN CITY COUNCIL

---

Marlborough, Mass., SEPTEMBER 9, 2019

**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, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**

ADOPTED

ORDER NO. 19-1007779



## IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 9, 2019

**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, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

**Ninety days after public hearing is 01/19/20 which falls on a Sunday, therefore 01/20/20 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 19-1007780



*City of Marlborough*  
*Office of the Mayor*

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

*Arthur G. Vigeant*  
MAYOR  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 OCT 17 A 11:25  
*Nathaniel Boudreau*  
EXECUTIVE AIDE  
*Patricia Bernard*  
EXECUTIVE SECRETARY

October 17, 2019

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

**Re: Transfer Request – Department of Public Works**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer in the amount of \$150,000.00 to fund mitigation payments for a project located at 421 Bolton Street.

If approved, this transfer will move the funds from the Undesignated Funds account into the Capital Outlay – DPW Projects account.

If you have any questions or concerns, please do not hesitate to contact Commissioner Ghiloni, Comptroller Doheny or me.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



*City of Marlborough*  
**Department of Public Works**

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

**JOHN L. GHILONI**  
COMMISSIONER

October 16, 2019

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

Re: Mitigation Funds

Dear Mayor Vigeant:

I am writing to request the transfer of \$ 150,000.00 from Undesignated Fund- Account # 10000 35900 to Capital Outlay-DPW Projects-Account #19300006 58514. These mitigation funds were paid by BSL Development for the project located at 421 Bolton Street.

Please let me know if you require any additional information.

Sincerely,

John L. Ghiloni  
Commissioner

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

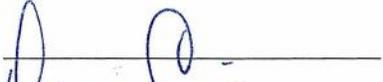
DEPT: DPW

FISCAL YEAR: 2020

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$13,319,020.00	\$150,000.00	10000	35900	Undesignated Fund	\$150,000.00	19300006	58514	Capital Outlay-DPW Projects	\$0.00
				Reason: Mitigation funds from BSL per special permit conditions					
				Reason:					
				Reason:					
				Reason:					
	\$150,000.00	Total			\$150,000.00	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: 



## IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 11, 2017

PAGE 6

ORDERED:

9. Mitigation Payment. The Applicant has agreed to donate One Hundred and Fifty Thousand Dollars (\$150,000, the "Mitigation Payment") to the City to mitigate the impacts of the Use on the City. The Mitigation Payment shall be made to the City within 60 days of the issuance of the Building Permit for the Use. The Mitigation Payment will benefit the City and its citizens generally. The Mitigation Payment includes Fourteen Thousand Dollars (\$14,000) in compensation to be paid by the Applicant to the City pursuant to the Applicant's February 16, 2017 Request to Purchase or Have City-Owned Property Abandoned for 13,401 SF+/- Land Off of Bolton Street, Assessor's Map No. 30, Parcel No. 700 ("Sewer Parcel"), subject to the City Council's approval of the Applicant's Request by the City Council. The City would retain a permanent sewer easement in the Sewer Parcel. The \$14,000 valuation of the Sewer Parcel was established pursuant to a November 1, 2016 appraisal by Kenneth J. Croft III, Esq. of Foster Appraisal & Consulting Co., Inc. The Mitigation Payment also includes any compensation to be paid by the Applicant to the City for the acquisition of a drainage easement from the northern property line of the Site to the Proposed Connection to Existing Catch Basin on the property of the City of Marlborough (Marlborough Assessors Maps, Map 30, Lot 12) between the property line to the Site and Poirier Drive, as shown on Sheet 6 of the Plans, and subject to the City Engineer's review and the City Council's approval. The Mitigation Payment is intended to subsidize the City's construction of a concession stand and bathrooms for the athletic fields at the 1LT Charles W. Whitcomb School.

10. Traffic Mitigation. To mitigate any traffic-related concerns related to the proposed project, the Applicant has agreed to make the improvements specified in June 20, 2017 Memorandum of Jason Adams, P.E., PTOE of McMahon Transportation Engineers & Planners re "Vehicle Speed and Safety Assessment, Bolton Street (Route 85), Marlborough, Massachusetts;" and the June 25, 2017 Memorandum from Timothy F. Collins, Assistant City Engineer to the Traffic Commission re "Traffic Safety Plan in the Vicinity of #421 Bolton Street – for Benchmark Senior Living," all as approved by the City's Traffic Commission on July 25, 2017. Such traffic-related improvements shall be complete before the issuance of the final Occupancy Permit for the Use.

11. The Applicant shall hold a job fair in the City for the purpose of giving Marlborough residents an opportunity to apply for employment at the assisted living facility. This condition may be satisfied by the Applicant's participation in a job fair organized by the Marlborough Economic Development Corporation.



*City of Marlborough*  
*Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

October 17, 2019

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

**Re: Gift Acceptance - Marlborough Police Department**

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a gift in the amount of \$300.00 Eye Physicians of Marlborough and Worcester for the Marlborough Police Department.

On behalf of the Police Department, Chief Giorgi, and the members of the department, we would like to thank Eye Physicians of Marlborough and Worcester for their gift and support. The gift will be used by the Department to fund community outreach initiatives.

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

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 OCT 17 A 11:24



# City of Marlborough

## Police Department

David A. Giorgi  
Chief of Police

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



October 9, 2019

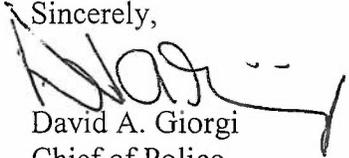
Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, MA 01752

Dear Mayor Vigeant:

The Marlborough Police Department has received a \$300 gift donation from Dr. Diane P. Karalekas and Dr. Susan P. Yeomans of Eye Physicians of Marlborough and Worcester LLC located at 65 Boston Post Road West, Suite 250 in Marlborough. Dr. Karalekas and Dr. Yeomans made a donation to the department as a gesture of appreciation for the security provided by the police department both to them as physicians practicing in Marlborough, as well as to their patients who reside and work here. As with other donations, we will use these funds to support our community outreach programs throughout the year.

I have attached a copy of the check mailed by Dr. Karalekas and Dr. Yeomans. I am requesting that the gift award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

  
David A. Giorgi  
Chief of Police

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: POLICE DATE: October 9, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: CHIEF DAVID A. GIORGI

NAME OF GRANT: \_\_\_\_\_

GRANTOR: Eye Physicians of Marlborough and Worcester, LLC

GRANT AMOUNT: \$300.00

GRANT PERIOD: \_\_\_\_\_

SCOPE OF GRANT/  
ITEMS FUNDED DONATION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: N/A  
\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? N/A  
\_\_\_\_\_

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:  
N/A  
\_\_\_\_\_

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS  
TO BE USED:  
N/A  
\_\_\_\_\_

ANY OTHER EXPOSURE TO CITY?  
N/A  
\_\_\_\_\_

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO  
\_\_\_\_\_

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



*City of Marlborough*  
*Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

October 17, 2019

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

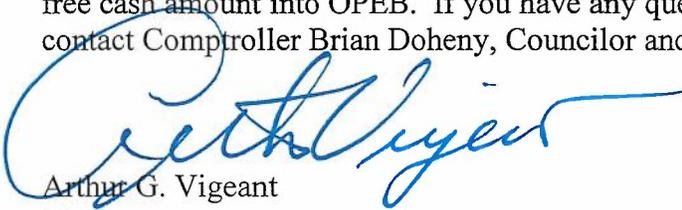
2019 OCT 17 A 11: 25

**RE: OPEB Trust Update**

Honorable President Clancy and Councilors:

Please find enclosed for your information a letter from Comptroller Brian Doheny containing an update from the most recent OPEB Board of Trustees meeting on September 25, 2019. As indicated in the attached information, the balance of the OPEB Trust at that time was \$10,871,496.31. With your partnership, we have diligently made contributions to the OPEB Trust over the past few years to ensure that we are in a strong position financially for future generations.

I anticipate submitting a transfer request in the coming months to move funds from our certified free cash amount into OPEB. If you have any questions or comments, please do not hesitate to contact Comptroller Brian Doheny, Councilor and OPEB Trustee Ossing or myself.

  
Arthur G. Vigeant  
Mayor



*City of Marlborough*  
*Office of the Comptroller*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3731 Facsimile (508) 481-5180

October 15, 2019

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

**RE: OPEB TRUST**

Dear Mayor Vigeant,

This memo is to update both yourself and the City Council as to the valuation of the OPEB Trust. The OPEB Board of Trustees met on September 25, 2019 to discuss the positive year end results of the trust as of Fiscal Year Ending June 30, 2019 along with the current value on August 31, 2019. I have enclosed two documents showing the balance in the trust for those dates. The balance in the fund as of June 30, 2019 was \$10,747,104.94. The balance in the fund as of August 31, 2019 was \$10,871,496.31 with total contributions as of that date \$9,687,745.00. The trust since inception has had a net rate of return of 3.49% as of June 30, 2019. Please note that market changes can cause the value in the fund to change. The Trustees still maintain a conservative steady approach in the investment portfolio.

Please contact me if you have any questions or require any additional information.

Sincerely,

Brian Doheny  
Comptroller



CITY OF MARLBOROUGH  
OPEB TRUST

ACCOUNT NUMBER	FUND NAME	FY 2019 BEGINNING MARKET VALUE	FY 2019 BEGINNING PRINCIPAL	FY 2019 BEGINNING EARNINGS	FY 2019 NET INCOME	FY 2019 REALIZED GAIN/LOSS	FY 2019 NET EARNINGS	FY 2019 TRANSFERS OF PRINCIPAL	FY 2019 TRANSFERS OF EARNINGS	FY 2019 ENDING PRINCIPAL	FY 2019 ENDING EARNINGS	FY 2019 ENDING CASH VALUE	FY 2019 CHANGE IN UNREALIZED GAIN/LOSS	FY 2019 UNREALIZED GAIN/LOSS	FY 2019 ENDING MARKET VALUE
<i>OPEB FUNDS</i>															
	OPEB TRUST	\$9,166,943.31	\$8,600,000.00	\$492,807.21	\$316,236.92	(\$23,235.41)	\$293,001.51	\$1,087,745.00	\$0.00	\$9,687,745.00	\$785,808.72	\$10,473,553.72	\$199,415.12	\$273,551.22	\$10,747,104.94
	OPEB HOUSING DIVISION	\$2,631.54	\$2,603.63	\$6.63	\$333.30	(\$18.68)	\$314.62	\$9,000.00	\$0.00	\$11,603.63	\$321.25	\$11,924.88	\$290.18	\$311.46	\$12,236.34
	SUBTOTALS	\$9,169,574.85	\$8,602,603.63	\$492,813.84	\$316,570.22	(\$23,254.09)	\$293,316.13	\$1,096,745.00	\$0.00	\$9,699,348.63	\$786,129.97	\$10,485,478.60	\$199,705.30	\$273,862.68	\$10,759,341.28
	GRAND TOTALS	\$9,169,574.85	\$8,602,603.63	\$492,813.84	\$316,570.22	(\$23,254.09)	\$293,316.13	\$1,096,745.00	\$0.00	\$9,699,348.63	\$786,129.97	\$10,485,478.60	\$199,705.30	\$273,862.68	\$10,759,341.28

Securities and advisory services offered through Commonwealth Financial Network, Member FINRA/SIPC, a Registered Investment Adviser. Past performance is no guarantee of future results.

CURRENT ACCRUAL:	\$7,551.95
TRANSFER IN TRANSIT:	\$0.00
UNREALIZED GAIN/LOSS:	\$273,862.68
JUNE 30, 2019 STATEMENT VALUE	\$10,759,341.28

No guarantee is made to the completeness and accuracy of the information included. Please compare your custodial statement with the statement received from Commonwealth or your advisor and report any material discrepancies by calling 800.251.0080.



ACCOUNT NUMBER	FUND NAME	BEGINNING MARKET VALUE	BEGINNING PRINCIPAL	BEGINNING EARNINGS	NET INCOME	REALIZED GAIN/LOSS	NET EARNINGS	TRANSFERS OF PRINCIPAL	TRANSFERS OF EARNINGS	ENDING PRINCIPAL	ENDING EARNINGS	ENDING CASH VALUE	CHANGE IN UNREALIZED GAIN/LOSS	UNREALIZED GAIN/LOSS	ENDING MARKET VALUE
<i>OPEB FUNDS</i>															
	OPEB TRUST	\$10,797,844.52	\$9,687,745.00	\$800,503.14	\$17,191.65	\$288.67	\$17,480.32	\$0.00	\$0.00	\$9,687,745.00	\$817,983.46	\$10,505,728.46	\$58,171.47	\$365,767.85	\$10,871,496.31
	OPEB HOUSING DIVISION	\$12,294.11	\$11,603.63	\$337.98	\$19.57	\$0.33	\$19.90	\$0.00	\$0.00	\$11,603.63	\$357.88	\$11,961.51	\$63.95	\$416.45	\$12,377.96
	<b>SUBTOTALS</b>	<b>\$10,810,138.63</b>	<b>\$9,699,348.63</b>	<b>\$800,841.12</b>	<b>\$17,211.22</b>	<b>\$289.00</b>	<b>\$17,500.22</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$9,699,348.63</b>	<b>\$818,341.34</b>	<b>\$10,517,689.97</b>	<b>\$58,235.42</b>	<b>\$366,184.30</b>	<b>\$10,883,874.27</b>
	<b>GRAND TOTALS</b>	<b>\$10,810,138.63</b>	<b>\$9,699,348.63</b>	<b>\$800,841.12</b>	<b>\$17,211.22</b>	<b>\$289.00</b>	<b>\$17,500.22</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$9,699,348.63</b>	<b>\$818,341.34</b>	<b>\$10,517,689.97</b>	<b>\$58,235.42</b>	<b>\$366,184.30</b>	<b>\$10,883,874.27</b>

<i>ACCOUNTING METHOD: BOOK VALUE</i>													CURRENT ACCRUAL:	\$6,842.42
													TRANSFER IN TRANSIT:	\$0.00
													UNREALIZED GAIN/LOSS:	\$366,184.30
													MONTH ENDING STATEMENT VALUE:	\$10,883,874.27

The information contained herein has been created by your financial advisor, is provided for informational purposes only as a courtesy to you, should not be relied upon for tax purposes, is based upon sources believed to be reliable, and is not intended to replace your custodial statements. No guarantee is made to the completeness or accuracy of the information. Commonwealth urges you to compare your account custodian statements with the statements you receive from us or your advisor. If you believe there are material discrepancies between statements, please contact Commonwealth directly at 800.251.0080. Securities and advisory services offered through Commonwealth Financial Network, Member FINRA/SIPC, a Registered Investment Adviser. Past performance is not indicative of future results. 13364323



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
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*Arthur G. Vigeant*  
MAYOR

*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

October 17, 2019

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

**RE: Council on Aging Resignation**

Honorable President Clancy and Councilors:

I regretfully enclose the resignation letter from Richard D. Collins who is stepping down from the Council on Aging. I want to thank Richard for his hard work on behalf of the senior citizens in our community.

Please do not hesitate to let me know if you have any questions.

Sincerely,

**Arthur G. Vigeant**  
**Mayor**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 OCT 17 A 11:25



Office of the Mayor  
140 Main Street  
Marlborough, MA 01752

October 11, 2019

Dear Mayor Vigeant,

Please accept this letter as notice of my resignation from the Marlborough Council on Aging Board effective today.

Thank you for giving me the opportunity to have served on this board for so many years.

Sincerely,

Richard D. Collins



# City of Marlborough Legal Department

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

RECEIVED JASON D. GROSSFIELD  
CITY CLERK'S OFFICE CITY SOLICITOR  
CITY OF MARLBOROUGH  
2019 OCT 16 P 4 20  
JASON M. PIQUES ASSISTANT CITY SOLICITOR  
HEATHER H. GUTIERREZ PARALEGAL

October 16, 2019

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

Re: City Council Order No. 19-1007703  
Special Permit Decision, 96 Crowley Drive (f/k/a 90 Crowley Drive), Marlborough

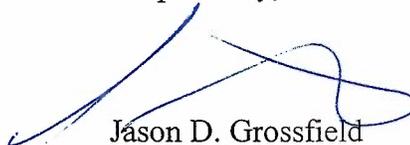
Dear Honorable President Clancy and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application.

Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield  
City Solicitor

Enclosure

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

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. # 19-1007703:

Application of:  
Cameron General Contractors, Inc.

Locus:  
96 Crowley Drive (f/k/a 90 Crowley Drive), Marlborough, MA  
Assessors Map 15, Parcel 23 and portion of Map 15, Parcel 22

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of Cameron General Contractors, Inc. with a mailing address of c/o Dinsmore & Shohl LLP, 101 Arch Street, Boston, MA 02110, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: \_\_\_\_\_, 2019

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [ ] day of [ ], 2019.

**APPEALS**

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

A TRUE COPY  
ATTEST:

City Clerk

ORDERED:

**IN CITY COUNCIL**  
**DECISION ON A SPECIAL PERMIT**  
**Order No. # 19-1007703**

Application of:  
Cameron General Contractors, Inc.

