

REGULAR MEETING
OCTOBER 28, 2019
TIME: 8:00 PM

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

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT 24 P 1:00

1. Minutes, City Council meeting, October 21, 2019.
2. PUBLIC HEARING On the Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738C.
3. PUBLIC HEARING On the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, Order No. 19-1007716A.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$124,805.00 from the Executive Office of Public Safety and Security for the Police Department which will be used to offset overtime costs in the Public Safety Dispatching Center.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$35,964.84 from the Executive Office of Public Safety and Security for the Police Department as reimbursement for mandated training for Dispatch personnel.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$29,877.63 from the Executive Office of Public Safety and Security for the Police Department which will be used to purchase a new CAD system/EMD software to conduct dispatch quality assurance reviews.
7. Communication from the Mayor, re: Update on Library Renovation Project.
8. Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, in proper legal form, Order No. 19-1007756C.
9. Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street, in proper legal form, Order No. 19-1007779A.
10. Communication from Assistant City Solicitor, Jay Piques, re: Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, in proper legal form, Order No. 19-1007757B.
11. Application for Pool Table License, Adam Krasinski of Tackle Box Brewing Company LLC, 416 Boston Post Road East.
12. Application for Renewal of Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court.

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.

13. Communication from Barlo Signs, re: Updated Request for Signs, Approach Student Center, 58 Apex Drive, within the HRMUOD, Order No. 16/19-1006443.
14. Minutes, Conservation Commission, July 25, 2019.
15. Minutes, Planning Board, October 7, 2019.
16. Minutes, Zoning Board of Appeals, October 1, 2019.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Legislative & Legal Affairs Committee

17. **Order No. 19-1007807: Communication from City Solicitor Grossfield regarding Acceptance of Open Space Parcel: Goodale Estates Subdivision/Open Space Development Special Permit.**

The Solicitor's September 25, 2019 letter was read into the record. Mr. DiPersio explained that the Planning Board included a condition in the Special Permit for this subdivision that the developer would convey no less than 5.02 acres of land as Open Space and would pay to the city \$5,000 for a Conservation Maintenance Fund to support its maintenance.

Councilor Delano moved to approve the Order accepting 5.06 acres of land, more or less, shown as Open Space on plans for Goodale Estates. The Order places the property under the jurisdiction of Marlborough Conservation Commission to manage and control for purpose of promotion and development of natural resources watershed protection, passive recreation, and conservation and accepts payment of \$5,000 to be placed in a Conservation Maintenance Fund. The motion was seconded and approved 3-0.

From Personnel Committee

18. **Order No. 19-1007778: Communication from the Mayor, regarding Appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation.**

The Personnel Committee met with John Welch regarding his appointment to the Parks & Recreation Commission. Mr. Welch has lived in Marlborough for the past fourteen years and has two children in Marlborough Public Schools who both play sports. Therefore, he is involved with four different youth sports by coaching and serving on the board of one of the sports as their field coordinator for baseball, football, soccer, and lacrosse.

Motion made by Councilor Landers, seconded by the Chair, to approve the appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation. The motion carried 3-0.

19. **Order No. 19-1007790: Communication from the Mayor, regarding Reappointment of Pamela Wilderman to the Historical Commission for a three-year term from date of confirmation; and**

The Personnel Committee met with Pamela Wilderman and Nicholas Evans regarding their appointments to the Historical Commission. Ms. Wilderman has worked for the City since 1997 and has in interest in the people and places of Marlborough. She further explained any place historically is the history of the people who have lived there and that can only be maintained if there is a belief that it is important. Captain Evans is a Captain in the U.S. Air Force and recently moved to Marlborough and is excited to get involved with his new community. He is attached to Hanscom AFB and administers the Air Force ROTC program at WPI. He purchased a home in Marlborough that dates back to 1890.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Pamela Wilderman to the Historical Commission for a three-year term from the date of confirmation. The motion carried 3-0.

20. **Order No. 19-1007803: Communication from the Mayor, regarding 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.**

The Personnel Committee met with Brenda Costa and Patricia Pope, Councilor on Aging Director, regarding the reappointments of various board members. Ms. Pope explained the absence of the other members as their reluctance to drive at night. The Personnel Committee agreed to discuss their reappointments without their presence as a courtesy due to their commitment to the Council on Aging. Ms. Costa has served on the board for many years and stated it is an exciting time especially since the building of the new senior center with the opportunities and programs available to them. Ms. Pope discussed the construction of the greenhouse and the Hometown Hero banners on Main Street.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve 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. The motion carried 3-0.