Locus:  
96 Crowley Drive (f/k/a 90 Crowley Drive), Marlborough, MA  
Assessors Map 15, Parcel 23 and portion of Map 15, Parcel 22

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Cameron General Contractors, Inc. to build a Senior Independent Living Multifamily Community (a/k/a Retirement Community – Multifamily) at 96 Crowley Drive, Marlborough, MA, as provided in this Decision and subject to the following Findings of Facts and Conditions:

**FINDINGS OF FACT**

1. The Applicant, Cameron General Contractors, Inc. with an address of 7101 S. 82<sup>nd</sup> Street I, Lincoln, NE 68516, is the purchaser of the real property located at 96 Crowley Drive (formerly known as 90 Crowley Drive), Marlborough, MA 01752 (the “Applicant”).
2. The Applicant is the contract purchaser of said real property which is described in a deed recorded with the Middlesex District Registry of Deeds at Book 62578, Page 190, and identified on the City of Marlborough Assessor’s Maps as Map #15, Parcel 23 and a portion of real property described in a deed recorded with the Middlesex District Registry of Deeds at Book 72053, Page 471, and identified on the City of Marlborough Assessor’s Map #15, Parcel 22 (collectively, the “Site”).
3. The Applicant, on or about May 29, 2019, filed with the City Clerk of the City of Marlborough an Application to City Council for Issuance of Special Permit (the “Application”) pursuant to Chapter 650 (Zoning Ordinance) of the Code of the City of Marlborough, specifically the provisions of Section 650-59 (Special Permit Procedures) and the provisions of Section 650-22(C) (Retirement Community-Multifamily Overlay District (RCO-MF)) for the development of a Senior Independent Living Multifamily Community a/k/a Retirement Community - Multifamily (the “Project”).
4. The Application consisted of an original and 2 copies of the following: (a) Special Permit Application to the City Council for Issuance of Special Permit; (b) Filing Fee check in the amount of \$3, 475.00; (c) Certification of Filing of all Municipal Tax Returns and Payment of all Municipal Taxes; (d) Assessor’s Certified List of Abutters; (e) Special

Permit Summary Impact Statement; (f) Preliminary Site Plan; (g) preliminary ANR Plan for portion of property (Assessor's Map # 15 Parcel 22); (h) Special Studies: (i) Traffic Impact assessment (Study); (ii) Utilities Assessment; (i) Certificate of Completeness of Application (collectively the "Application Documents"), which are incorporated herein and become a part of this Decision. Twelve (12) packages of the Application Documents with "reduced" size plans and two packages of the Application Documents with "full" size plans were delivered to the City Counsel and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer, and the Conservation Officer, all in accordance with Section 59 of chapter 650 of the Zoning Code of the City of Marlborough. Attached hereto as "Attachment A" are the following documents: Preliminary Site Plan for Pleasant Hill Retirement Community (last revised and dated October 10, 2019); Architectural renderings and elevations provided as part of Applicant's presentation to the Urban Affairs Committee dated August 20, 2019 (collectively, the "Plans").

5. In accordance with the Rules and Regulations of the City Council in Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application, cause to be advertised notice of said hearing on the date thereof and the Marlborough Enterprise. All necessary abutters, as certified by the Marlborough Office of the Assessor, were provided notice as required by law.
6. The Marlborough City Council held a public hearing on the Application on July 22, 2019 in accordance with the published notice (the "Public Hearing"). The time for the City Council to take final action on the Application is October 20, 2019.
7. The Applicant presented testimony at the Public Hearing, describing the Project in detail, addressing the information in the Special Permit Summary Impact Statement and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing.
8. Upon the closing of the Public Hearing, the City Council referred the Application to the City Council Urban Affairs Committee for review (Council Order No. 19-1007703).
9. The Urban Affairs Committee reviewed the Application, along with information and testimony from the July 22, 2019 Public Hearing, in meetings held on August 20, 2019 and October 1, 2019. At the conclusion of its meeting on October 1, 2019, the Urban Affairs Committee voted to recommend approval of the Special Permit subject to the conditions set forth herein, and referred the Application back to the City Council for final decision.

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

- A. The City Council finds that it may grant a Special Permit subject to such terms and conditions as it deems necessary and reasonable to protect the interests of the citizens of the City of Marlborough (“City”).
- B. The City Council finds that the Application for Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough.
- C. The City Council makes each finding subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- D. The City Council finds that the Project complies with the standards of Section 650-22.C (Retirement Community-Multifamily Overlay District (RCO-MF)) as follows:
1. Minimum parcel size: 10 acres; Project parcel size: 11.35 acres
  2. Maximum height: 3 stories; Project height: 3 stories
  3. Maximum density: 12 units/acre; Project density: 11.45 units/acre
  4. Unit types allowed: Studios, 1BR and 2B Units  
Project Unit types: Studios; 1BR and 2B Units
  5. Minimum Unit Living Area: 500 s.f, Maximum Unit Living Area: 1300 s.f.  
Project Range of Unit Living Areas: Minimum of 560 s.f. to Maximum of 1200 s.f.
  6. Maximum Lot Coverage: 40%; Project Lot Coverage: 37% (subject to any minor change based on adjustment of property lot line location resulting from final ANR Plan recorded)
  7. Minimum Frontage: 200 feet; Project Frontage: 200 feet (Crowley Drive)
  8. Minimum Setback (Front, Rear, Side): 50 feet; Project Setbacks: 50 feet (Principal Building)
  9. Minimum Parking Ratio: 1.0/Unit; Project: 1.1/Unit (for 130 units)
  10. Minimum Landscape Area per Sec. 650-22.C (ii)(13): ± 66,667 s.f.(± 1.53 acres)  
Project Landscape Area: ± 243,500 s.f. (± 5.6 acres)
- E. The City Council finds, based upon the Special Permit-Summary Impact Statement, the Traffic Impact Analysis (TIA) prepared by MDM Transportation Consultants, dated May 9, 2019, including the MDM Memorandum dated May 9, 2019, to Ms. Priscilla Ryder, Coordinator/Site Plan Review Committee, re MEPA Sec. 61 Finding (EEA 12002), and related testimony at the Public Hearing, that the Project will be a low generator of traffic and will not have an adverse impact upon traffic in the surrounding area.
- F. The City Council finds, based upon the Special Permit-Summary Impact Statement and the report of the City Engineer to the Applicant’s attorney dated September 11, 2018, confirmed at the Public Hearing, that connections to municipal water and sewer systems are available in Crowley Drive at the Site, and that the City water and sewer systems have the capacity to accommodate the Project.

- G. The City Council finds, based upon the Special Permit-Summary Impact Statement, and related testimony at the Public Hearing, that the proposed lighting of the exterior of the Project will comply with the City's Code requirements and will not adversely impact abutting properties.
- H. The City Council finds, based upon the Special Permit-Summary Impact Statement and related testimony at the Public Hearing, that the noise levels of the Project, when operational, will compare to noise levels of existing development in the surrounding area and that noise from the operation of one generator for emergency services, tested for 15 minutes once per month at 80 decibels, will not adversely impact abutting properties.
- I. The City Council finds, based upon the Special Permit-Summary Impact Statement and related testimony at the Public Hearing, that the Project will not cause any air pollution.
- J. The City Council finds, based upon the Special Permit-Summary Impact Statement and related testimony at the Public Hearing, that the Project will not involve the use or storage of any hazardous waste material on site.
- K. The City Council finds, based upon the findings of the 2013 *Marlborough Housing Supply/Demand Needs Analysis* (MAPC), the 2017 *Multifamily Market and Fiscal Impact Analysis* (RKG Associates) and the 2018 *Fiscal Impact Memorandum re Age-Restricted Independent Living Multifamily Rental Housing* (RKG Associates) that the Project will meet the intended goals and need for diverse types of housing in Marlborough by providing a senior independent living rental community for seniors in Marlborough that will also have a net positive annual fiscal benefit to the City.
- L. The City Council finds, based upon the Urban Affairs Committee's review of the Project with reference to the *Multifamily Development Review Criteria and Design Guidelines* (the "Housing Guidelines"), that the Project substantially corresponds to the Housing Guidelines.
- M. The City Council finds that the Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Counsel as they pertain to special permit applications, in accordance with the provisions of Massachusetts General Laws, c. 40A, §§ 9 and 11, as amended.
- N. 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 construct a senior independent living multifamily development a/k/a Retirement Community - Multifamily as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable laws, codes, and regulations, including without limitation, Building Code and Zoning Ordinance, in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built in compliance with this Special Permit and according to the Plans as may be amended during Site Plan Review pursuant to paragraph N(3).
2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.
3. Site Plan Review. The issuance of the Special Permit is further subject to final Site Plan Review in accordance with the City of Marlborough Zoning Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of final Site Plan Review, shall be further conditions of this Special Permit and conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Final Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the landscaping bordering the property, all as shown on the Plans.
5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, except as otherwise altered by the City Council. The attached Addendum provides a list of pertinent submittal documentation.
6. Trail Construction and Grant of Easement. As shown on the Plans, the Applicant shall construct and maintain a walking trail from Pleasant St. up to the sidewalk along Crowley Drive. This trail shall be a woods trail that is level horizontally and shall be 5' wide. The exact location and final surface shall be determined and finalized during the final site plan review process. A Trail Easement shall be granted by Applicant to the City of Marlborough to allow the public to pass and repass over the trail, in a form satisfactory to the City. This Trail Easement document shall be finalized and submitted to the City Council for approval prior to issuance of a building permit.

7. Landscape Buffers. The landscaping between the Project and the two adjacent business and industrial uses shall be thick enough to provide a buffer and screening for lighting and noise between these uses. The Site Plan Review Committee shall review the landscaping to ensure these functions are being met, and may require adjustments to the plan as needed.
8. Driveway Entrance and Signage. The driveway entrance and signage as shown on the Plans shall be followed. The driveway access to the Project shall be the primary access. The driveway shall serve as an emergency access only to 92 Crowley Drive. Applicant shall obtain and prepare appropriate easement documents to implement this condition that shall be recorded with the Middlesex Registry of Deeds following approval by the City Engineer and the City Solicitor. Said easement documents shall be recorded prior to the issuance of a building permit.
9. Sidewalk Connections. There shall be pedestrian access from the Project by means of a sidewalk that shall connect to the sidewalk required pursuant to the approved site plan for 92 Crowley Drive. Said connection shall be made prior to issuance of the first certificate of occupancy. Also See Addendum, Item #15.
10. Prior to First Occupancy Permit. Prior to the issuance of the first occupancy permit, all items required as part of the Special Permit and site plan review must be completed. No partial certificates of occupancy shall be issued.
11. Landscape Surety. Following 18 months from the final signoff of the site work, any plant material that has died or is dying shall be replaced with a species of the same kind and size. A surety in the amount of 10% of the value of the site landscaping (including labor and materials) shall be presented to the Building Commissioner as a guarantee that any dead or dying plant material will be replaced within 18 months of the final signoff. The bond will be released once the Applicant certifies to the Conservation Officer that all dead and dying plant material has been replaced.
12. Emergency Access. As shown on the Plans, an emergency access with a knox box for emergency access is to be located at the north east corner of the Site with an exit onto the 100 Crowley Drive property. Applicant shall obtain and prepare appropriate easement documents to implement this condition that shall be recorded with the Middlesex Registry of Deeds following approval by the City Engineer and the City Solicitor. Said easement documents shall be recorded prior to the issuance of a building permit.
13. Speed Feedback Signs on Fitchburg Street. Applicant shall implement two Radar Speed Feedback Signs along Fitchburg Street, subject to approval by MassDOT District 3, as shown conceptually on the Plans. Such signs shall conform to applicable MassDOT requirements and shall be placed at such locations that correspond to the 25 MPH regulatory speed zone along Fitchburg Street, approximately 300 feet prior to Crowley Drive in the southbound travel direction and 240 feet prior to Crowley Drive in the northbound travel direction. The Applicant shall also remove, relocate or replace existing warning and/or regulatory signs within Fitchburg Street as required

to accommodate the Radar Speed Feedback Signs and to meet applicable Manual on Uniform Traffic Controls (MUTCD) requirements subject to MassDOT District 3 review and approval.

- 14. Crowley Drive Pavement Marking, Sign and Island Improvements. Applicant shall implement pavement marking, sign and traffic rumble strip improvements within the private portion of Crowley Drive as shown conceptually on the Plans. These shall include a flush, scored concrete island separating eastbound and westbound travel lanes that extends from the location of the STOP line on Crowley Drive a distance of approximately 200 feet with a variable width ranging from 8 feet to 2 feet. Associated single yellow edge lines shall outline the flush scored concrete rumble strip along with single white edge line along the northerly curblin of Crowley Drive to provide an 18-foot-wide westbound travel lane. A 25 MPH speed advisory sign (MUTCD W13-1P (25) sign type) shall also be placed alongside the westbound travel lane approximately 160 feet from Fitchburg Street.
- 15. Access to Overflow Parking. In order to ensure that there is adequate visitor parking for the Project on weekends and holidays, if necessary, Applicant shall arrange with the owner of 100 Crowley Drive for the use of 12 parking spaces for visitor only "overflow" parking, as shown on the approved plans. A pathway from the Project to the area of the overflow parking shall be provided as shown on the Plans.
- 16. Fee in Lieu Payment. Pursuant to Section 650-26. A (1) (a) of the Zoning Ordinance, Applicant shall deposit in the City Public Safety Capital Stabilization Fund a fee in lieu calculated as 15% of 130 units at \$50,000 per unit, for a total amount of \$1,000,000 (one million dollars). Said deposit shall be made prior to the issuance of the first certificate of occupancy.
- 17. Job Fair. The Applicant shall conduct a job fair for the Project for Marlborough residents in coordination with the Marlborough Economic Development Commission (MEDC) and/or the Chamber of Commerce.
- 18. Recording of Decision. In accordance with the provisions of M.G.L., c. 40A, §11, Applicant, its successors and /or assigns, at its expense, shall record this Special Permit in the Middlesex 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, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department and the City Solicitor's office.

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

\_\_\_\_\_ 2019

Page \_\_

ADOPTED  
In City Council  
Order No. 19-

Adopted: \_\_\_\_\_ 2019

A TRUE COPY

ATTEST: \_\_\_\_\_ City Clerk

:

**ATTACHMENT "A"**

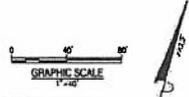
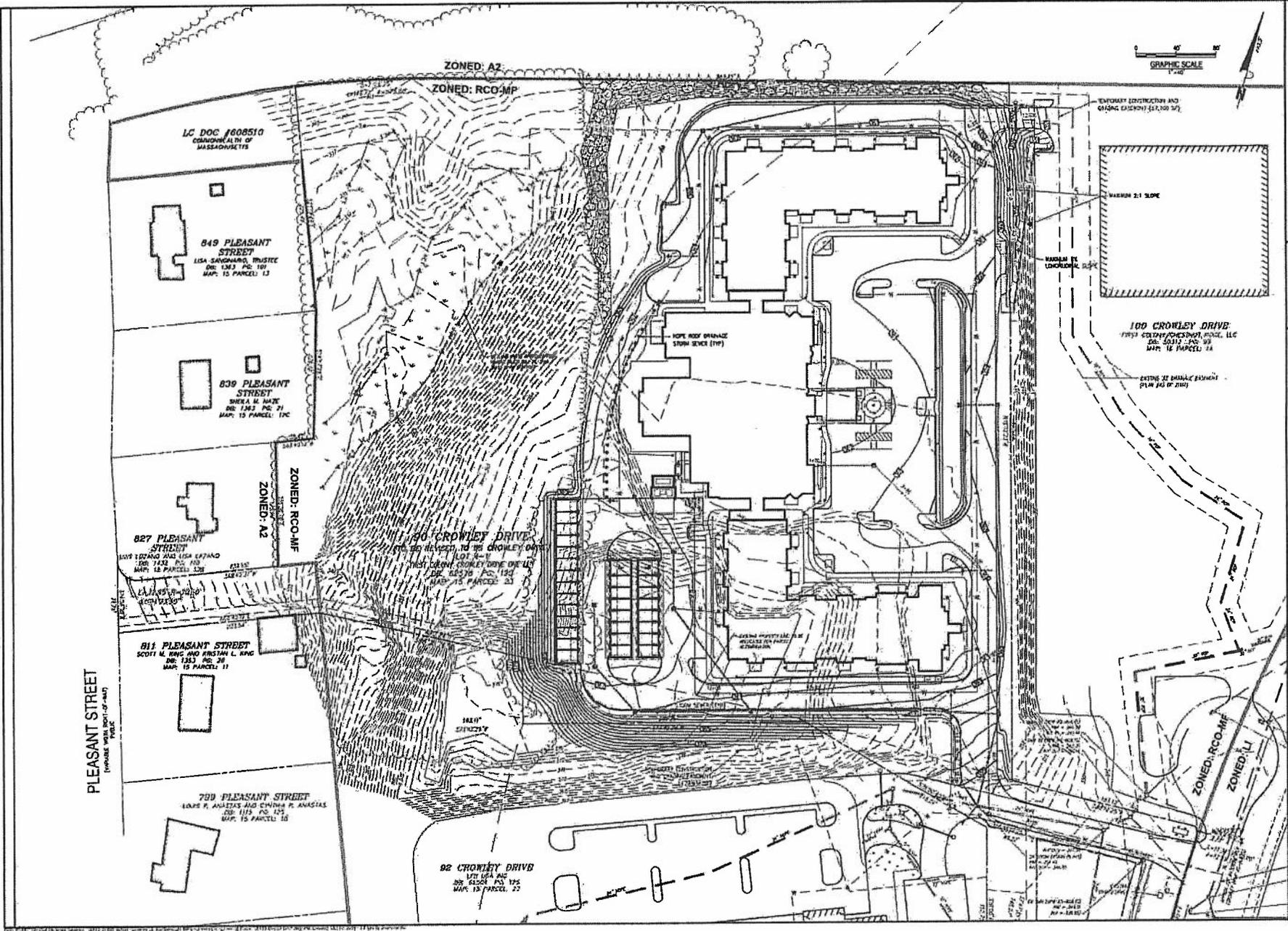












**Bowman**  
CONSULTING

100 CROWLEY DRIVE  
MARLBOROUGH, MA 01501  
PHONE: 508-333-2248  
FAX: 508-333-2200  
WWW.BOWMANCONSULTING.COM

GRADING PLAN  
PLEASANT HILL RETIREMENT COMMUNITY - MULTIFAMILY  
MARLBOROUGH, MA  
CAMERON GENERAL CONTRACTORS  
90 CROWLEY DRIVE (ASSESSMENT TO A2/A, PARCEL #15-23) MARLBOROUGH, MA

PRELIMINARY  
NO FOR  
CONSTRUCTION

PLANNING	DATE	BY
DESIGN	DATE	BY
CHECKED	DATE	BY
SCALE	1" = 32' MIN	
NO	REV	DATE
1	01	05/15/2019
JOB No. 100115-23-013		
DATE: MAY 15 2019		
SHEET 06		



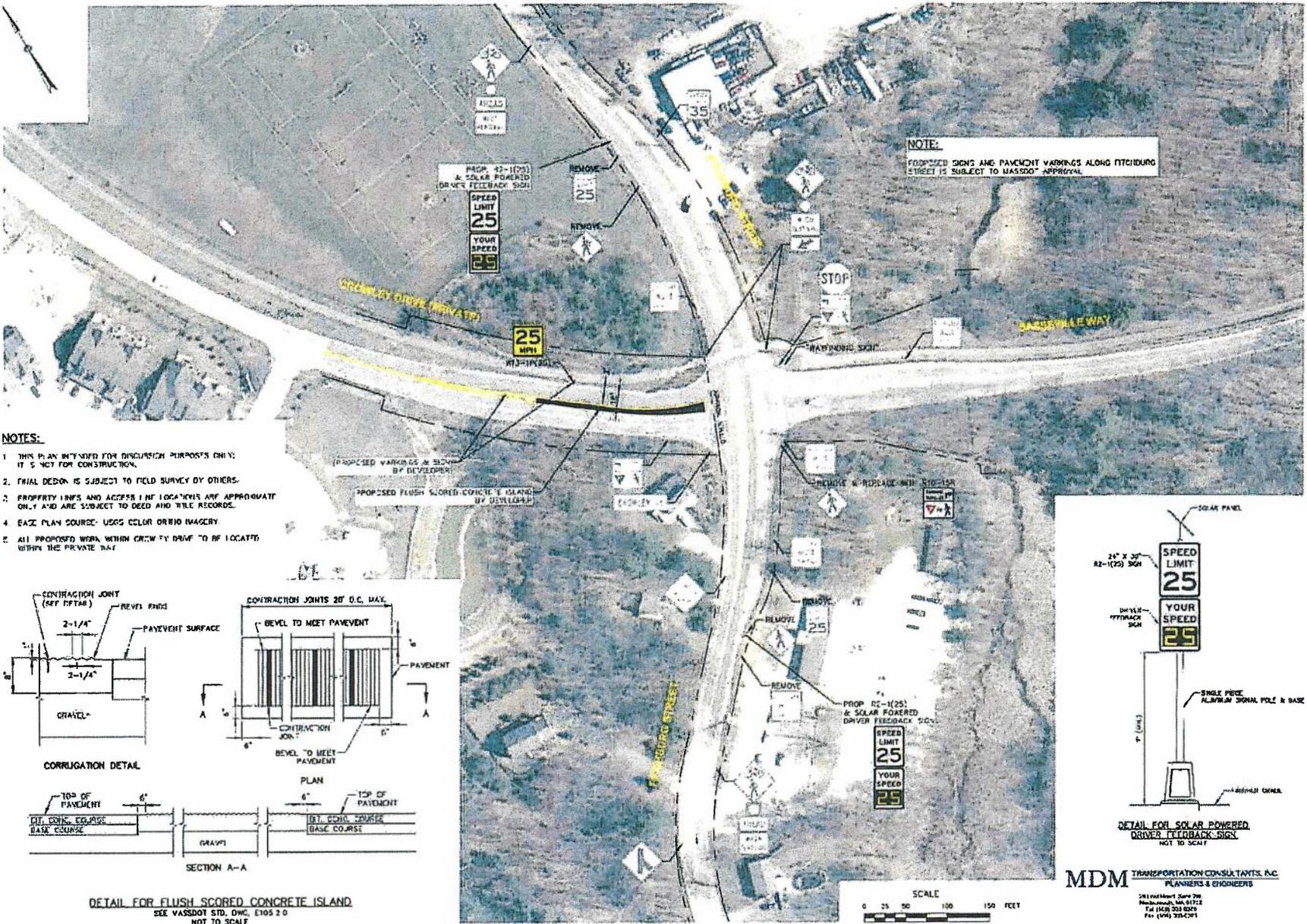




INTERSECTION IMPROVEMENT PLAN  
PLEASANT HILL RETIREMENT COMMUNITY - MULTIFAMILY  
MARLBOROUGH, MA  
CAMERON GENERAL CONTRACTORS  
86 CROWLEY DRIVE (ASSESSMENT ID: ASMA, PARCEL #15-20) MARLBOROUGH, MA

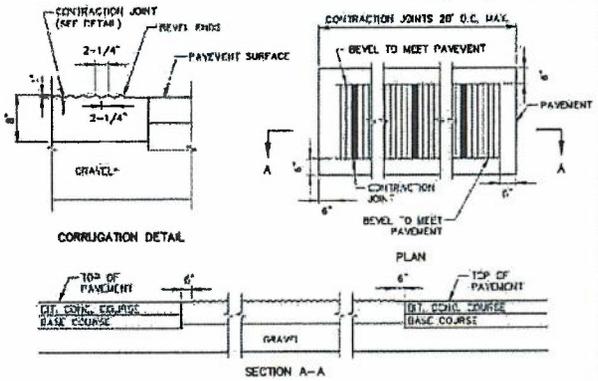
PRELIMINARY  
NOT FOR  
CONSTRUCTION

PLAN NUMBER	SCALE	DATE
1. PRELIMINARY INTERSECTION IMPROVEMENT PLAN FOR PLEASANT HILL RETIREMENT COMMUNITY - MULTIFAMILY MARLBOROUGH, MA	SCALE: 1/4" = 40' V.N.S.	DATE: MAY 15, 2019
DESIGNED BY	ICG	ICG
DRAWN BY	BCO	BCO
CHECKED BY	DM	DM
DATE	2019/12/20	2019
DATE	MAY 15, 2019	2019

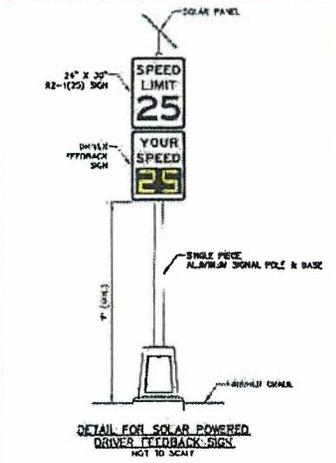


**NOTE:**  
PROPOSED SIGNS AND PAVEMENT MARKINGS ALONG PLEASANT HILL ROAD STREET IS SUBJECT TO MASSDOT APPROVAL.

- NOTES:**
1. THIS PLAN INTENDED FOR DISCUSSION PURPOSES ONLY; IT IS NOT FOR CONSTRUCTION.
  2. FINAL DESIGN IS SUBJECT TO FIELD SURVEY BY OTHERS.
  3. PROPERTY LINES AND ACCESS LINE LOCATIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO DEED AND TITLE RECORDS.
  4. EACH PLAN SOURCE - USES COLOR DRIBB IMAGERY.
  5. ALL PROPOSED WORK WITHIN CROWNED DRIVE TO BE LOCATED WITHIN THE PRIVATE TRAIL.



**DETAIL FOR FLUSH SCORED CONCRETE ISLAND.**  
SEE VASSDOT STD. D.W.C. E105 2.0  
NOT TO SCALE

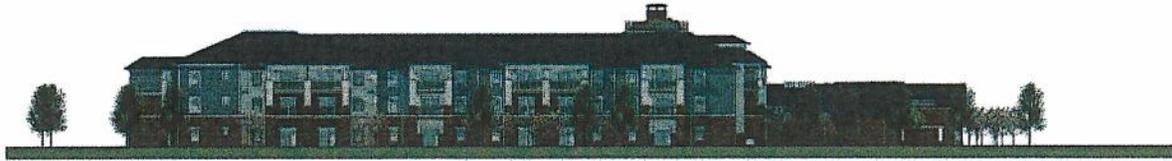


**DETAIL FOR SOLAR POWERED DRIVER FEEDBACK SIGN.**  
NOT TO SCALE

**MDM TRANSPORTATION CONSULTANTS, P.C.**  
PLANNERS & ENGINEERS  
281 East Street, Suite 200  
Marlborough, MA 01752  
Tel: (408) 252-8219  
Fax: (408) 724-0211

# BUILDING CONFIGURATION

## BUILDING DESIGN GUIDELINES

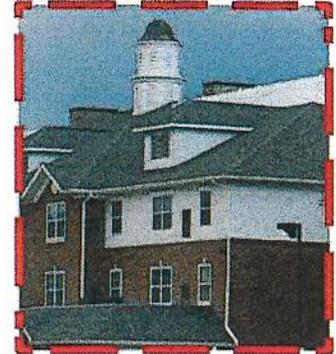


NORTH ELEVATION

### BUILDING SCALE & MASSING



### ROOF TRANSITIONS



SOUTH ELEVATION



EAST ELEVATION



ELEVATION  
SOUTH VIEW TOWARDS THE COMMUNITY AREA

# FACADE & APPEARANCE

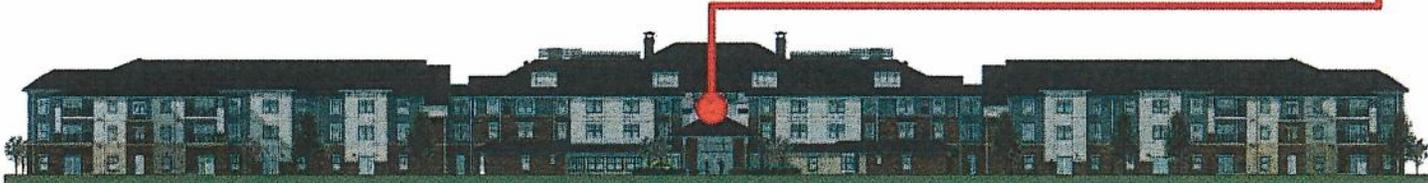
BUILDING DESIGN GUIDELINES



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



ELEVATION  
SOUTH VIEW TOWARDS THE COMMUNITY AREA

ENTRANCES



WINDOWS



HORIZONTAL DEFINITION



VERTICAL DEFINITION



## **ADDENDUM TO DECISION**

Pursuant to Paragraph N.5 of the Special Permit Decision, the following documents are on file with the City Council and are incorporated herein by reference and are made part of this Special Permit Decision.

### **RCO-MF Overlay District Provisions**

1. Zoning Ordinance, Section 650-22.C (ii) (RCO-MF Overlay District) adopted by the City Council on April 8, 2019 (Council Order No. 18/19-1007452G) and approved by the Mayor on April 12, 2019.

### **Special Permit Application and Related Documents and Impact Studies and Determinations**

2. Special Permit Application to the City Council for Issuance of Special Permit (dated May 17, 2019)
3. Preliminary ANR Plan for portion of property (Assessor's Map # 15 Parcel 22)
4. Conservation Commission Order of Resource Area Delineation (dated May 21, 2018)
5. Agreement to Extend Time Limitations
6. Fiscal Impact Summary Memorandum (RKG Associates, Inc: July 16, 2018)
7. Fiscal Impact Memorandum re Age-Restricted Independent Living Multifamily Housing (RKG Associates, Inc: July 19, 2018)
8. Traffic Impact Analysis (MDM Transportation Consultants: May 14, 2019)
9. MDM Memorandum dated May 9, 2019, to Ms. Priscilla Ryder, Coordinator/Site Plan Review Committee, re MEPA Sec. 61 Finding (EEA 12002)

### **Preliminary Site Plans and Site Plan Review Committee Recommendations to City Council**

10. Preliminary Site Plan for Pleasant Hill Retirement Community (dated October 10, 2019)
11. Preliminary Site Plan for Pleasant Hill Retirement Community (dated September 27, 2019)
12. Preliminary Site Plan for Pleasant Hill Retirement Community (dated September 12, 2019) (Revised September 17, 2019 to add Overall Site Plan sheet)
13. Preliminary Site Plan for Pleasant Hill Retirement Community (dated May 15, 2019) (Cover sheet revised May 28, 2019 to add bedroom/unit information requested by Council)
14. Site Plan Review (SPR) Committee Recommended Conditions for 96 Crowley Drive. (Draft Rec'd by Applicant September 10, 2019)
15. Letter from William M. Pezzoni, Esq. on behalf of 92 Crowley Drive LLC regarding completion of sidewalk requirement pursuant to approved site plan for 92 Crowley Drive
16. SPR Committee response (October 10, 2019) to Applicant's October 4, 2019 request not to add stairs to the ramp to the overflow parking

### **City Council Public Hearing (July 22, 2019)**

17. Presentation of Overall Project (PPT)

**Urban Affairs Committee (UAC) Meetings**

18. August 20, 2019 Meeting: Presentation re How Project Corresponds to Marlborough Multifamily Development Review Criteria and Design Guidelines (PPT Presentation)
19. October 1, 2019 Meeting: Presentation re Review of Revised Preliminary Site Plan (dated September 27, 2019)

END OF ADDENDUM



# City of Marlborough

## Office of the City Clerk

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
Steven W. Kerrigan  
City Clerk  
2019 OCT 15 A 9 20  
Wilson Chu  
Assistant City Clerk

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 **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, NOVEMBER 5, 2019** then and there, for the purpose of casting their votes for the candidates for the following offices:

**MAYOR**  
**COUNCILORS-AT-LARGE**  
**WARD COUNCILORS (WARDS 1 – 7)**  
**SCHOOL COMMITTEE MEMBERS**  
**ASSABET VALLEY SCHOOL COMMITTEE MEMBER**

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



# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

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

Krista Holmi, Administrator  
(508) 624-6910 x33200

[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

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

RE: Council Order #19-1007756, Proposed Zoning Amendment - Chapter 650 Section 5(B)-  
"Definitions; word usage," Home Office/Home Occupation

Honorable President Clancy and Members:

At its regularly scheduled meeting on October 7, 2019, the Planning Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council on the proposed order No. 19-1007756, with the further recommendation to add this clarifying language- "provided that not more than three employees, business owners or independent contractors are engaged in the activity on the premises at any one time.". Motion carried.

Sincerely,

Barbara L. Fenby  
Chairperson

cc: City Clerk ✓

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 OCT 16 P 3:48



**\$ PAID**  
100.<sup>00</sup> CK#1927

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 OCT 17 A 11:50

**Lisa M. Thomas  
City Clerk**

**FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT**

Company Name: One Energy, Inc.

Company Telephone Number: 508-929-1678 (Atty. Brian Falk)

Officer's Name: Mark Diarbakerly, President and Treasurer

Officer's Telephone Number: 508-460-1010

Location of Land: 121 Bolton Street

Map & Parcel Number: Map 57, Parcel 289

Nearest Cross St.: State Street

Owner of Land: Brown Family Trust, Robert Brown, Trustee

Owner's Address: 99 Cedar Street, Holliston, MA 01746

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

One proposed convenience store with food service.

Occupancy or use of such buildings:

Gas station and convenience store with food service.