21. **Order No. 19-1007804: Communication from the Mayor, regarding Appointment of Nicholas Evans to the Historical Commission for a three-year term from date of confirmation.**

The Personnel Committee met with Pamela Wilderman and Nicholas Evans regarding their appointments to the Historical Commission. Ms. Wilderman has worked for the City since 1997 and has in interest in the people and places of Marlborough. She further explained any place historically is the history of the people who have lived there and that can only be maintained if there is a belief that it is important. Captain Evans is a Captain in the U.S. Air Force and recently moved to Marlborough and is excited to get involved with his new community. He is attached to Hanscom AFB and administers the Air Force ROTC program at WPI. He purchased a home in Marlborough that dates back to 1890.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the appointment of Nicholas Evans to the Historical Commission for a three-year term from the date of confirmation. The motion carried 3-0.

22. **Order No. 19-1007805: Communication from the Mayor, regarding 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.**

The Personnel Committee met with Wayne Stanley to discuss his appointment to the Commission on Disabilities. Mr. Stanley has lived in Marlborough since 1965, excluding his twenty-two years of service in the Air Force, and returned to Marlborough upon his retirement. He has been an active member of the community but has been looking for additional ways to give back to Marlborough. His firsthand experience living with disabilities makes him familiar with some of the challenges that disabled persons encounter on a daily basis.

Motion made by Councilor Landers, seconded by the Chair, to approve the appointment of Wayne E. Stanley, Sr. The Commission on Disabilities for a two-year term from the date of confirmation. The motion carried 3-0.

From Urban Affairs Committee

23. **Order No.19-1007673: Proposed zoning petition from Councilor Delano, as requested by Commissioner Cooke and Solicitor Grossfield amending Chapter 650-12. Nonconforming uses.**

The Urban Affairs Committee met with Building Commissioner Cooke to discuss the proposed zoning petition which would put the City's zoning ordinance in conformity with Massachusetts General Law. Massachusetts General Law (M.G.L.) 40A discusses structures and uses, and Marlborough's code just talks about uses and this amendment would add structures. The Building Commissioner requested this update, so the City's zoning mirrors the State requirements.

Motion made by Councilor Doucette, seconded by Chair, to approve. The motion carried 5-0.

24. **Order No.19-1007757: Application for Special Permit from Nicholas Masso on behalf of Indo Laboratories to operate a Marijuana Testing Laboratory at 257 Simarano Drive.**

The Urban Affairs Committee met with Nicholas Masso, Chief Executive Officer (CEO), and Nicholas Bilotti, Chief Operating Officer (COO), of Indo Laboratories. They discussed the conditions for the Special Permit and requested the following:

- To Condition Eighteen which states the applicant's facility has been inspected by the Fire Chief and meets all safety and building codes shall include language referencing letter to that effect.
- Add an additional condition for a written security plan approved in writing by the Police Chief or his designee.
- For Condition Thirteen, it was requested they clarify when the samples are destroyed and if any product is not used for testing, it will be immediately destroyed.
- Add a statement that they will comply with all rules and regulations of the Board of Health.
- A last condition should be added that the applicant must record this decision.

The applicant shall modify the decision as requested by the committee and return to City Council and Solicitor to be placed in proper legal form.

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



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2019 OCT 23 P 2:01

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

OCTOBER 21, 2019

Regular meeting of the City Council held on Monday, October 21, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:14 PM.

ORDERED: That the Minutes of the City Council meeting, OCTOBER 7, 2019, **FILE**; adopted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED; adopted.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: That the 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, all were heard who wish to be heard, hearing closed at 8:08 PM; adopted.

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

ORDERED: That the 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, all were heard who wish to be heard, hearing closed at 8:37 PM; adopted.

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

ORDERED: That the 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, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:		DPW		FISCAL YEAR:		2020			
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$13,319,020.00</u>	<u>\$150,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$150,000.00</u>	<u>19300006</u>	<u>58514</u>	<u>Capital Outlay-DPW Projects</u>	<u>\$0.00</u>
Reason:		<u>Mitigation funds from BSL per special permit conditions</u>							
	<u>\$150,000.00</u>	Total			<u>\$150,000.00</u>	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$300.00 from Eye Physicians of Marlborough & Worcester for the Police Department to fund community outreach initiatives; adopted.

- ORDERED: That the Communication from the Mayor, re: OPEB (Other Post-Employment Benefits) Trust Update, **FILE**; adopted.
- ORDERED: That the Resignation of Richard Collins from the Council on Aging Board, **FILE**; adopted.
- ORDERED: That the 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, **MOVED TO ITEM 26**; adopted.
- ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Municipal Election Call, **FILE**; adopted.
- ORDERED: That the 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, refer to **URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 18, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Fuel Storage License by 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, refer to **PUBLIC SERVICES COMMITTEE & ADVERTISE**; 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 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, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.
- Councilor Robey recused.**
- ORDERED: That the 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, **FILE**; adopted.
- ORDERED: That the Communication from NSTAR Gas Company, d/b/a Eversource Energy, re: Petition for approval of its 2016-2018 Energy Efficiency Three-Year Term Report, **FILE**; adopted.
- ORDERED: That the Minutes, Council on Aging, September 10, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Fort Meadow Commission, September 20, 2018, May 16, 2019, June 20, 2019, July 18, 2019 & August 15, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, OPEB Trustees, September 25, 2019 & October 4, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Recreation Commission, January 16, 2019, March 13, 2019, April 10, 2019 & June 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, September 17, 2019, **FILE**; adopted.

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

- 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:

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

City Council Legislative and Legal Affairs Committee
Wednesday, October 16, 2019 7:40PM– In Council Chambers
Minutes and Report

Members Present: Chairman Robey, Councilor Landers and Delano
Other Councilors attending: Councilors Clancy, Irish and Doucette
Others attending: City Engineer DiPersio and Asst. Solicitor Jay Piques

Order No. 19-1007792: Communication from City Solicitor Grossfield regarding Proposed Acceptance of Utility Easement, 34 St. Martin Drive.

The Solicitor's September 18 letter was read into the record. Mr. DiPersio explained we need the 22' wide utility easement to finish work on D'Angelo Drive and an agreement has finally been made.

Councilor Delano moved to approve the Order for a Grant of Utility Easement with Marlborough Technology Partners LLC for land located at 34 St. Martin Drive; the motion was seconded and carried 3-0. There will be a request to Suspend the rules for action at the Monday, October 21st regular meeting.

Order No. 19-1007807: Communication from City Solicitor Grossfield regarding Acceptance of Open Space Parcel: Goodale Estates Subdivision/Open Space Development Special Permit.

The Solicitor's September 25, 2019 letter was read into the record. Mr. DiPersio explained that the Planning Board included a condition in the Special Permit for this subdivision that the developer would convey no less than 5.02 acres of land as Open Space and would pay to the city \$5,000 for a Conservation Maintenance Fund to support its maintenance.

Councilor Delano moved to approve the Order accepting 5.06 acres of land, more or less, shown as Open Space on plans for Goodale Estates. The Order places the property under the jurisdiction of Marlborough Conservation Commission to manage and control for purpose of promotion and development of natural resources watershed protection, passive recreation, and conservation and accepts payment of \$5,000 to be placed in a Conservation Maintenance Fund. The motion was seconded and approved 3-0.

Reports of Committee Continued:

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 7:50PM.

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

Meeting Name: City Council Public Services Committee

Date: October 16, 2019

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

Convened: 7:55 PM – Adjourned: 8:14 PM

Present: Chairman Landers; Public Services Committee Members Councilors Doucette and Irish; and Councilors Clancy and Robey

Order No. 19-1007758: Application for Fuel Storage License, Ambri, Inc., 53 Brigham Street.

The Public Services Committee met with Bob Cummings, consultant for Ambri Inc., Angela Goides and Shira Faigel of Ambri Inc., on their application for a fuel storage license. Ambri is a company that is in the process of manufacturing batteries for use on the power grid. This particular fuel is used in the manufacturing of batteries which are used for energy storage. There has been significant interest in this new technology from leading companies, and Ambri is ready to leave the research and development phase to enter the manufacturing phase which requires an increase in their calcium storage.

Applicants have met with Assistant Chief Flynn and Building Commissioner Cooke regarding the request. Mr. Cummings explained the fuel storage process and the safety procedures in place at the facility.

Chairman Landers read a communication from Assistant Chief Flynn which read: “This license change is for the storage of a Flammable Solid which is in the same code as Flammable Liquids (Fuel) storage. I have reviewed this with the company and the engineering/consulting firm that does this work for them. I have no objections to the increase.”

Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. Motion carried 3-0.

Motion made by Councilor Irish, seconded by Councilor Doucette, to request a Suspension of the Rules at the October 21, 2019 City Council meeting to vote on the application for a fuel storage license. Motion carried 3-0.

Motion made by Councilor Doucette, seconded by the Chair, to adjourn. The motion carried 3-0. Meeting adjourned at 8:14 PM.