Total capacity of tanks in gallons - Above Ground: \_\_\_\_\_ Underground: 28,000 gallons

Kind of fluid to be stored in tanks: Gasoline and Diesel Fuel



FP-2A  
(Rev. 04-2010)

The Commonwealth of Massachusetts  
City/Town of Marlborough

Application For License

Massachusetts General Law, Chapter 148 §13

New License  Amended License

GIS Coordinates
_____
LAT.
_____
LONG.
_____
License Number

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

Location of Land: 121 Bolton Street  
Number, Street and Assessor's Map and Parcel ID

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

Owner of Land: Brown Family Trust, Robert Brown, Trustee

Address of Land Owner: 99 Cedar Street, Holliston, MA 01746

Use and Occupancy of Buildings and Structures: Gas station and convenience store with fuel service

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

Attach a copy of the current license

**Flammable and Combustible Liquids, Flammable Gases and Solids**

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline</u>		<u>24,000 gallons</u>		
<u>Diesel</u>		<u>4,000 gallons</u>		
				<u>Two 14,000 gallon Fiberglass tanks</u>

Total quantity of all flammable liquids to be stored: 28,000 gallons

Total quantity of all combustible liquids to be stored: \_\_\_\_\_

Total quantity of all flammable gases to be stored: \_\_\_\_\_

Total quantity of all flammable solids to be stored: \_\_\_\_\_

**LP-gas** (Complete this section for the storage of LP-gas or propane)

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

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: \_\_\_\_\_  
List sizes and capacities of all aboveground containers used for storage: \_\_\_\_\_
- ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: \_\_\_\_\_  
List sizes and capacities of all underground containers used for storage: \_\_\_\_\_
- Total aggregate quantity of all LP-gas to be stored: \_\_\_\_\_

**Fireworks** (Complete this section for the storage of fireworks)

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

- ❖ Maximum amount (in pounds) of Class 1.3G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_
- Total aggregate quantity of all classes of fireworks to be stored: \_\_\_\_\_

**Explosives** (Complete this section for the storage of explosives)

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

- ❖ Maximum amount (in pounds) of Class 1.1: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.2: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.3: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.5: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.6: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

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

Signature [Signature] Date 10/17/2019 Name Mark Diarbakerly, President + Treasurer One Energy, Inc.

*Fire Department Use Only*

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

Approval  Disapproval

Signature of Head of the Fire Department \_\_\_\_\_ Date \_\_\_\_\_

Recommendations: \_\_\_\_\_



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

**Lisa M. Thomas  
City Clerk**

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

One Energy, Inc.

\*Signature of Individual OR  
Corporate Name (Mandatory)

Mark P. Kelly  
By: Corporate Officer  
(Mandatory, if applicable)

263831743

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

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

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



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# MIRICK O'CONNELL

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A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 OCT 17 A 10:30

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

October 16, 2019

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

Re: Special Permit Application – Marlborough Hospital, Women's Imaging Center

Dear Councilor Clancy:

On behalf of Marlborough Hospital and UMASS Memorial Realty, Inc., I respectfully submit the enclosed special permit application for a new Women's Imaging Center at Marlborough Hospital. The project will relocate the Hospital's existing facility in Southborough, allowing the Hospital to enhance its services in a state-of-the-art facility at the Marlborough campus.

The application seeks a special permit under Section 650-17 of the Zoning Ordinance for a medical office/clinic use in the A-3 Residential Zoning District. The application also seeks a Section 6 finding special permit pursuant to Section 650-12.B of the Zoning Ordinance to alter the preexisting nonconforming hospital use and preexisting nonconformity with respect to lot area at 157 and 209 Union Street, increasing total lot area on the combined parcel from 48.2% to 49.2%.

Hoping to receive a decision from the Council before the end of 2019 and start the project this winter, we ask that a public hearing be scheduled for November 18, 2019. In the meantime, we intend to bring our plans before the City's Site Plan Review Committee for review and comments.

Pursuant to City Council Order No. 91-3822A, I am notifying you that Mirick O'Connell is representing Marlborough Hospital and UMASS Memorial Realty, Inc. in this matter before the City Council.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/ljk

Encl.

cc: Client

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**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

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

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

Marlborough Hospital and UMASS Memorial Realty, Inc., 306 Belmont Street, Worcester, MA 01604

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

157 and 209 Union Street, Marlborough, MA 01752

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

Marlborough Hospital and UMASS Memorial Realty, Inc., 306 Belmont Street, Worcester, MA 01604;  
Map 43, Lot 56 and Map 56, Lot 192

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

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

Article IV Section 650-12.B  
Article V Section 650-17 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

A-3 Residential

7. Specific reason(s) for seeking Special Permit

The Applicant plans to add a new Women's Imaging Center at the Marlborough Hospital property. This  
medical office/clinic use requires a special permit under Section 650-17 of the Zoning Ordinance. In  
addition, the use requires a Section 6 Finding under Section 650-12.B of the Zoning Ordinance to alter a  
preexisting nonconforming use and to alter the preexisting nonconforming lot coverage at 157 and 209  
Union Street from 48.2% to 49.2% on the combined parcel.

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

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



Signature of Petitioner or Applicant  
Brian R. Falk, Attorney for Applicant

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

Telephone No. (508) 929-1678

Date: 10/4/2019

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

Marlborough Hospital

(Name of Petitioner)

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

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

Abutters for 157 & 209 Union St 400 ft  
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
43	20			EDWARDS JONATHAN L	MARY E EDWARDS	146 HUDSON ST	MARLBOROUGH	MA 01752	146 HUDSON ST
43	21			LUPO DANA		170 HUDSON ST	MARLBOROUGH	MA 01752	156 HUDSON ST
43	22			LUPO DANA J		170 HUDSON ST	MARLBOROUGH	MA 01752	170 HUDSON ST
43	23			SMITH-ABATE DAVID LORNE		180 HUDSON ST	MARLBOROUGH	MA 01752	180 HUDSON ST
43	24			REYNOLDS MICHAEL L	STACY A REYNOLDS	2 ASH ST	MARLBOROUGH	MA 01752	2 ASH ST
43	25			SPOTTSWOOD DIANE E		12 ASH ST	MARLBOROUGH	MA 01752	12 ASH ST
43	26			FERRIERA-DEPINHO EDISON	KAREN PUCA-PINHO	20 ASH ST	MARLBOROUGH	MA 01752	20 ASH ST
43	27			ANSELL SANDRA A	JUDITH M PAIVA	28 ASH ST	MARLBOROUGH	MA 01752	28 ASH ST
43	28			DELVECCHIO JAMES A	JANICE A DELVECCHIO	36 ASH ST	MARLBOROUGH	MA 01752	36 ASH ST
43	29			SKARIN RICHARD W	DAVID W SKARIN	19 ASH ST	MARLBOROUGH	MA 01752	19 ASH ST
43	30			LYNDE GARY H	KATHLEEN E LYNDE	7 ASH ST	MARLBOROUGH	MA 01752	7 ASH ST
43	31			MACEDO JENNIFER M	RODRIGO C MACEDO	230 HUDSON ST	MARLBOROUGH	MA 01752	230 HUDSON ST
43	32			CURTIS DAVID	KATHRYN E CURTIS	232 HUDSON ST	MARLBOROUGH	MA 01752	232 HUDSON ST
43	33			BLAIS THOMAS B	ELIZABETH L BLAIS	234 HUDSON ST	MARLBOROUGH	MA 01752	234 HUDSON ST
43	34			SNOW JEANNE M		242 HUDSON ST	MARLBOROUGH	MA 01752	242 HUDSON ST
43	43			POIRIER WILLIAM F		35 WINDMILL DR	MARLBOROUGH	MA 01752	35 WINDMILL DR
43	44			CULHANE KAREN E	JAMES J CULHANE JR	27 WINDMILL DR	MARLBOROUGH	MA 01752	27 WINDMILL DR
43	45			RYMSHA CHRISTINE		19 WINDMILL DR	MARLBOROUGH	MA 01752	19 WINDMILL DR
43	46			CAMARA GELCIR JR		11 WINDMILL DR	MARLBOROUGH	MA 01752	11 WINDMILL DR
43	47			KUCHARSKI PETER S		3 WINDMILL DR	MARLBOROUGH	MA 01752	3 WINDMILL DR
43	48			ROMAIN JEAN F	MARIE G ROMAIN	245 HUDSON ST	MARLBOROUGH	MA 01752	245 HUDSON ST
43	50			MARTEL JAMES C	THERESA M MARTEL	229 HUDSON ST	MARLBOROUGH	MA 01752	229 HUDSON ST
43	51			LEMES MANOEL F	ELCIA D CARDOSO	227 HUDSON ST	MARLBOROUGH	MA 01752	227 HUDSON ST
43	52			ARMENTANO FABRICIA	VALTER M ARMENTANO JR	223 HUDSON ST	MARLBOROUGH	MA 01752	223 HUDSON ST
43	53			MEYERS ELLEN	PAUL SHAHOOD	215 HUDSON ST	MARLBOROUGH	MA 01752	215 HUDSON ST
43	57			RICHARD ERIC J	DEBORAH RICHARD	4 BELLEVIEW AVE	MARLBOROUGH	MA 01752	4 BELLEVIEW AVE
43	58			COFFIN RICHARD J		44 AHLGREN CIR	MARLBOROUGH	MA 01752	10 BELLEVIEW AVE
43	59			BUTKA KATHY		16 BELLEVIEW AVE	MARLBOROUGH	MA 01752	16 BELLEVIEW AVE
43	60			ROJAS ANDREA MORENO		22 BELLEVIEW AVE	MARLBOROUGH	MA 01752	22 BELLEVIEW AVE
43	61			BILANCIERI PETER J		28 BELLEVIEW AVE	MARLBOROUGH	MA 01752	28 BELLEVIEW AVE
43	62			UHLMAN EDWARD III		44 BELLEVIEW AVE	MARLBOROUGH	MA 01752	44 BELLEVIEW AVE
43	63			DIMATTEO JACQUELINE T		46 BELLEVIEW AVE	MARLBOROUGH	MA 01752	46 BELLEVIEW AVE
43	64			MASON PAUL JR	ANDREA HAMMOND-MASON	35 BELLEVIEW AVE	MARLBOROUGH	MA 01752	35 BELLEVIEW AVE
43	65			MCCAULEY MICHAEL	KRISTIN MCCAULEY	33 BELLEVIEW AVE	MARLBOROUGH	MA 01752	33 BELLEVIEW AVE
43	66			DALLAMORA JOSEPH W JR		27 BELLEVIEW AVE	MARLBOROUGH	MA 01752	27 BELLEVIEW AVE
43	67			JOHNSTON PAUL M	BRENDALIS JOHNSTON	19 BELLEVIEW AVE	MARLBOROUGH	MA 01752	19 BELLEVIEW AVE
43	68			TERRAZAS GRACE	ALAIN TERRAZAS	11 BELLEVIEW AVE	MARLBOROUGH	MA 01752	11 BELLEVIEW AVE
43	69			HA DAVID W	SIEW ER KAO	123 UNION ST	MARLBOROUGH	MA 01752	123 UNION ST
43	70	126	1	TONG TONY		117 SHERMAN RD	CHESTNUT HILL	MA 02467	126 UNION ST #1
43	70	126	2	ELAINE INVESTMENT LLC		6 CIRCLE DR	DOVER	MA 02030	126 UNION ST #2
43	70	126	3	CHEN JASON		200 AYER RD	HARVARD	MA 01451	126 UNION ST #3
43	70	126	4	CARVALHO ELSA M X		279 HUDSON RD	SUDBURY	MA 01776	126 UNION ST #4
43	70	126	5	PAPPAS ANTHONY C TR	ROBERT B WALSH	126 UNION ST #5	MARLBOROUGH	MA 01752	126 UNION ST #5
43	70	126	6	THOMAS C OLLERHEAD DMD CAGS PC		126 UNION ST #6	MARLBOROUGH	MA 01752	126 UNION ST #6
43	70	126	7	MAJESTIC PROPERTIES LLC	C/O MILFORD ORTHODONTICS	189 MAIN STREET	MILFORD	MA 01757	126 UNION ST #7
43	70	126		TRAVY LLC		120 UNION ST	MARLBOROUGH	MA 01752	120 UNION ST

Abutters for 157 & 209 Union St 400 ft  
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
43	72			TICHOVOLSKY ANDREW D	MARIANNE H TICHOVOLSKY	116 UNION ST	MARLBOROUGH	MA 01752	116 UNION ST
43	80			HARDY DOW K	JENNIFER L GAUTHIER-HARDY	115 UNION ST	MARLBOROUGH	MA 01752	115 UNION ST
43	86			HOWE DWIGHT JR		107 KELBER DR	MARLBOROUGH	MA 01752	107 KELBER DR
43	101			OSTRESH DARYN P	JAMIE A DOHERTY	119 UNION ST	MARLBOROUGH	MA 01752	119 UNION ST
43	109			KESELMAN ALEXANDER	TANYA KESELMAN	50 KELBER DR	MARLBOROUGH	MA 01752	50 KELBER DR
43	110			DENORSCIA CHRISTINE M		40 KELBER DR	MARLBOROUGH	MA 01752	40 KELBER DR
43	111			BATRES NOLBERTO A		28 KELBER DR	MARLBOROUGH	MA 01752	28 KELBER DR
43	132			SPARAGES EVAN A	DENISE V SPARAGES	28 BELLOWS CIR	MARLBOROUGH	MA 01752	28 BELLOWS CIR
43	133			SZRAMIAK STEVEN S	LISA M SZRAMIAK	43 BELLOWS CIR	MARLBOROUGH	MA 01752	43 BELLOWS CIR
43	134			LEBLANC LISA TR	LEBLANC FAMILY REVOCABLE LIVING TRU	29 BELLOWS CIR	MARLBOROUGH	MA 01752	29 BELLOWS CIR
43	135			VENADES WELITON X	BETANIA T VENADES	38 BELLOWS CIR	MARLBOROUGH	MA 01752	38 BELLOWS CIR
43	201			MARIN JAMES	HOPE MARIN	10 LABRACHE LN	MARLBOROUGH	MA 01752	10 LABRACHE LN
43	202			RANERI RONALD G	GLORIA J RANERI	22 LABRACHE LN	MARLBOROUGH	MA 01752	22 LABRACHE LN
43	203			PALATINO MARIE		32 LABRACHE LN	MARLBOROUGH	MA 01752	32 LABRACHE LN
43	204			STANHOPE DANIEL J	ELIZABETH R STANHOPE	31 LABRACHE LN	MARLBOROUGH	MA 01752	31 LABRACHE LN
43	205			SILVA EDUARDO G	DANIELLE T SILVA	17 LABRACHE LN	MARLBOROUGH	MA 01752	17 LABRACHE LN
43	206			MORELAND JONATHAN A	YVETTE G MORELAND	80 KELBER DR	MARLBOROUGH	MA 01752	80 KELBER DR
43	207			PATEL JAGDISH	JIGNASA PATEL	96 KELBER DR	MARLBOROUGH	MA 01752	96 KELBER DR
43	208			EVANGELOUS MARK E TR	VICTORIA J EVANGELOUS TR	108 KELBER DR	MARLBOROUGH	MA 01752	108 KELBER DR
43	209			BANIGO JOSEPHINE		114 KELBER DR	MARLBOROUGH	MA 01752	114 KELBER DR
43	210			ROBICHAUD JOHN J	LISA ROBICHAUD	95 KELBER DR	MARLBOROUGH	MA 01752	95 KELBER DR
43	29A			ALBERTINE ROBERT J		222 HUDSON ST	MARLBOROUGH	MA 01752	222 HUDSON ST
43	29B			BISOL JOSEPH A	CATHERINE D BISOL	PO BOX 1279	MARLBOROUGH	MA 01752-9279	212 HUDSON ST
43	42B			MANGSEN NICHOLAS L		34 WINDMILL DR	MARLBOROUGH	MA 01752	34 WINDMILL DR
43	800			DELLI PRISCOLI JON TR	DAVID A FRANCHI TR	42 WESTBORO RD	NORTH GRAFTON	MA 01536	KELBER DR
56	21			CHUNG YUIN T		44 LIBERTY ST	NEW BEDFORD	MA 02740	1 ELM ST
56	133			ANDREWS ADAM	CATHERINE E ANDREWS	134 HUDSON ST	MARLBOROUGH	MA 01752	134 HUDSON ST
56	134			UYGUN DAVID S	GRACE E UYGUN	130 HUDSON ST	MARLBOROUGH	MA 01752	130 HUDSON ST
56	135			AUGER DAVID	MARIE AUGER	120 HUDSON ST	MARLBOROUGH	MA 01752	120 HUDSON ST
56	136			RANDALL JENNIFER	DAMON BURKE	118 HUDSON ST	MARLBOROUGH	MA 01752	118 HUDSON ST
56	137			BRESCIA STACEY D		110 HUDSON ST	MARLBOROUGH	MA 01752	110 HUDSON ST
56	138			FRANGIOSA ANGELO M	ANN E FRANGIOSA	104 HUDSON ST	MARLBOROUGH	MA 01752	104 HUDSON ST
56	140			DICICCO BARBARA TR	ROBERT HUOT TR	5 MERRILL DR	FRAMINGHAM	MA 01701	92 HUDSON ST
56	141			ALEX JEES	ANNAMMA PETER	84 HUDSON ST	MARLBOROUGH	MA 01752	84 HUDSON ST
56	178	65	1	65 FREMONT STREET REALTY CO LLC	ATT MIRIAM	65 FREMONT ST #1	MARLBOROUGH	MA 01752	65 FREMONT ST #1
56	178	65	2	CIAMPA-ALBANESE SUSAN A	DOMENIC ALBANESE	65 FREMONT ST #2	MARLBOROUGH	MA 01752	65 FREMONT ST #2
56	178	65	3	65 FREMONT STREET REALTY CO LLC	ATT MIRIAM	65 FREMONT ST #3	MARLBOROUGH	MA 01752	65 FREMONT ST #3
56	178	65	4	MATTA ANIL TR	MATTA FAMILY REALTY TRUST	65 FREMONT ST #4	MARLBOROUGH	MA 01752	65 FREMONT ST #4
56	178	65	5	ROSENBAUM CHARLES		65 FREMONT ST #5	MARLBOROUGH	MA 01752	65 FREMONT ST #5
56	178	65	6	LEVINE OTTILIE		65 FREMONT ST #6	MARLBOROUGH	MA 01752	65 FREMONT ST #6
56	178	65	8	WASCAVAGE BRIAN TR	65 FREMONT STREET REALTY TRUST	9 AUBURN RD	MILLBURY	MA 01527	65 FREMONT ST #8
56	178	65	7A	MATTA LALITA		79 LAKESHORE DR	MARLBOROUGH	MA 01752	65 FREMONT ST #7A
56	178	65	7B	MATTA LALITA TR	MATTA FAMILY REALTY TRUST	65 FREMONT ST #7B	MARLBOROUGH	MA 01752	65 FREMONT ST #7B
56	179			APODEMI ADELINE M	UGO APODEMI	77 HUDSON ST	MARLBOROUGH	MA 01752	77 HUDSON ST
56	180			MARLBOROUGH MEDICAL REALTY ASSOCIAT		65 FREMONT ST	MARLBOROUGH	MA 01752	TAYNTOR ST
56	181			SALUTARI ALBERTO		224 UNION ST	MARLBOROUGH	MA 01752	224 UNION ST

**Abutters for 157 & 209 Union St 400 ft  
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST Zip	Parcel Location
56	182			ASSENCOA MARK A	ROBIN A ASSENCOA	40 HOLLIS ST	MARLBOROUGH	MA 01752	40 HOLLIS ST
56	183			SIMMONS JAYNE C TR	CNE TRUST	217 SUGARHOUSE RIDGE	MORRISVILLE	VT 05661	32 HOLLIS ST
56	184			PEARISO KARA C		204 UNION ST	MARLBOROUGH	MA 01752	204 UNION ST
56	185			BAUR ERIC C	KATHLEEN ROBEY	97 HUDSON ST	MARLBOROUGH	MA 01752	97 HUDSON ST
56	186			KEANE JOHN M		223 UNION ST	MARLBOROUGH	MA 01752	223 UNION ST
56	187			GAUCHER ROGER A	EDITH L GAUCHER	113 HUDSON ST	MARLBOROUGH	MA 01752	113 HUDSON ST
56	188			MATHESON BRENT L		121 HUDSON ST	MARLBOROUGH	MA 01752	121 HUDSON ST
56	191			BATTAGLINO ADAM	NANCY BATTAGLINO	215 UNION ST	MARLBOROUGH	MA 01752	215 UNION ST
56	194			SANTELLA MICHAEL J	DONNA J SANTELLA	196 UNION ST	MARLBOROUGH	MA 01752	196 UNION ST
56	196			CHIASSON DANIEL V	AMY CHIASSON	41 HOLLIS ST	MARLBOROUGH	MA 01752	41 HOLLIS ST
56	197			RIVERA ZOILA LILI	JOSE ANTONIO RIVERA	37 HOLLIS ST	MARLBOROUGH	MA 01752	37 HOLLIS ST
56	198			TOBIN KAREN M		67 TAYNTOR ST	MARLBOROUGH	MA 01752	67 TAYNTOR ST
56	207			MITRAKAS GREGORY TR	112 HIGHLAND STREET REALTY TRUST	297 EAST MAIN ST	MARLBOROUGH	MA 01752	112 HIGHLAND ST
56	208			LEBLANC GREGORY J	JEANNETTE A LEBLANC	122 HIGHLAND ST	MARLBOROUGH	MA 01752	122 HIGHLAND ST
56	209			ANDRADE AMELIA R	DELSO G MEDEIROS	128 HIGHLAND ST	MARLBOROUGH	MA 01752	128 HIGHLAND ST
56	210			GRAZIANI BRUNO		134 HIGHLAND ST	MARLBOROUGH	MA 01752	134 HIGHLAND ST
56	211			RICE JAMES K JR TR	JAMES K RICE SR TR	138 HIGHLAND ST	MARLBOROUGH	MA 01752	136 HIGHLAND ST
56	212			MCCULLEY SHAWN P	JENIFER L MCCULLEY	144 HIGHLAND ST	MARLBOROUGH	MA 01752	144 HIGHLAND ST
56	213			PAGLIA ROBERT R	NANCY M PAGLIA	17 TURNER RIDGE RD	MARLBOROUGH	MA 01752	154 HIGHLAND ST
56	214			WAGNER DAVID F		156 HIGHLAND ST	MARLBOROUGH	MA 01752	156 HIGHLAND ST
56	215			SCANLON PATRICIA S TR	HIGHLAND TRUST	1078 CONCORD RD	MARLBOROUGH	MA 01752	157 HIGHLAND ST
56	217			PETERS AMANDA	SCOTT PETERS	149 HIGHLAND ST	MARLBOROUGH	MA 01752	149 HIGHLAND ST
56	218			NOVITCH MARLA		C/O MARLA STEVENS	MARLBOROUGH	MA 01752	141 HIGHLAND ST
56	219			COPPOLA MICHAEL III		135 HIGHLAND ST	MARLBOROUGH	MA 01752	135 HIGHLAND ST
56	221			PEREIRA RENATO FS	NANGIBEL R PEREIRA	117 HIGHLAND ST	MARLBOROUGH	MA 01752	117 HIGHLAND ST
56	380			TUNNERA PAUL		23 BARNES CIR	MARLBOROUGH	MA 01752	23 BARNES CIR
56	381			SINGHAL VIJAY K		20 HAMPSHIRE RD	WAYLAND	MA 01778	15 BARNES CIR
56	382			DEGEORGE CHRISTOPHER	SUZANNE SCHWARTZ	5 BARNES CIR	MARLBOROUGH	MA 01752	5 BARNES CIR
56	383			WHITTIER STEPHEN		4 BARNES CIR	MARLBOROUGH	MA 01752	4 BARNES CIR
56	390			ROJAS EDITH		18 KENNEY LN	MARLBOROUGH	MA 01752	18 KENNEY LN
56	391			DUFFY JAMES J JR	NOEMIA C DUFFY	1 BELLOWS CIR	MARLBOROUGH	MA 01752	1 BELLOWS CIR
56	392			EVANS MICHAEL J	CARALEE L EVANS	2 BELLOWS CIR	MARLBOROUGH	MA 01752	2 BELLOWS CIR
56	393			CHANG MARILYN L	RICHARD T CHANG	10 BELLOWS CIR	MARLBOROUGH	MA 01752	10 BELLOWS CIR
56	394			FERRANTE PHILLIP L	LUCIA LEONARDO FERRANTE	16 BELLOWS CIR	MARLBOROUGH	MA 01752	16 BELLOWS CIR
56	395			SEYMOUR ROBERT M	CHRISTINE E SEYMOUR	17 KENNEY LN	MARLBOROUGH	MA 01752	17 KENNEY LN
56	182A			PACHECO PAUL C LI EST		210 UNION ST	MARLBOROUGH	MA 01752	210 UNION ST

**MARLBOROUGH ASSESSORS**

*Anthony C. Amador Jr*  
*William K. Silverstein*  
*Janet May Be*

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

c/o UMASS Memorial Realty, Inc.

Applicant's Name: Marlborough Hospital Address: 306 Belmont Street, Worcester, MA 01604

Project Name: Women's Imaging Center Address: 157 Union Street, Marlborough, MA 01752

1. PROPOSED USE: (describe) medical office/clinic

2. EXPANSION OR NEW: new

3. SIZE: floor area sq. ft. 4,060 1<sup>st</sup> floor 4,060 all floors 4,060

# buildings 1 # stories 1 lot area (s.f.) 861,512

4. LOT COVERAGE: 49.2 %Landscaped area: 50.8 %

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

Normal: 12 Peak period: 16

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 12 Peak period: 16

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

On average, one delivery each work day at 8 am and one to two pickups each work day at 4 pm.

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

8. NOISE:

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

Same

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

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

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

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? Formalin (Formaldehyde) is used to preserve lab specimens. Approximately 12 lab

specimen containers with one ounce of Formalin each will be stored safely on site. Disposal will be done off site.

**\*Attach additional sheets if necessary**



**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 10/10/19

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Marlborough Hospital - Women's Imaging Center

Project Use Summary: medical office/clinic

Project Street Address: 157 and 209 Union Street

Plate: \_\_\_\_\_ Parcel: 43-56; 56-192

Applicant/Developer Name: Marlborough Hospital - UMass Memorial

Plan Date: 9/27/2019 Revision Date: \_\_\_\_\_

Dear President and Members:

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

Very truly yours,

Jeffrey K. Cooke

~~Building Commissioner~~

**ACTING CITY PLANNER**

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

\$500



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

**Lisa M. Thomas  
City Clerk**

Dear Applicant,

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

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

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

  
\_\_\_\_\_  
Signature

10/17/19  
\_\_\_\_\_  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas  
City Clerk*

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

**Lisa M. Thomas  
City Clerk**



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

**Company Name**

Marlborough Hospital and UMASS Memorial Realty, Inc.

**Owner Name/Officer Name of LLC or Corporation**

\_\_\_\_\_

**Owner/Officer Complete Address and Telephone Number**

306 Belmont Street

Worcester, MA 01604

\_\_\_\_\_

**Signature of Applicant**

\_\_\_\_\_

**Attorney on behalf of Applicant, if applicable**

Attorney Brian R. Falk

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

Eileen Bristol

Tax Collector



*City of Marlborough*  
**BUILDING DEPARTMENT**

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

**JEFFREY COOKE, C.B.O.**  
**BUILDING COMMISSIONER**

**PATRICK DAHLGREN**  
ASSISTANT BUILDING  
COMMISSIONER

**WILLIAM PAYNTON**  
LOCAL BUILDING INSPECTOR

**RICHARD DESIMONE**  
PLUMBING & GAS INSPECTOR

**JOHN CAIN**  
WIRING INSPECTOR

**ZONING DENIAL**

October 9, 2019

**OWNER**

Marlborough Hospital & UMASS Memorial Realty, Inc  
306 Belmont Street  
Worcester, MA 01604

**APPLICANT**

Brian Falk, Attorney  
100 Front Street  
Worcester, MA 01608

Mr. Falk:

Your application to construct/a Women Imaging Center Building at 157 & 209 Union Street, Marlborough, MA Parcel ID # 43-56 and 56-192, located in the Residence A-3 zoning district (A-3) is denied as it does not comply with Chapter 650-17 of City Code of Marlborough. The "Table of Uses" states that your use requested, medical office/clinic requires a "Special Permit" (SP) issued by the Marlborough City Council. In addition, the use requires a Section 6 Finding under Section 650-12 B of Marlborough General Code by way of a Special Permit to alter a pre-existing, non-conforming use and to alter the pre-existing, non-conforming lot coverage at 157 Union Street & 209 Union Street from 48.2% to 49.2% on the combined parcels

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

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code sections 650-12B & 650-17 or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

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

The code in its entirety may be found at [www.ecode360.com/MA1056](http://www.ecode360.com/MA1056)

In your appeal, you may request a Special Permit (SP).

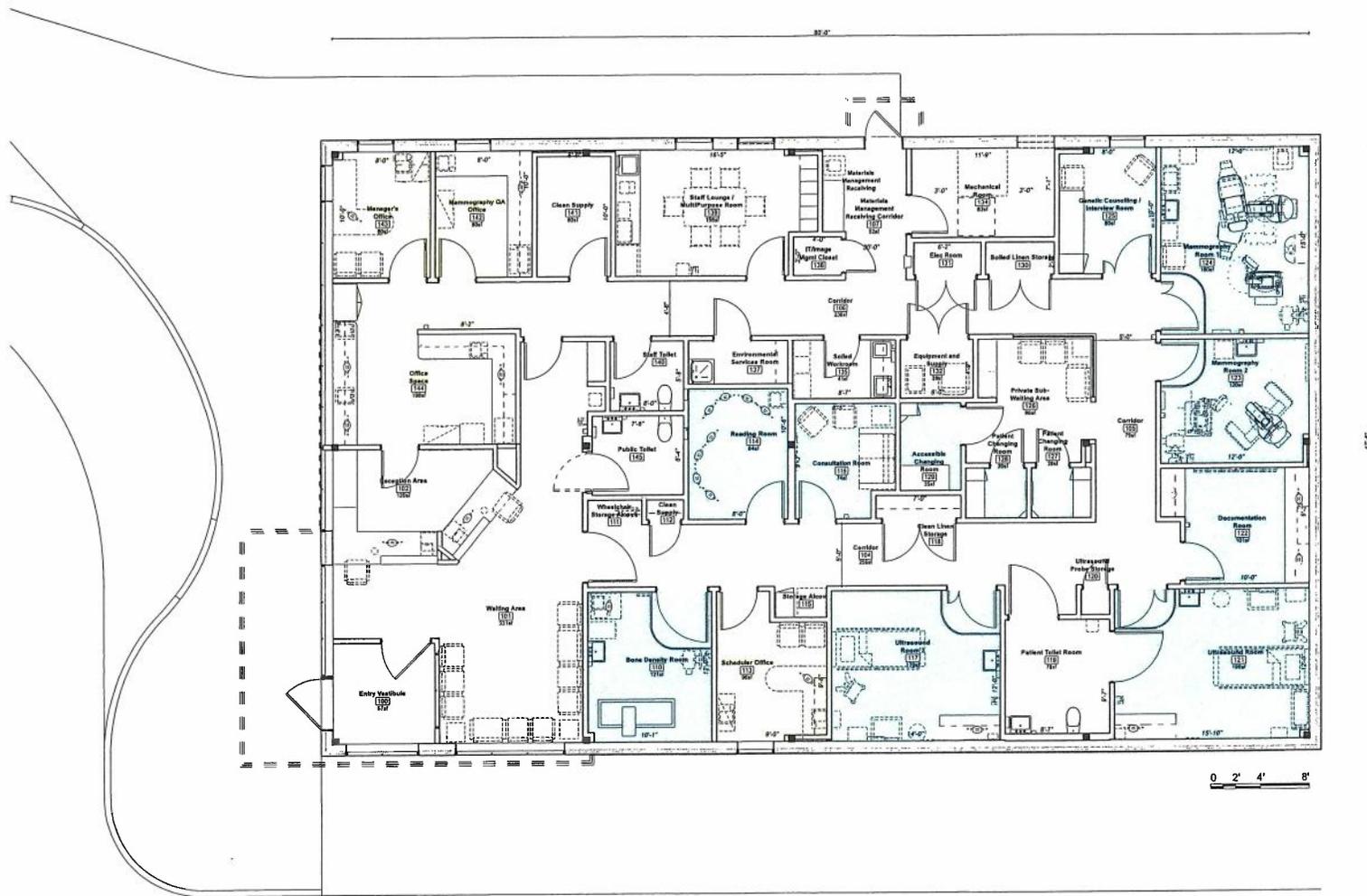
Sincerely,

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



157 Union Street, Marlborough, MA 01752

10/4/19



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 OCT -4 A 11: 15



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING, PUBLIC HEARING AND PROCEDURAL CONFERENCE

D.P.U. 19-98

September 13, 2019

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for approval of their 2016-2018 Energy Efficiency Three-Year Term Report.

On August 1, 2019, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("Companies"), filed with the Department of Public Utilities ("Department") their 2016-2018 Three-Year Energy Efficiency Term Report ("Term Report"). The filing documents actual energy savings, benefits, and expenditures resulting from the implementation of the Companies' 2016-2018 three-year energy efficiency plan approved by the Department in Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 15-168 (2016). The Department has docketed this matter as D.P.U. 19-98.

The Department will review the Term Report to determine, among other things, whether the Companies: (1) reported their program savings, benefits, and costs accurately and reliably; and (2) implemented their energy efficiency programs in a manner that was consistent with statutory requirements and the Department-approved three-year plan. See G.L. c. 25, § 19(d)(2); G.L. c. 25, § 21(b)(3); G.L. c. 25, §§ 19(a) and (c). Based on the results of the investigation, the Department will approve final recovery of costs incurred during the three-year term, including performance incentive payments. G.L. c. 25, § 19.

The Department will conduct a public hearing to receive comments on the Companies' filing. The hearing will take place on **Wednesday, October 30, 2019, at 2:00 p.m.** at the Department's offices, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110. A procedural conference will immediately follow the public hearing. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **October 30, 2019**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business on **October 21, 2019**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed

late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on **October 28, 2019**.

An original hard copy and one copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110. One copy of all written comments or petitions to intervene should also be sent to the Companies' attorney, Stacey M. Donnelly, Esq., National Grid, 40 Sylvan Road, Waltham, Massachusetts 02451, and by e-mail, [Stacey.Donnelly@nationalgrid.com](mailto:Stacey.Donnelly@nationalgrid.com).