Reports of Committee Continued:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: October 16, 2019

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

Convened: 5:30 PM – Adjourned: 5:56 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Landers; Councilors Clancy, Delano, Doucette, Juairé, Ossing, and Robey (arrived 5:34 PM)

Order No. 19-1007803: Communication from the Mayor, regarding 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.

The Personnel Committee met with Brenda Costa and Patricia Pope, Councilor on Aging Director, regarding the reappointments of various board members. Ms. Pope explained the absence of the other members as their reluctance to drive at night. The Personnel Committee agreed to discuss their reappointments without their presence as a courtesy due to their commitment to the Council on Aging. Ms. Costa has served on the board for many years and stated it is an exciting time especially since the building of the new senior center with the opportunities and programs available to them. Ms. Pope discussed the construction of the greenhouse and the Hometown Hero banners on Main Street.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve 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. The motion carried 3-0.

Order No. 19-1007790: Communication from the Mayor, regarding Reappointment of Pamela Wilderman to the Historical Commission for a three-year term from date of confirmation; and

Order No. 19-1007804: Communication from the Mayor, regarding Appointment of Nicholas Evans to the Historical Commission for a three-year term from date of confirmation.

The Personnel Committee met with Pamela Wilderman and Nicholas Evans regarding their appointments to the Historical Commission. Ms. Wilderman has worked for the City since 1997 and has an interest in the people and places of Marlborough. She further explained any place historically is the history of the people who have lived there and that can only be maintained if there is a belief that it is important. Captain Evans is a Captain in the U.S. Air Force and recently moved to Marlborough and is excited to get involved with his new community. He is attached to Hanscom AFB and administers the Air Force ROTC program at WPI. He purchased a home in Marlborough that dates back to 1890.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Pamela Wilderman to the Historical Commission for a three-year term from the date of confirmation. The motion carried 3-0.

Reports of Committee Continued:

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the appointment of Nicholas Evans to the Historical Commission for a three-year term from the date of confirmation. The motion carried 3-0.

Order No. 19-1007805: Communication from the Mayor, regarding 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.

The Personnel Committee met with Wayne Stanley to discuss his appointment to the Commission on Disabilities. Mr. Stanley has lived in Marlborough since 1965, excluding his twenty-two years of service in the Air Force, and returned to Marlborough upon his retirement. He has been an active member of the community but has been looking for additional ways to give back to Marlborough. His firsthand experience living with disabilities makes him familiar with some of the challenges that disabled persons encounter on a daily basis.

Motion made by Councilor Landers, seconded by the Chair, to approve the appointment of Wayne E. Stanley, Sr. The Commission on Disabilities for a two-year term from the date of confirmation. The motion carried 3-0.

Order No. 19-1007778: Communication from the Mayor, regarding Appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation.

The Personnel Committee met with John Welch regarding his appointment to the Parks & Recreation Commission. Mr. Welch has lived in Marlborough for the past fourteen years and has two children in Marlborough Public Schools who both play sports. Therefore, he is involved with four different youth sports by coaching and serving on the board of one of the sports as their field coordinator for baseball, football, soccer, and lacrosse.

Motion made by Councilor Landers, seconded by the Chair, to approve the appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation. The motion carried 3-0.

Motion made by Councilor Irish, seconded by Councilor Landers, to adjourn. The motion carried 3-0. The meeting adjourned at 5:56 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: October 09, 2019

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

Convened: 5:30 PM – Adjourned: 6:07 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juare, Landers, Doucette (arrived 5:35 PM), and Tunnera; Councilors Irish and Ossing; Jeffrey Cooke (Building Commissioner, City of Marlborough)

Reports of Committee Continued:

Order No.19-1007791: Communication from City Solicitor Grossfield on behalf of Councilor Delano regarding Proposed amendment to Chapter 526, Signs re Electronic Signage for multiproduct LED PRICE PUMP TOPPER and video graphics array (VGA) color screen signs at gasoline stations.

Chairman Delano explained that all gas stations are moving towards video screens on their pumps, but they are not currently allowed per the City Code. His proposal will amend the sign ordinance to allow pump toppers, with certain limitations. The proposed ordinance will allow by right small LED electronic pump toppers that will display gas prices, all one color or one color for regular fuel and a different color for diesel fuel per industry standards. A small Video Graphics Array (VGA) color screen sign shall be allowed on each pump, no audio component or audio shall be permitted, among other conditions.

Motion made by Councilor Juaira, seconded by the Chair, to approve. The motion carried 4-1 (Tunnera opposed).

Order No.19-1007673B: Proposed zoning petition from Councilor Delano, as requested by Commissioner Cooke and Solicitor Grossfield amending Chapter 650-12. Nonconforming uses.

The Urban Affairs Committee met with Building Commissioner Cooke to discuss the proposed zoning petition which would put the City's zoning ordinance in conformity with Massachusetts General Law. Massachusetts General Law (M.G.L.) 40A discusses structures and uses, and Marlborough's code just talks about uses and this amendment would add structures. The Building Commissioner requested this update, so the City's zoning mirrors the State requirements.

Motion made by Councilor Doucette, seconded by Chair, to approve. The motion carried 5-0.

Order No.19-1007757: Application for Special Permit from Nicholas Masso on behalf of Indo Laboratories to operate a Marijuana Testing Laboratory at 257 Simarano Drive.

The Urban Affairs Committee met with Nicholas Masso, Chief Executive Officer (CEO), and Nicholas Bilotti, Chief Operating Officer (COO), of Indo Laboratories. They discussed the conditions for the Special Permit and requested the following:

- To Condition Eighteen which states the applicant's facility has been inspected by the Fire Chief and meets all safety and building codes shall include language referencing letter to that effect.
- Add an additional condition for a written security plan approved in writing by the Police Chief or his designee.
- For Condition Thirteen, it was requested they clarify when the samples are destroyed and if any product is not used for testing, it will be immediately destroyed.
- Add a statement that they will comply with all rules and regulations of the Board of Health.
- A last condition should be added that the applicant must record this decision.

The applicant shall modify the decision as requested by the committee and return to City Council and Solicitor to be placed in proper legal form.

Reports of Committee Continued:

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

Motion made by Councilor Juairé, seconded by the Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 6:07 PM.

Suspension of the Rules requested – granted.

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

DESCRIPTION

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

IT IS THEREFORE ORDERED THAT:

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

APPROVED; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Application for Flammable Solids Storage License, Ambri, Inc., 53 Brigham Street, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, as amended by the Urban Affairs Committee, refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE OCTOBER 28, 2019 COUNCIL MEETING**; adopted.

ORDERED: That Marlborough Police Chief David Giorgi discuss the city's contract with Critter Control and the department's Policy and Operating Procedures For Animal Control with the Operations and Oversight Committee in light of recent communications from residents about animals that have been found roaming the city, **FILE**; adopted.

ORDERED: That the Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022, **APPROVED**; adopted.

ORDERED: That the Reappointments to the Commission on Disabilities of Debra McManus, 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, **APPROVED**; adopted.

ORDERED: That the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

- 1) The pole should not be located within the City of Marlborough sewer easement.
- 2) The pole location shall be marked out for approval by the City Engineer prior to the start of work.

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

ORDERED:

IN CITY COUNCIL

**DECISION ON A SPECIAL PERMIT
CAMERON GENERAL CONTRACTORS, INC.**

**CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 19-1007703D**

DECISION ON AN APPLIATION FOR SPECIAL PERMIT

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. 82nd 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 Council 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 re-pass 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 curbline 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 Corporation (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.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:14 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

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

That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial 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'.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019.**

ADOPTED

ORDER NO. 19-1007738C



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

PAGE 1

That the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019.**

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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

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ORDERED:

- (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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

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ORDERED:

- 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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

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ORDERED:

- (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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

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ORDERED:

- (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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 6

ORDERED:

(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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 7

ORDERED:

- (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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 8

ORDERED:

- (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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 9

ORDERED:

- (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.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 10

ORDERED:

- 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	73-54	59-17A	60-24
73-15A	72-29A	59-16	60-31A
73-43	72-29	59-4	61-3
72-36	73-54A	59-4F	60-30A
72-28	72-13	59-4D	61-12
73-24	72-30	59-4E	61-6
73-701	72-35	59-4C	60-31
73-26	73-59	59-4B	61-2
72-16B	73-31B	59-11A	61-5
73-42	73-57	59-5B	61-19
73-41A	73-44	59-5A	74-2
73-41	73-33	59-5	61-18
73-21	73-55	59-5C	61-25B
73-39D	73-39B	72-31	61-31
73-22	73-700	60-26	61-22A
73-20	73-35	60-38	62-14
73-16	74-4	60-25	61-22
73-23	73-39A	60-27	61-30
73-25	73-37A	60-28	61-25A
73-40	74-3A	60-29	61-23
73-17	74-3	73-56	61-25
73-26A	73-36	73-30	61-21
73-35A	73-38	74-5	61-34
73-31A	73-37B	73-31	61-20
73-39C	73-37	61-27	61-2A
73-32	59-18	73-58	61-17
73-27	59-12	61-27A	61-17A
72-15	59-17C	59-8	62-20
73-29A	59-11	60-1	62-23
73-28	59-17B	59-10	62-2
72-14	59-17	59-14	62-21