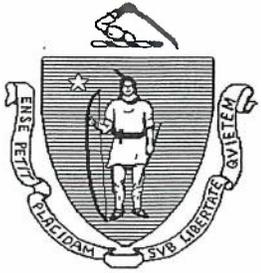
All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and to the Hearing Officer, Krista Hawley, [Krista.Hawley@mass.gov](mailto:Krista.Hawley@mass.gov), or (2) on a CD-ROM or USB drive. The text of the e-mail or CD-ROM/USB must specify: (1) the docket numbers of the proceeding (D.P.U. 19-98); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: website at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "19-98").

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3500. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3500.

Any person desiring further information regarding the Companies' filing should contact Stacey M. Donnelly, Esq. at (781) 907-1833. Any person desiring further information regarding this notice should contact Krista Hawley, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

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CITY OF MARLBOROUGH

2019 OCT -9 P 2:01



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING, PUBLIC HEARING AND PROCEDURAL CONFERENCE

D.P.U. 19-95

September 13, 2019

Petition of NSTAR Gas Company, d/b/a Eversource Energy, for approval of its 2016-2018 Energy Efficiency Three-Year Term Report.

On August 1, 2019, NSTAR Gas Company, d/b/a Eversource Energy ("Company"), filed with the Department of Public Utilities ("Department") its 2016-2018 Three-Year Energy Efficiency Term Report ("Term Report"). The filing documents actual energy savings, benefits, and expenditures resulting from the implementation of the Company's 2016-2018 three-year energy efficiency plan approved by the Department in NSTAR Gas Company, D.P.U. 15-164 (2016). The Department has docketed this matter as D.P.U. 19-95.

The Department will review the Term Report to determine, among other things, whether the Company: (1) reported their program savings, benefits, and costs accurately and reliably; and (2) implemented their energy efficiency programs in a manner that was consistent with statutory requirements and the Department-approved three-year plan. See G.L. c. 25, § 19(d)(2); G.L. c. 25, § 21(b)(3); G.L. c. 25, §§ 19(a) and (c). Based on the results of the investigation, the Department will approve final recovery of costs incurred during the three-year term, including performance incentive payments. G.L. c. 25, § 19.

The Department will conduct a public hearing to receive comments on the Company's filing. The hearing will take place on **Wednesday, October 30, 2019, at 2:00 p.m.** at the Department's offices, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110. A procedural conference will immediately follow the public hearing. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **October 30, 2019**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business on **October 21, 2019**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed

late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on **October 28, 2019**.

An original hard copy and one copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110. One copy of all written comments or petitions to intervene should also be sent to the attorney for the Company, John Habib, Esq., Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, Massachusetts 02110, and by e-mail, [jhabib@keeganwerlin.com](mailto:jhabib@keeganwerlin.com).

All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and to the Hearing Officer, Jessica Ellis, [Jessica.Ellis@mass.gov](mailto:Jessica.Ellis@mass.gov), or (2) on a CD-ROM or USB drive. The text of the e-mail or CD-ROM/USB must specify: (1) the docket numbers of the proceeding (D.P.U. 19-95); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: website at <https://eeasonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "19-95").

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3500. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3500.

Any person desiring further information regarding the Company's filing should contact John Habib, Esq. at (617) 961-1400. Any person desiring further information regarding this notice should contact Jessica Ellis, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

**CITY OF MARLBOROUGH MEETING MINUTES**

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CITY OF MARLBOROUGH

2019 OCT -9 A 8:17

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

**DATE:** September 10, 2019

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

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

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

**EXCUSED:**

- I. CALL TO ORDER at 8:30 am
- II. June 11, 2019 MINUTES - Approved
- III. DIRECTOR'S UPDATE - Trish Pope

Very busy summer. Received Cummings grant for transportation and the TimeOut memory café. Received a BayPath grant for helping hoarders, who are identified by the impact team (911 and well visits from the board of health).

The MWRTA moved bus stop from senior center to Weed and Newton Street.

Mass College of Pharmacy will help with Medicare open enrollment Part D, with the 2 SHINE counselors at the senior center.

The senior center stayed open late during the heat wave in July. Grilling Fridays were cancelled due to the excessive heat.

Wegman's Pharmacy will be administering the 1<sup>st</sup> of the Shingles vaccines in October at the senior center and will bill the health insurers directly for participants.

The Branches assisted living will be opening in November. They are hosting a dinner and magic show.

The movie Lavendar Scare was presented for the LGBTQ community at the Strand Theater in Clinton. On October 5<sup>th</sup> there will be a concert by Lucy Blue Tremblay.

The Bingo Board has stopped working. It was bought used originally and is now 25 years old. Replacement parts are not available.

A new shuttle for commuters from the train station to Marlborough companies is available for use by the senior center (Mon/Wed/Fri) and veterans (Tue/Thu) during the day. The bus needs to be back by 3:00 pm for the commuters.

The greenhouse masonry work is done. The green house is on site ready for construction. Planning to have spring flowers and veggies to be used at the senior center in the beginning.

The singing trouper will perform on Veteran's Day, November 13<sup>th</sup>.

IV. BOARD UPDATES:

A. BAYPATH ELDER SERVICES UPDATE – Joe Bisol

See Att. #1

B. TRANSPORTATION REPORTS – Jeanne McGeough

See Att. #2

V. OTHER

VI. MEETING ADJOURNED AT 9:30 am.

The next board meeting is Tuesday, October 8, 2019 at 8:30 a.m. in the conference room at the Senior Center, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary

## Remaining Board Meetings for 2019

July 24  
October 23

August – No Meeting  
November 20

September 25  
December 18

### The Board

Ms. Alessandro recognized and thanked Mr. George Barrette and Ms. Carleen Shaldone for their dedication and service on the Board of Directors. Their term has ended and we all wish them well and much success with their future endeavors.

### Annual Report to the Board

Included in this month's board report is a new Annual Report. This report included some of the key items that BayPath has accomplished throughout the year. The Executive Management team of BayPath will contribute to this report along with Ms. Alessandro. Going forward this Annual Report will be much more comprehensive.

### Strategic Plan

The BayPath Strategic Plan contains three priorities; 1. Expand visibility of the agency within our target communities and populations, 2. Expand and diversify revenue sources expand profitable and elastic programs, and 3. Enhance and improve agency operations to respond to the rapidly changing environment. The board suggested that BayPath staff be surveyed to see which priority they consider to be most important, and that the board use this information in determining their priorities. The vote was tabled until the July board meeting.

### ASAP – Aging Services Access Points Contract

We contract with the state for our ASAP services; home care program, clinical assessment and eligibility, information and referral, protective services, and money management. The contract will be effective July 1, 2019. This is a ten year contract.

### PCA (Personal Care Attendant Program) Procurement

PCA is a Mass Health program. BayPath is a PCA Agency and we will respond to the RFR to remain a PCA agency.

### LGBT Program

BayPath has received a third year of funding for the LGBT program. This will support us in having a third Gala in partnership with Framingham State in the fall.

## Board Meeting Highlights – June 26, 2019

---

### Home Care Programs

Home Care	1083
Over Income	137
Total	1226

Enhanced Community Options Program (ECOP)	247
Choices Program	144

### Town Analysis – Home Care basic only

Town	Consumer #	Town	Consumer #
Ashland	41	Natick	146
Dover	2	Northborough	35
Framingham	252	Sherborn	0
Holliston	45	Southborough	9
Hopkinton	30	Sudbury	41
Hudson	81	Wayland	22
Marlborough	104	Westborough	27

### Nutrition - Meal Days - 22

TOWN	TOTAL	TOWN	TOTAL
Ashland	488	Natick	1903
Dover	32	Northborough	420
Framingham	5840	Sherborn	103
Holliston	643	Southborough	352
Hopkinton	270	Sudbury	688
Hudson	1372	Wayland	832
Marlborough	2764	Westborough	373
		Total	16,080

# Board Meeting Highlights – July 24, 2019

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## Remaining Board Meetings for 2019

August – No Meeting  
November 20

September 25  
December 18

October 23

### Re-Branding

Ms. Alessandro thanked board members; Ms. Costa, Mr. Zafron, Mr. Beeler, Mr. Peck, Ms. Menzdorf and Mr. Barrett who are serving on the re-branding committee for their hard work on this committee. After many hours working with Inside Out Communications, the new company name, tagline and logo was disclosed. LifeWays – Support Across The Ages.

The committee brought forth this name and tagline as they felt it was uplifting, fresh, new, and encompassing of all age groups. The board agreed we want to get away from the “Elder Services” image. Future marketing efforts will put more emphasis on services for all ages.

There is still a lot of work to be done before we move to the new company name and we will continue to be called BayPath until all of the logistics with the state and marketing with Inside out Communications is completed.

### Strategic Plan

The Strategic Plan – Goals and Objectives discussion was tabled at the June Board meeting so the BayPath staff could be surveyed and encouraged to vote for which Goal and Objective they felt the agency should work on first. The three strategic goals are:

1. Expand visibility of the agency within our target communities and populations
2. Expand and diversify revenue sources expand profitable and elastic programs
3. Enhance and improve agency operations to respond to the rapidly changing environment.

The majority of the staff voted that goal (3) would be priority for the agency, but also agreed that all of the goals and objectives are intertwined and will all be addressed going forward.

### Metrowest Subaru

BayPath continues to partner with Metrowest Subaru and our involvement with their Share the Love program which raises money for the meal on wheels program. Metrowest Subaru invited BayPath to join them in the making of one of their latest videos. To see a detailed look at MetroWest Subaru's Involvement in Subaru Loves to Care.

<https://www.metrowestsubaru.com/metrowest-loves-to-care.htm>

### PCA (Personal Care Attendant Program) Procurement

PCA is a Mass Health program. BayPath has submitted our RFR (Request For Response) to the state to remain a PCA agency. This process is now complete.

### LGBT Program

BayPath received another year of funding for the LGBT program. Our LGBT initiative with Assabet High School, collaborating to setup a meal site is still moving forward and should be up and running this fall.

## Board Meeting Highlights – July 24, 2019

---

### Home Care Programs

Home Care	1195
Over Income	139
<b>Total</b>	<b>1233</b>

Enhanced Community Options Program (ECOP)	255
Choices Program	144

### Town Analysis – Home Care basic only

Town	Consumer #	Town	Consumer #
Ashland	41	Natick	144
Dover	2	Northborough	35
Framingham	247	Sherborn	0
Holliston	46	Southborough	9
Hopkinton	28	Sudbury	39
Hudson	75	Wayland	22
Marlborough	102	Westborough	26

### Nutrition - Meal Days - 20

TOWN	TOTAL	TOWN	TOTAL
Ashland	379	Natick	1780
Dover	35	Northborough	343
Framingham	5153	Sherborn	88
Holliston	603	Southborough	273
Hopkinton	277	Sudbury	676
Hudson	1175	Wayland	775
Marlborough	2641	Westborough	431
		<b>Total</b>	<b>14,629</b>

**MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT**  
**MONTH OF JUNE, 2019**

**TOTAL NUMBER OF TRIPS = 136**

**BROKEN DOWN**

**SUPERMARKET/SHOPPING/RESTAURANTS = 21**

**SENIOR CENTER = 68**

**CITY VAN- OTHER = 33**

**MWRTA = 14**

**NEW APPLICANTS = 8 – 6 F, 1M**

**NEW RIDERS = 1**

**MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT**  
**MONTH OF JULY, 2019**

**TOTAL NUMBER OF TRIPS = 156**

**BROKEN DOWN**

**SUPERMARKET/SHOPPING/RESTAURANTS = 26**

**SENIOR CENTER = 79**

**CITY VAN- OTHER = 30**

**MWRTA = 21**

**NEW APPLICANTS = 7 – 4 Male, 3 Female**

**NEW RIDERS = 3**

**MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT**  
**MONTH OF AUGUST, 2019**

**TOTAL NUMBER OF TRIPS = 134**

**BROKEN DOWN**

**SUPERMARKET/SHOPPING/RESTAURANTS = 15**

**SENIOR CENTER = 69**

**CITY VAN- OTHER = 32**

**MWRTA = 18**

**NEW APPLICANTS = 6 – 5 F, 1 M**

**NEW RIDERS = 2**



**CITY OF MARLBOROUGH**  
Marlborough, Massachusetts 01752

## Fort Meadow Commission



**TOWN OF HUDSON**  
Hudson, Massachusetts 01749

### September 20, 2018 Fort Meadow Commission Meeting Minutes

7:09 PM - Meeting called to order in the Hudson Town Hall

In attendance:

- Marlborough Commissioner Thomson and Agents Gould and Blatchley
- Hudson Commissioner Kaczmarek and Agent Pelletier
- Residents from Hudson and Marlboro

Minutes:

- Minutes from August 23, 2018 meeting reviewed and approved by Commissioners Thomson, DelGenio and Kaczmarek as written
- Recreation Department
  - The commissioners agreed to invite the Marlborough Recreation Department Director to the first scheduled 2019 meeting of the Fort Meadow Commission to discuss Boat Launch and Beach Topics
- Incidents
  - Commissioners have spoken to the operator of a Yamaha boat on three occasions. Owner will be asked to appear at a future meeting.
- Weed Treatment/Algae
  - A winter long drawdown of Fort Meadow Reservoir will occur beginning on or about October 15
- Hixon Boat Launch
  - Ask IT department about installing cameras at the boat launch
  - Add "CLOSED" sign???
  - Commission agree to develop one sheet notices to be added to any Conservation Commission mailings to inform lake residents of rules, state laws etc.
  - Fisherman key letter was Approved as written
  - The commissioners voted to purchase dock hardware (1 Buoy, 2 Anchors)

7:52 PM - Meeting adjourned

2018 Remaining Meeting Schedule (all meetings at 7:00 PM on third Thursday of the month)

None

2019 OCT 16 A 10:17  
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CITY OF MARLBOROUGH



**CITY OF MARLBOROUGH**  
 Marlborough, Massachusetts 01752

# Fort Meadow Commission



**TOWN OF HUDSON**  
 Hudson, Massachusetts 01749

## May 16, 2019 Fort Meadow Commission Meeting Minutes

7:08 PM - Meeting called to order in the Hudson Town Hall

In attendance:

- Marlborough Commissioners Thomson and DelGenio and Agents Gould and Blatchley
- Hudson Commissioner Kaczmarek and Agent Pelletier
- Hudson Marlborough Residents

Minutes:

- Minutes from September 20, 2018 meeting reviewed and approved by Commissioners Thomson, DelGenio and Kaczmarek as written
- Recreation Department-Hudson
  - Steve Santos held an open discussion with the commission
- Incidents
  - Several people have been spoken to regarding not wearing life jackets while on the water in kayaks, canoes and john boats between September 15<sup>th</sup> and May 15<sup>th</sup>
- Weed Treatment/Algae
  - Survey for alae and weeds to be conducted on Tuesday, May 21st
- Hixon Boat Launch
  - Dock is in
  - Most of the buoys are in

8:21 PM - Meeting adjourned

2019 Remaining Meeting Schedule (all meetings at 7:00 PM on third Thursday of the month)

Marlborough  
 June 20  
 August 15

Hudson  
 July 18  
 September 19

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 2019 OCT 16 A 10:17



CITY OF MARLBOROUGH  
Marlborough, Massachusetts 01752

## Fort Meadow Commission



TOWN OF HUDSON  
Hudson, Massachusetts 01749

### June 20, 2019 Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order in the Marlborough Town Hall

In attendance:

- Marlborough Commissioner Thomson and Agents Gould and Blatchley
- Hudson Commissioner Kaczmarek
- Hudson and Marlborough Residents

Minutes:

- Minutes from May 16, 2019 meeting reviewed and approved by Commissioners Thomson, and Kaczmarek as written
- Recreation Department
  - No date has been set for training the life guards for the Hudson beach
- Incidents
  - None reported
- Weed Treatment/Algae
  - Treatment completed on June 12, 2019, the contractor will do an inspection later in the summer
  - A new weed control contract starting July 1, 2019 is being signed
- Water Testing
  - Commissioner Thomson will contact the Marlborough Health Department to discuss communication with the Fort Meadow Commission in the event that the city has determined that the water has tested unsafe
  - Agent Blatchley will contact the Marlborough Conservation to determine when the last chemical testing was performed on Fort Meadow
- Trees Down in the Water
  - Commissioner Thomson will contact the Marlborough Conservation Commission and the owner regarding the trees leaning in the water
- Hixon Boat Launch
  - Two buoys were ordered and dock legs have been received
- Fisherman Registration
  - Paperwork and keys were exchanged

2019 Remaining Meeting Schedule: All meetings are held at the town hall alternating between Hudson and Marlborough at 7:00PM on the third Thursday of the month. The specific dates are: Hudson on July 18<sup>th</sup>, Marlboro on August 15, and in Hudson on September 18.

7:25 PM - Meeting adjourned

2019 OCT 16 A 10:17

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**CITY OF MARLBOROUGH**  
Marlborough, Massachusetts 01752

# Fort Meadow Commission



**TOWN OF HUDSON**  
Hudson, Massachusetts 01749

## July 18, 2019 Fort Meadow Commission Meeting Minutes

7:22 PM - Meeting called to order in the Hudson Town Hall

In attendance:

- Marlborough Commissioners Thomson and Joe DelGenio, and Agents Gould and Blatchley
- Hudson Commissioner Kaczmarek, and Agent Pelletier
- Hudson and Marlborough Residents

Minutes:

- Minutes from June 20, 2019 meeting reviewed and approved by Commissioners Thomson, DelDeneo and Kaczmarek as written
- Recreation Department Marlborough
  - Commissioner Thomson spoke to Director Thebado. The director will remind the boat launch attendants of their duties. Commissioner Thomson will send the director a copy of the attendant training sheet
- Incidents
  - None reported
- Coves
  - Hudson Beach Cove
    - Commissioner Kaczmarek will email preliminary version of agreement
- Weed Treatment/Algae
- Water testing
  - Commissioner Thomson spoke to the Marlborough Health Department. There have not been any e-coli problems and recent algae sightings have dissipated without incident.
- Trees down in water
  - Trees have grown over the water. Commissioner Thomson visited the site and the owner stated that she had spoken with the Marlborough Conservation Officer and was told the trees were not a problem. The owner also stated that anyone that wanted to could cut the trees.
- Buoys and dock
  - The commission has acquired two new buoys and 4 anchors. Commissioners voted to purchase a new buoy.
- Fisherman Registration
  - Paperwork and keys were exchanged

7:43 PM - Meeting adjourned

2019 Remaining Meeting Schedule (all meetings at 7:00 PM on third Thursday of the month)  
Marlborough Hudson  
August 15 September 19

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2019 OCT 16 AM 11



**CITY OF MARLBOROUGH**  
Marlborough, Massachusetts 01752

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**Fort Meadow Commission**

2019 OCT 16 A 10:17



**TOWN OF HUDSON**  
Hudson, Massachusetts 01749

**August 15, 2019**  
**Fort Meadow Commission Meeting Minutes**

7:00 PM - Meeting called to order at the Marlboro City Hall

In attendance:

- Marlborough Commissioners Thomson and DelGenio, and Agents Gould and Blatchley
- Hudson Commissioner Kaczmarek, and Agent Pelletier
- Hudson and Marlborough Residents

Minutes:

- Minutes from July 18, 2019 meeting were reviewed and approved by Commissioners Thomson Kaczmarek and DelGenio as written
- Recreation Department
  - No discussion
- Incidents
  - The residents Steven and Susan Plourde of 221 Lakeshore Drive, Marlboro had an incident with their pontoon boat. It struck a neighbors dock and the boat tied to the dock
  - The commission decided and the residents agree to complete and pass a boat operation course before using their boat again; and to pass a coast guard safe boating class before using their boat next season
  - The commission will write a letter to the residents documenting the agreement
- Water Quality
  - Commissioner Thomson will ask the Marlborough Conservation Officer if the water has been tested for things other than E.coli or algae
- The Grove
  - Bill Dunbar spoke about the Grove and the need for a kayak dock and repair of the non-motorized boat launch
- Beach Life Guards
  - The life guards have been instructed to have people stop swimming off the Hudson cove adjacent to the beach which is not part of the swimming area
- Buoys
  - A buoy has disappeared from its location on Fort Meadow
  - The commission will consider the use of 5" diameter buoys for future purchases
- Weed Treatment/Algae
  - A post weed treatment survey was completed, and a Phragmites survey is planned
- Draw Down
  - Commissioner Thomson will notify the Conservation Commissions that the Fort Meadow Commission voted to recommend a winter draw down starting 11/1/2019
- Fisherman Registration

8:00 PM - Meeting adjourned

2019 Remaining Meeting Schedule (all meetings at 7:00 PM on third Thursday of the month)  
Hudson Town Hall September 19, 2019

CITY OF MARLBOROUGH  
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

September 25, 2019

Regular Meeting Minutes

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 OCT 15 P 4:04

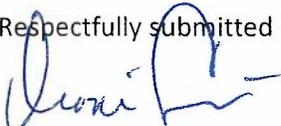
Call to order: 9:01 am

**Members Present:** Brian Doheny, Diane Smith, Al Weaver, Michael Ossing

**Members Absent:** Doug Dias

- Motion made and seconded to accept the minutes of the March 5, 2019 meeting. Approved 4-0.
- Representatives Charles Patterson and Kathleen Glowacki from Bartholomew & Company appeared before the board. The representatives reviewed the City's portfolio performance from inception to June 30, 2019. The fund totaled \$10,747,105 million with an annualized return of 3.49%.
- The portfolio's asset allocation was discussed. The board intends to keep the same conservative allocation until the portfolio has reached \$20 million or so. Bartholomew and Company mentioned considering a small percentage to Private Equity. The board will discuss this possibility at a future meeting.
- Bartholomew and Company reported that the portfolio's performance through August 2019 was positive. The balance in the fund was \$10,871,496 million with total contributions as of that date at \$9,687,745.
- Brian Doheny will be sending the portfolio's performance as of June 30, 2019 and August 31, 2019 to the Mayor and City Council in October.
- Brian Doheny informed the board that the FY20 appropriation to OPEB is \$250,000. Based on the City's financial policies, 10% of certified free cash will be transferred to the OPEB Trust in the very near future.
- Brian Doheny informed the board that an actuarial valuation for fiscal year ending June 30, 2019 is under way. A meeting will be held in the next few weeks to discuss the results.
- Motion made and seconded to adjourn at 9:59 am. Approved 4-0.

Respectfully submitted



Diane Smith

CITY OF MARLBOROUGH  
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

October 4, 2019

Regular Meeting Minutes

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 OCT 15 P 4:04

Call to order: 9:00 am

**Members Present:** Brian Doheny, Diane Smith, Al Weaver(part-time), Michael Ossing, Doug Dias

**Members Absent:**

- Motion made and seconded to accept the minutes of the September 25, 2019 meeting. Approved 5-0.
- The board discussed the letter that was prepared by Brian Doheny regarding the portfolio's performance as of June 30, 2019 and August 31, 2019. The letter will be submitted on the City Council's October 21, 2019 meeting agenda along with meeting minutes.
- Representatives Parker Elmore and Sarah Rothenberg from Odyssey Advisors appeared before the board. The representatives reviewed the actuarial valuation that was prepared for the City as of June 30, 2019. The Plan's total OPEB liability went from \$117,850,069 as of July 1, 2017 to \$129,391,274 as of June 30, 2019. This was mainly due to a large increase in the number of covered retirees/spouses as well as a modest increase in the number of active employees eligible for benefits. A letter summarizing the results will be sent to the Mayor and City Council on the October 21, 2019 agenda.
- The board discussed holding the next meeting sometime in February of 2020.
- Motion made and seconded to adjourn at 10:14 am. Approved 4-0.

Respectfully submitted



Diane Smith



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

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CITY OF MARLBOROUGH  
2019 OCT 10 P 3:04  
COMMISSIONERS  
Brenda Calder  
William Doherty  
Nancy Klein  
Robert Kays; Chairman  
Mark Vital

**DIRECTOR**  
Charles Thebado

**PROGRAM MANAGER**  
Zachary Lambert

**January 16, 2019**

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:30p.m. at the Recreation Commission Office.

**Present were Commission Members:** Chairman Kays, Commissioner Calder, Commissioner Klein, and Commissioner Vital.

**Also attending** Recreation Director Charles Thebado, Recreation Program Manager Zachary Lambert and General Foreman Chris White.

**Approval of minutes 11-14-18**

On a motion duly made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:

**VOTED:** To accept the 11-14-18 minutes.

**Parks Report.....**Chris White, General Foreman Parks, Forestry & Cemeteries:

- Checking the ice for skating on a regular basis.
- Fall was tough picked up leaves almost daily.
- Stevens upper field will be completed by early spring.
- MHS Red field will be available until the beginning of June for school softball and adult softball.
- Mr. White recommended improvements for the following fields:  
Martin Angelo , Leduc, Stevens Park, and Williams Playground.
- New Splash Park at Stevens Park.
- Kelleher Field was vandalized twice this year.
- There was a brief discussion regarding the standing water at Ghiloni/DiAntonio , Ghiloni/DiRico and Byrne field.

The Commission thanked Mr. White for his updated report.

**Recreation Report.....** Charles Thebado, Director &  
Zachary Lambert, Program Manager:

Mr. Thebado gave the following updates:

- Home for the Holidays went very well. Well attended.
- Winter Project Adventure – registration on line, payments in person or by mail.  
Working on credit card payments.
- MRPA conference .
- Open Space meeting is coming up soon.

- Meeting with DPW to discuss splash pad improvements at Ghiloni Park.
- Meeting with DPW to discuss the closing of MHS Red Field.
- NYC shopping trip was very successful.
- Working on summer staff.
- We need extra staff for the splash pad.
- Chris White and Chuck will be meeting with each youth group individually.
- Working with John Welch/Marlborough Youth Leagues Representative went very well. Communication was great.
- Kayaking program for the summer will be free.
- February will start working on Budget.

The Commission thanked Mr. Thebado for his updates.

Motion to adjourn by Commissioner Vital, Second by Commissioner Calder.

**All in favor. Motion carried.**

Meeting adjourned at 6:45p.m.

Attest to:

Simela Perdikomatis  
Senior Clerk/Commission Secretary



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

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Marlborough, Massachusetts 01752  
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CITY OF MARLBOROUGH  
2019 OCT 10 P 3:04  
COMMISSIONERS  
Brenda Calder  
William Doherty  
Nancy Klein  
Robert Kays: Chairman  
Mark Vital

**DIRECTOR**  
Charles Thebado

**PROGRAM MANAGER**  
Zachary Lambert

March 13, 2019

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:30p.m. at the Recreation Commission Office.

**Present were Commission Members:** Chairman Kays, Commissioner Calder, Commissioner Klein, Commissioner Vital and Commissioner Doherty.

**Also attending** Recreation Director Charles Thebado and Recreation Program Manager Zachary Lambert.

**Approval of minutes 01-16-19**

On a motion duly made by Commissioner Vital and seconded by Commissioner Klein, it was unanimously:

**VOTED:** To accept the 01-16-19 minutes.

Recreation Report..... **Charles Thebado, Director &  
Zachary Lambert, Program Manager:**

Mr. Thebado gave the following updates:

- Spring Adventure sold out.
- Summer Adventure program information going to schools next week . Sign-ups will start on Monday, March 25<sup>th</sup>.
- Summer Concert Series scheduled will be announced after city budget approved.
- Four movies in the park scheduled for this year. Friday, June 7<sup>th</sup>, Friday, July 19<sup>th</sup>, Friday, August 9<sup>th</sup>, and Friday, August 30<sup>th</sup>. The first and last will be held at Ward Park as a summer kick off and summer ending. We will have inflatables with free ice cream and popcorn. The other two dates locations to be announced in the near future with only free ice cream.  
Lions Club will provide volunteers and will be selling pizza at each event to raise money.  
This year we went with another company to provide a larger movie screen and better sound equipment. Busybee Jumbers will again provide inflatables.
- Zach and I, will be attending the MRPA State Conference again later this month for training.
- Purchased two tandem kayaks for our summer kayak program which will be free of charge to Marlborough residents in two hour increments. We will be purchasing an additional dock at boat ramp for our kayak program.
- We are on Instagram.
- Recreation Department has joined the city social media communication team.
- We had the first two meetings for the planning of Labor Day Parade.
- We are in the process to finalize a bus trip for the summer to Newport, RI, which will include a coach bus admission to a mansion, and shopping.
- Hoping to accept credit cards by the summer.

- Meetings held with all youth groups and Jeff Rudzinsky. Simela met with Nikki from AD office to help coordinate turf field requests each week.
- MHS Red field is going to be under construction – not available after school ends.
- Purchasing new buoys for Memorial Beach.

There was a brief discussion regarding Mr. Thebado's re-appointment. The Commission asked to include Mr. Thebado's re-appointment on our next Commission meeting, April 10<sup>th</sup>, 2019.

The Commission thanked Mr. Thebado for his updates.

Motion to adjourn by Commissioner Vital, Second by Commissioner Klein.

**All in favor. Motion carried.**

Meeting adjourned at 6:20p.m.

Attest to:

Simela Perdikomatis  
Senior Clerk/Commission Secretary



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

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Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

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2019 OCT 10 PM 3:04  
COMMISSIONERS  
Brenda Calder  
William Doherty  
Nancy Klein  
Robert Kays: Chairman  
Maia Vidal

**DIRECTOR**  
Charles Thebado

**PROGRAM MANAGER**  
Zachary Lambert

April 10, 2019

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:30p.m. at the Recreation Commission Office.

**Present were Commission Members:** Chairman Kays, Commissioner Calder, Commissioner Klein, and Commissioner Doherty.

**Also attending** Recreation Director Charles Thebado and Recreation Program Manager Zachary Lambert.

**Approval of minutes 03-13-19**

On a motion duly made by Commissioner Calder and seconded by Commissioner Klein, it was unanimously:

**VOTED:** To accept the 03-13-19 minutes.

**Re-appointment of Charles Thebado as Director of Recreation Department:**

Chairman Kays , Commissioner Calder, Commissioner Klein, and Commissioner Doherty, praised and thanked Mr. Thebado for his great leadership, a job well done and for taking the department in the right direction. They also thanked him for his service to the children and to all Marlborough residents.

On a motion duly made by Commissioner Klein and second by Commissioner Doherty, it was unanimously:

**VOTED:** To re-appoint Mr. Charles Thebado for a three year term as Recreation Director.

Mr. Thebado thanked the Commission for their kind words.

**Recreation Report..... Charles Thebado, Director &  
Zachary Lambert, Program Manager:**

Mr. Thebado gave the following updates:

- Summer Adventure almost sold out. 350 spots are sold and 5 spots available .
- Summer Concert Series scheduled and will be announced after city budget approved.
- Four movies in the park scheduled for this year. Friday, June 7<sup>th</sup>, Friday, July 19<sup>th</sup>, Friday, August 9<sup>th</sup>, and Friday, August 30<sup>th</sup>. The first and last will be held at Ward Park as a summer kick off and summer ending. We will have inflatables with free ice cream and popcorn. The other two dates locations to be announced in the near future with only free ice cream.  
Lions Club will provide volunteers and will be selling pizza at each event to raise money.  
This year we went with another company to provide a larger movie screen and better sound equipment. Busybee Jumbers will again provide inflatables.
- We are working to finalize the staff for the summer.

- Chuck presented the Department's promotional video to the Commission.
- We are on Instagram.
- Recreation Department has joined the city social media communication team.
- We had the first two meetings for the planning of Labor Day Parade.
- Bus trip for the summer to Newport, RI, is all set. The bus trip will include a coach bus admission to a mansion, and shopping.
- Hoping to accept credit cards by the summer.
- MRPA State Conference went very well.

Mr. Thebado stated that both Zach and Simela are doing a fantastic job. Our department is doing a great job working with other departments.

The Commission thanked Mr. Thebado for his updates.

Motion to adjourn by Commissioner Klein and Second by Commissioner Klein.

**All in favor. Motion carried.**

Meeting adjourned at 6:15p.m.

Attest to:

Simela Perdikomatis  
Senior Clerk/Commission Secretary



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

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CITY OF MARLBOROUGH  
2019 JUN 10 P 3:04  
COMMISSIONERS  
Brenda Calder  
William Doherty  
Nancy Klein  
Robert Kays, Chairman  
Mark Vital

**DIRECTOR**  
Charles Thebado

**PROGRAM MANAGER**  
Zachary Lambert

June 5, 2019

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:30p.m. at the Recreation Commission Office.

**Present were Commission Members:** Chairman Kays, Commissioner Calder, Commissioner Klein, Commissioner Vital and Commissioner Doherty.

**Also attending** Recreation Director Charles Thebado.

**Approval of minutes 04-10-19**

On a motion duly made by Commissioner Klein and seconded by Commissioner Doherty, it was unanimously:

**VOTED:** To accept the 04-10-19 minutes.

**Parks Report.....General Foreman Christopher White:**

Mr. Thebado advised the Commission that Mr. White is on vacation and will not be able to attend the meeting.

**Recreation Report..... Charles Thebado, Director:**

Mr. Thebado gave the following updates:

- Summer Adventure almost sold out. 350 spots are sold and 5 spots available .
- Summer Concert Series scheduled and will be announced after city budget approved.
- Four movies in the park scheduled for this year. Friday, June 7<sup>th</sup>, Friday, July 19<sup>th</sup>, Friday, August 9<sup>th</sup>, and Friday, August 30<sup>th</sup>. The first and last will be held at Ward Park as a summer kick off and summer ending. We will have inflatables with free ice cream and popcorn. The other two locations will be Ghiloni Park and Kelleher Field.  
Lions Club will provide volunteers and will be selling pizza at each event to raise money.  
This year we went with another company to provide a larger movie screen and better sound equipment. Busybee Jumbers will again provide inflatables.
- Pools have been drained and in the process of being power washed.
- Boat Launch has been open since Memorial Day Weekend. (Weekends only until Thursday, June 20<sup>th</sup>.)
- DPW finishing up splash pad improvements -we will hopefully open by Monday, June 17<sup>th</sup>.
- Beach guard chairs are being painted along with tables being sanded and polyed.
- Memorial Beach will open on Saturday, June 15<sup>th</sup>.
- Pools are scheduled to be opened on Saturday, June 22<sup>nd</sup>.
- I spoke with Police Chief Giorgi and the Recreation Staff will be taking part in De escalation training when dealing with the public and active shooter training.