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019
PAGE 11

ORDERED:

61-28	59-7	62-2A	61-7
62-2B	59-9	61-9A	62-22
62-13	61-10	61-15	48-32
61-29	61-8	61-32	
61-29A	61-1	62-1	
61-701	61-14	61-700	
62-24	61-28A	61-9	

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

ADOPTED

ORDER NO. 19-1007716A



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 24, 2019

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

Re: Grant Acceptance – Marlborough Police Department

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT 24 A 10:17

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a grant of \$124,805.00 for the Marlborough Police Department from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2020 State 911 Department Support and Incentive Grant Program. This money will be used to reimburse overtime costs in the Public Safety Dispatching Center.

Thank you for your consideration, and please do not hesitate to contact Chief Giorgi or myself with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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 18, 2019

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

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$124,805.00 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2020 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant which will be used to offset personnel overtime costs in the Public Safety Dispatching center.

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant 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 Department DATE: October 18, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: FY 2020 State 911 Department Support and Incentive Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$124,805.00

GRANT PERIOD: July 1, 2019 to June 30, 2020

SCOPE OF GRANT/
ITEMS FUNDED To offset personnel overtime costs in the Public Safety Dispatching Center

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: Approval requested ASAP to begin use of grant

**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**



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-947-1455
www.mass.gov/e911



CHARLES D. BAKER
Governor

THOMAS A. TURCO, III
Secretary

KARYN E. POLITO
Lieutenant Governor

FRANK POZNIAK
Executive Director

September 26, 2019

Chief David A. Giorgi
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Giorgi:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY 2020 State 911 Department Support and Incentive Grant** program.

For your files, attached please find a copy of the executed contract and the final approved Appendix A: Personnel Costs form for your grant. Please note your contract start date is **September 26, 2019** and will run through June 30, 2020. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2020.

Reimbursement requests should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/E911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than two (2) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@mass.gov. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before March 27, 2020.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY 2020 Support and Incentive Grant File

FY 2020 SUPPORT AND INCENTIVE GRANT COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the [Executive Office for Administration and Finance \(ANF\)](#), the [Office of the Comptroller \(CTR\)](#) and the [Operational Services Division \(OSD\)](#) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under [Guidance For Vendors - Forms](#) or www.mass.gov/osc under [OSD Forms](#).

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): Marlborough Police Department	COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS
Legal Address: (W-9, W-4, T&C): 140 Main St, Marlborough, MA	Business Mailing Address: 151 Campanelli Drive, Suite A, Middleborough, MA 02346
Contract Manager: David Giorgi	Billing Address (if different):
E-Mail: dgiorgi@marlborough-ma.gov	Contract Manager: Cindy Reynolds
Phone: 508-485-1212 Fax:	E-Mail: 911DeptGrants@mass.gov
Contractor Vendor Code: VC 600019211	Phone: 508-821-7299 Fax: 508-947-1452
Vendor Code Address ID (e.g. "AD001"): AD 001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT EPS SUPG
<p style="text-align: center;"><u> </u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form , scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><u> </u> CONTRACT AMENDMENT</p> Enter Current Contract End Date <i>Prior</i> to Amendment: June 30., 20 <u>21</u> . Enter Amendment Amount: \$ <u>124,805.00</u> . (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>124,805.00</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Promot Pay Discounts Policy .)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) For the reimbursement / disbursement of funds under the State 911 Department FY 2020 Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of June 30, 2020 , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>7-29-19</u> (Signature and Date Must Be Handwritten At Time of Signature)	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>9/26/19</u> (Signature and Date Must Be Handwritten At Time of Signature)
Print Name: David Giorgi Print Title: Chief of Police	Print Name: Frank Pozniak Print Title: Executive Director



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 24, 2019

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT 24 A 10:17

Re: Grant Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a grant of \$35,964.84 for the Marlborough Police Department from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2020 State 911 Department Training Grant Program. This money will be used to reimburse mandated training for Dispatch personnel.

Thank you for your consideration, and please do not hesitate to contact Chief Giorgi or myself with any questions.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



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 18, 2019

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



Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$35,964.84 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2020 State 911 Department Training Grant Program. The grant is intended to reimburse the funding for all mandated trainings for Dispatch personnel.

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant 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 Department DATE: October 18, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: FY 2020 State 911 Department Training Grant Program

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$35,964.84

GRANT PERIOD: July 1, 2019 to June 30, 2020

SCOPE OF GRANT/
ITEMS FUNDED To reimburse funding for all mandated trainings for Dispatch personnel

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: Approval requested ASAP to begin use of grant

**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**



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-947-1455
www.mass.gov/e911



CHARLES D. BAKER
Governor

THOMAS A. TURCO, III
Secretary

KARYN E. POLITO
Lieutenant Governor

FRANK POZNIAK
Executive Director

September 24, 2019

Chief David A. Giorgi
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Giorgi:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY2020 State 911 Department Training Grant Program**.

For your files, attached please find a copy of the executed contract and the final approved Personnel Cost Worksheet for your grant. Please note your contract start date is **September 24, 2019** and will run through June 30, 2020. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2020.

Reimbursement requests should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than two (2) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, add personnel, or to request approval for trainings, please e-mail those proposed changes to 911DeptGrants@mass.gov. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before March 27, 2020.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY2020 Training Grant File

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the [Executive Office for Administration and Finance \(ANF\)](#), the [Office of the Comptroller \(CTR\)](#) and the [Operational Services Division \(OSD\)](#) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under [Guidance For Vendors - Forms](#) or www.mass.gov/osd under [OSD Forms](#).

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): Marlborough Police Department	COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS
Legal Address: (W-9, W-4, T&C): 140 Main Street, Marlborough, MA	Business Mailing Address: 151 Campanelli Drive, Suite A, Middleborough, MA 02346
Contract Manager: Chief David A. Giorgi	Billing Address (if different):
E-Mail: dgiorgi@marlborough-ma.gov	Contract Manager: Cindy Reynolds
Phone: 508-485-1212 Fax:	E-Mail: 911DeptGrants@mass.gov
Contractor Vendor Code: VC 6000192111	Phone: 508-821-7299 Fax: 508-947-1452
Vendor Code Address ID (e.g. "AD001"): AD 001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT EPS GRNT RFR/Procurement or Other ID Number: FY20 GRNT

<p style="text-align: center;"><input checked="" type="checkbox"/> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form , scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><input type="checkbox"/> CONTRACT AMENDMENT</p> Enter Current Contract End Date Prior to Amendment: <u>June 30, 2020</u> Enter Amendment Amount: \$ <u>36,740.36</u> (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
---	---

The following **COMMONWEALTH TERMS AND CONDITIONS** (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.
 Commonwealth Terms and Conditions Commonwealth Terms and Conditions For Human and Social Services

COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.
 Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)
 Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or *new* Total if Contract is being amended). \$ 35,964.84

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See [Prompt Pay Discounts Policy](#).)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) **Contract is for the reimbursement of funds under the State 911 Department FY 2020 Training Grant as authorized and awarded in compliance with grant guidelines and the grantee's approved application.**

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:
 1. may be incurred as of the **Effective Date** (latest signature date below) and **no** obligations have been incurred **prior** to the **Effective Date**.
 2. may be incurred as of _____, 20____, a date **LATER** than the **Effective Date** below and **no** obligations have been incurred **prior** to the **Effective Date**.
 3. were incurred as of _____, 20____, a date **PRIOR** to the **Effective Date** below, and the parties agree that payments for any obligations incurred prior to the **Effective Date** are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of June 30, 2020, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached [Contractor Certifications](#) (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable [Commonwealth Terms and Conditions](#), this Standard Contract Form including the [Instructions and Contractor Certifications](#), the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
 X: [Signature] Date: 9-12-19
 (Signature and Date Must Be Handwritten At Time of Signature)
Print Name: David A. Giorgi
Print Title: Chief of Police

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:
 X: [Signature] Date: 9/24/19
 (Signature and Date Must Be Handwritten At Time of Signature)
Print Name: Frank Pozniak
Print Title: Executive Director



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 24, 2019

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT 24 A 10:17

Re: Grant Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a grant of \$29,877.63 for the Marlborough Police Department from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2020 State 911 Department Emergency Medical Dispatch (EMD) Grant Program. This money will be used to purchase a new CAD system / EMD software and to conduct dispatch quality assurance reviews.

Thank you for your consideration, and please do not hesitate to contact Chief Giorgi or myself with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Police Department

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

David A. Giorgi
Chief of Police

October 18, 2019

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

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$29,877.63 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2020 State 911 Department Emergency Medical Dispatch (EMD) Grant Program. The grant is to purchase new CAD system/EMD software as well as conduct quality assurance reviews of dispatch personnel.