- Meeting with Priscilla Ryder regarding open space.
- There was a brief discussion regarding a plaque for Patriot Ambulance as a token of appreciation.

The Commission thanked Mr. Thebado for his updates.

Chairman Kays, the Commission Members and Mr. Thebado wished Commissioner Klein a happy retirement and thanked her for her dedication and service to the City Of Marlborough and to the Parks and Recreation Commission

Motion to adjourn by Commissioner Calder and Second by Commissioner Klein.

**All in favor. Motion carried.**

Meeting adjourned at 6:10p.m.

Attest to:

Simela Perdikomatis  
Senior Clerk/Commission Secretary



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

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CITY OF MARLBOROUGH  
2019 OCT -7 P 3:45

Minutes  
September 17, 2019

**Location: 655 Farm Rd. - Zoning Board Case #: 1459-2019**

Applicant/Appellant: Trombetta Family LP of 655 Farm Rd., Marlborough, MA 01752

Date of Appeal: August 7, 2019.

Location of Subject Property: Shown on Assessor's Map 85, Parcel 12.

Relief Requested: Pursuant to G.L. c 40A, §8 and §15 appealing the zoning violation letter dated July 8, 2019 issued by Ethan Lippitt-Code Enforcement Officer for violations under Section 650-17 Table of Use, Contractor Yard not a permitted use; Section 650-48D & 3 - Vehicles are parked on pervious surfaces; and Section 526-3 - Temporary signs or other obstructions exist over public ways. The Appellant contends that the enforcement letter dated July 8, 2019 was improperly issued. The subject property is located in Zoning District Limited Industrial (the front portion of the lot) and Business (the back portion of the lot).

Decision: Denied.

Date of Decision: September 17, 2019

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

Also, present: Jeffrey Cooke, Building Commissioner, Ethan Lippitt, Code Enforcement Officer, Mayor Arthur G. Vigeant, Jason Grossfield, City Solicitor, Jay Piques, Assistant City Solicitor, Councilor Delano and Councilor Ossing.

Documents Submitted in this Appeal:

1. Packet submitted by Atty. Mark A. Kablack, applicant's attorney. Dated Aug. 7, 2019
2. Submitted by the Building Commissioner - Aerial GIS photos of the property in question. Aerial GIS photos with dates from 1960 thru 2017.

Atty. Mark A. Kablack, of M.A. Kablack & Associates, 176 East Main St., Suite 3, Westborough, MA 01581- Applicant's attorney. Atty. Kablack made his presentation according to the Addendum to Appeal which is attached to the application filing packet. He felt the enforcement letter, dated July 8, 2019 is deficient and meaningless. He contended the Burden of Proof is upon the Code Enforcement Officer to clearly reference the violations, this was not done.

The enforcement letter, dated July 8, 2019, is erroneous in that the sign violation is within the city's sign ordinance Chapter 526-3 and under the prevue of the Planning Board, not the Zoning Board of Appeals. Also, the amount of time to appeal an enforcement is 30 days, not 14 days.

Within the City's General Code, there is no definition for "Contractor Yard". At the time of this appeal, there is still no definition in the City's General Code. Atty. Kablack gave a brief historic presentation of the 655 Farm Rd. from 1918 to the present, according to his Addendum to Appeal. He explained the site is either legal, or may be a pre-existing non-conforming use, which has been in existence since 1918. His client, Mr. Trombetta felt just operating a greenhouse was not profitable, so he expanded his business to selling ice cream and miniature golf in which he received permits from the city. He stated the "use" of the lot is as follows: being zoned Limited Industrial/Business the property is utilized as a commercial green house, with annual uses as stockpiling of soil, pallets, which are the uses that goes back in history, and additional use on the property is renting/leasing space to tenants to store bulk equipment/materials.

He stated that the history of the lot was: In 1956, the lot was zoned Industrial. In 1969, the lot was zoned Limited Industrial. In 1989, the front portion remained Limited Industrial and the rear portion is zoned Business; Mr. Trombetta desired to construct condo units in the back portion of the lot, but that never happened.

The GIS photos presented by the Building Commissioner show increase of storage trailers, no evidence of illegal use. Atty. Kablack stated he was told that a revised enforcement letter would be forthcoming, but it was never received.

Mr. Trombetta gave a brief history of his property stating some of the existing buildings have changed in use, i.e. antique shop was a propagation room and potted plants. He grew vegetables that he had shipped out to stores. The green house frame work remains standing and being used. He has a huge area in the back that he uses for tenants to store their bulk items. There are storage containers on his property. Parking is on compacted asphalt, approved by the building department and engineering which is recycled impervious surface.

Board Member, Ralph Loftin asked if tenants would be permitted to use the property according to the original zoning, or should they be required to observe current zoning requirements. Atty. Kablack pointed out that zoning runs with the land, regardless of ownership, thus tenants would not be required to observe current zoning requirements.

The Board felt renting/leasing space is not incidental to the primary use of the property which is a green house.

Board Member, Ralph Loftin thought a list of current renters of space on the property in question would be helpful in deciding by the Board. Board did not request such a list.

The Board considered a site visit of the property. But after some discussion, they voted against the site visit stating that through the GIS photos from the Building Commissioner and testimony

by Mr. Trombetta and his attorney that there was enough information that the property has changed and expanded in use over the years. Nor was evidence presented by the Appellant to show exactly when the use as a contractor's yard began. The Appellant conceded that tenant use of the land is not incidental to his primary business.

Councilor Delano explained that the city council was willing several times to re-zone the area, and help Mr. Trombetta ease into their expanded use. Mr. Trombetta effectively blocked the City Council's approach to re-zoning.

Councilor Ossing stated this all could be avoided if people just pull the proper permits.

A gentleman stated he rented space from Mr. Trombetta in the past. Mr. Trombetta benefitted small businesses by providing space for them to store their equipment, materials and supplies.

A woman living on Farm Rd. wanted to know the why there is an appeal before the Board and why there is a hearing this evening.

Jeffrey Cooke – Building Commissioner - Mr. Cooke gave a presentation and handed out a packet of GIS maps of the property in question randomly dating from 1960 thru 2017. He stated photos show the history of the site show an increase of trailers and equipment.

He explained: Under the City's zoning ordinance, all uses not noted in 650-17 entitled "Table of Uses" shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit. The Table of Uses does not authorize use of land for a "Contractor's Yard".

Accessory Use is defined and regulated in the ordinance. The phrases "Outdoor Storage" and "Open Storage" are defined in the ordinance, but are not listed as uses on the table of uses. Contractor's Yard has no definition in 650-5 and not identified in Table of Uses; Mr. Cooke gave definitions of Contractor Yards from surrounding towns local laws like Milford, Grafton and Ashland. Basic definition is a use by a building contractor or subcontractor for storage of equipment and supplies, materials, and parking of wheeled equipment.

In the current case, the rental of space to other contractors is not associated with the primary use of the property; not accessory or incidental to the main business/greenhouse.

City Solicitor, Jason Grossfield stated there is a jurisdictional question as to whether the applicant properly filed its appeal because the applicant did not directly file it with the City Clerk's Office as required by state law. He also opened that there is a burden of proof upon the appellant as well to prove its defense to the zoning violation, specifically, where it is alleged the current use is permitted as a legal pre-existing non-conforming use. He stated that the applicant acknowledged during the hearing that the use of the land for storage of equipment, vehicles/trailers by others has grown over time, and even if the applicant could show a legal pre-existing non-conforming use exists, then a special permit is required to expand such a use.

Atty. Kablack stated he felt the Board was not understanding the testimony which was given by himself and his client about the history of the property. He also felt it was not worth continuing

the public hearing and doing a site visit. After talking with his client, he requested the Board to close the public hearing and take a vote.

A motion was made by Paul Giunta to close the public hearing. Ralph Lofton seconded the motion. The Board voted 5-0 to close the public hearing.

### **Findings and Determination**

#### **The Board makes the following findings:**

1. In reviewing the enforcement letter, the violations of a contractor yard and vehicles parked on pervious surfaces are under the purview of the Zoning Board of Appeals. The violation for temporary signs or other obstructions (Chapter 526-3) is not a zoning ordinance, and therefore an appeal to the ZBA is not proper.
2. The GIS maps provided by the Building Commissioner show that activity on the property has vastly expanded and changed over the years in relation to the subject area constituting a contractor's yard. Applicant's testimony acknowledged the expansion.
3. The property is being used in part as a "contractor's yard" for renting/leasing space by third-parties (such as tenants) to store their equipment and/materials, and that such use is not incidental or accessory to the core business of the greenhouse operation which is the primary use of the property. This includes the use of pervious parking services on the property. Both aspects violate the Zoning Ordinance.
4. The Applicant failed to establish when the relevant use came into existence, or that said use was legal or qualified as a legal pre-existing non-conforming use. Even if the Applicant were able to show a legal pre-existing non-conforming use, the contractor yard use has expanded significantly over the years without the required zoning relief.

On the basis of its findings and conclusions, the Board denies the requested relief. A motion was made by Robert Levine to deny the appeal and affirm the enforcement letter dated July 8, 2019. Ralph Loftin seconded the motion. With a vote of 4-1, Paul Giunta, Ralph Loftin, Thomas Pope, and Robert Levine voting in the affirmative and Thomas Golden voting in opposition.

AYES: Paul Giunta, Ralph Loftin, Thomas Pope, and Robert Levine

NAYS: Thomas Golden

#### **Location: 721 & 729 Farm Rd. - Zoning Board Case #: 1458-2019**

Applicant/Appellant: Gina A. DiMatteo 721 & 729 Farm Rd. Marlborough, MA 01752

Date of Appeal: August 7, 2019.

Location of Subject Property: Shown on Assessor's Map 73, Parcel 49, 50.

Relief Requested: Pursuant to G.L. c 40A, §8 and §15 appealing the zoning violation letter dated July 8, 2019 issued by Ethan Lippitt-Code Enforcement Officer for violations under for violations under (1) Section 650-17 Table of Use, Contractor Yard is not permitted, (2) Section 650-48D(1) - Vehicles are parked on pervious surfaces and (3) Section 270-19 - Fence installed without a permit; and Fence Code §270-31 Maintenance of fence. The Appellant contends that the use is an existing nonconforming protected use. Subject property is located in Zoning District Limited Industrial.

Decision: Denied.

Date of Decision: September 17, 2019

Members Present at Public Hearing: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, and Robert Levine. Members Absent: Thomas Golden (recused).

Also, present: Jeffrey Cooke, Building Commissioner, Ethan Lippitt, Code Enforcement Officer, Mayor Arthur G. Vigeant, Jason Grossfield, City Solicitor, Jay Piques, Assistant City Solicitor, Councilor Delano and Councilor Ossing.

Notice of the hearing was given by Certificate of Mailing to all persons to be affected, as shown on the most recent tax list and by publication in the Marlborough Weekly Enterprise, a newspaper of general circulation in Marlborough, MA, on August 29, 2019 and Sept. 5, 2019.

Documents Submitted in this Appeal:

1. Packet submitted by Appellant's attorney containing the Zoning Board of Appeals Application, filing fee, enforcement letter dated July 8, 2019 from the City's Code Enforcement Officer, Certificate of mailing list and a plan entitled Existing Conditions Plan of 721 & 729 Farm Rd. dated August 5, 2019 Sheet 1 of 1.
2. Submitted by the Building Commissioner - Aerial GIS photos of the property in question. Aerial GIS photos with dates from 1960 thru 2017.

Atty. Donald J. O'Neil, Councilor at Law, 688 Pleasant St. Worcester, MA 01602 represented the Appellant. He stated that his client withdraws the appeal on the fence issue, and that the parking surface violation issue has been resolved.

Atty. O'Neil gave a brief history of the lots in question as follows:

- |      |   |
|------|---|
| 1956 | Zoning Ordinance came into effect in the city.  |
| 1964 | The appellant's father purchased the land to operate a greenhouse. Lots were zoned Industrial |
| 1969 | The lots were re-zoned Limited Industrial   |

Uses currently on the lots: The sale of vehicles is conducted on the lot – the building dept. seems to have no issues with this type of use, so it must be grandfathered. Tenants are conducting a light manufacturing business on the premises. Tenants are conducting a HVAC

operation. Building spaces are used by tenants with equipment on the properties. Atty. O'Neil states that these uses are permitted because they are pre-existing con-conforming.

Atty. O'Neil further stated that the rear of the two properties are used as outdoor storage. His client has a partial list of approximately 55 tenants dated back since 1976. Currently they have 18 tenants located on the lots. Copies of leases are available. Atty. O'Neil agrees that overtime, there are more vehicles on the properties. His clients have operated their business for over 40 yrs.

There have been no objections over time from the City's Building Department. These are "grandfathered uses" which the city has allowed for 40 plus years and this should serve as evidence as being "grandfathered".

Richard DiMatteo, 46 Belleview Ave. Marlborough, MA 01752. He is the brother of Gina DiMatteo. He stated these properties were originally zoned Industrial. His father purchased the properties from Mr. Leonard who ran a greenhouse business. Mr. DiMatteo also stated that on these properties there are trailers for storage, parking other people's trailers on the lots, and many other uses on the lots. Stalls were created stalls on the lots so it would be more organized to rent out spaces. Neighbors have complained about the fence, but that violation has been corrected.

Atty. O'Neil stated he has reviewed the building department's files, showing the conversion of the greenhouses to permanent buildings. His clients did receive permits from the building department. The file also shows complaints from neighbors concerning the mess of the outdoor storage areas at the rear and the fence needing repair. These violations have been corrected. There have been no complaints from the Building Dept. or any attempt to try to shut down their business operation.

Jeffrey Cooke – Building Commissioner - Mr. Cooke indicated his office did not receive a copy of the appeal filed in this case until Monday. Mr. Cooke explained that vehicle sales are not allowed as a use in Limited Industrial Zone. The City's Licensing Board did grant the sale of 3 vehicles, then 3 vehicles increased to 11 vehicles. Mr. Cooke stated this expanded use from 3-11 needs a Special Permit thru City Council.

Mr. Cooke gave a presentation and handed out a packet of GIS maps of the property in question randomly dating from 1960 thru 2017. He stated photos show the history of the site show an increase of trailers and equipment. The photos show little activity in the 1960, and limited activity in the 1990s. He noted lot coverage had grown to almost 90%, and has scaled back slightly in part.

He explained: Under the City's zoning ordinance, all uses not noted in 650-17 entitled "Table of Uses" shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit. The Table of Uses does not authorize use of land for a "Contractor's Yard".

Accessory Use is defined and regulated in the ordinance. The phrases “Outdoor Storage” and “Open Storage” are defined in the ordinance, but are not listed as uses on the table of uses. Contractor’s Yard has no definition in 650-5 and not identified in Table of Uses; Mr. Cooke gave definitions of Contractor Yards from surrounding towns local laws like Milford, Grafton and Ashland. Basic definition is this is a use by a building contractor or subcontractor for storage of equipment and supplies, materials, and parking of wheeled equipment.

In the current case, the rental of space to other contractors is not associated with the primary use of the property; not accessory or incidental to the main business

Gina DiMatteo – Appellant, stated there has been a communication problem between her and the City. This problem started with the re-development of the former Marlborough Airport and by her opposing the proposed housing development for the airport site. In a Limited Industrial Zone, you expect to have businesses. The City should support small business

A motion was made by Ralph Loftin, seconded by Robert Levine, to close the public hearing. A vote of 4-0, the public hearing was closed.

### **Findings and Determination**

#### **The Board makes the following findings:**

1. In reviewing the enforcement letter, the violations of a contractor yard and vehicles parked on pervious surfaces are under the purview of the Zoning Board of Appeals. Parties acknowledge the violation on parking surface has been addressed. The appeal of a violation for the fence ordinance was withdrawn.
2. The GIS maps provided by the Building Commissioner show that activity on the property has vastly expanded and changed over the years in relation to the subject area constituting a contractor’s yard.
3. The property is being used in part as a “contractor’s yard” for renting/leasing space by third-parties (such as tenants) to store their equipment and/materials, and that such use is not incidental or accessory to the core business of the greenhouse operation which is the primary use of the property. This includes the use of pervious parking services on the property. Both aspects violate the Zoning Ordinance.
4. The Applicant failed to establish when the relevant use came into existence, or that said use qualified as a legal pre-existing non-conforming use. Even if the Applicant were able to show a legal pre-existing non-conforming use, the contractor yard use has expanded significantly over the years without the required zoning relief.

On the basis of its findings and conclusions, the Board denies the requested relief. A motion was made by Ralph Loftin to deny the appeal and affirm the enforcement letter dated July 8, 2019. Robert Levine seconded the motion. With a vote of 4-0, Paul Giunta, Ralph Loftin, Thomas Pope, and Robert Levine voting in the affirmative.

AYES: Paul Giunta, Ralph Loftin, Thomas Pope, and Robert Levine

NAYS: None.

(RECUSED: Thomas Golden)

Respectfully submitted,

  
Paul Giunta - Chairman