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant 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 Department DATE: October 18, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: FY 2020 State 911 Department Emergency Medical Dispatch Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$29,877.63

GRANT PERIOD: July 1, 2019 to June 30, 2020

SCOPE OF GRANT/ To purchase new CAD/EMD software

ITEMS FUNDED To conduct quality assurance reviews of dispatch personnel

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

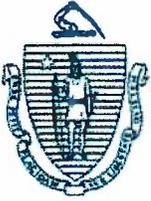
IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

N/A

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Approval requested ASAP to begin use of grant

**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**



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-947-1455
www.mass.gov/e911



CHARLES D. BAKER
Governor

THOMAS A. TURCO, III
Secretary

KARYN E. POLITO
Lieutenant Governor

FRANK POZNIAK
Executive Director

September 30, 2019

Chief David A. Giorgi
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Giorgi:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY2020 State 911 Department Emergency Medical Dispatch Grant Program**.

For your files, attached please find a copy of the executed contract for your grant. Please note your contract start date is **September 30, 2019** and will run through June 30, 2020. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2020.

Please note personnel costs related to EMD quality assurance must be for overtime hours only. Reimbursement requests for should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than two (2) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@mass.gov. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before March 27, 2020.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY2020 Emergency Medical Dispatch Grant File

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): City of Marlborough Police Department	COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS
Legal Address: (W-9, W-4, T&C): 140 Main St, Marlborough, MA	Business Mailing Address: 151 Campanelli Drive, Suite A, Middleborough, MA 02346
Contract Manager: Chief David Giorgi	Billing Address (if different):
E-Mail: dgiorgi@marlborough-ma.gov	Contract Manager: Cindy Reynolds
Phone: 508-485-1212 Fax:	E-Mail: 911DeptGrants@mass.gov
Contractor Vendor Code: VC6000192111	Phone: 508-821-7299 Fax: 508-947-1452
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT EPS EMDG RFR/Procurement or Other ID Number: FY20 EMDG
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form , scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date Prior to Amendment June 30, 2021. Enter Amendment Amount: \$31,917.00_ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>29,877.63</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy .)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Contract is for the reimbursement of funds under the State 911 Department FY 2020 Emergency Medical Dispatch Grant as authorized and awarded in compliance with grant guidelines and the grantee's approved application.	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of June 30, 2020 , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " Effective Date " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>7-28-19</u> (Signature and Date Must Be Handwritten At Time of Signature)	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>9/30/19</u> (Signature and Date Must Be Handwritten At Time of Signature)
Print Name: David A. Giorgi Print Title: Chief of Police	Print Name: Frank Pozniak Print Title: Executive Director



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 24, 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 24 A 10:16

RE: New Library Update

Honorable President Clancy and Councilors:

With Council approval, I would like to have a representative of the Marlborough Public Library Building Committee give an update to the Marlborough City Council. This update may be scheduled at your convenience, either at an upcoming meeting of the council or an appropriate subcommittee. I am excited about this project moving forward and would like to thank Councilor Irish for his work thus far with the building committee.

Please let my office know when you would like to schedule the update.

Thank you,

Arthur G. Vigeant
Mayor



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. GROSSEFIELD
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 OCT 24 11:04
JASON M. PIQUES
ASSISTANT CITY CLERK
HEATHER H. GUTIERREZ
PARALEGAL

October 24, 2019

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

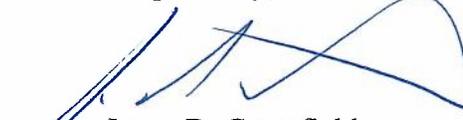
Re: City Council Order No. 19-1007756A
Proposed Zoning Amendment – Home Office / Home Occupation

Dear Honorable President Clancy and Councilors:

Enclosed please find the above-referenced proposed zoning amendment, as recommended by the Urban Affairs Committee at its meeting on October 22, 2019. I have reviewed the proposed amendment and it is in proper legal form.

Please contact me if you have any questions.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

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

ORDERED:

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

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

HOME OFFICE / HOME OCCUPATION

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

HOME OCCUPATION

See definition of "home office / home occupation."

ADOPTED
In City Council
Order No. 19-
Adopted .

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough Legal Department

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

RECEIVED
JASON D. GROSSFIELD
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 OCT 24 A 11:11
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
HEATHER H. GUTIERREZ
PARALEGAL

October 24, 2019

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

Re: City Council Order No. 19-1007779: LED Sign Special Permit – Blue Hills Fuels, LLC
Gulf Station – 114 East Main Street

Dear Honorable President Clancy and Councilors:

Enclosed please find a proposed Decision on a LED Sign Special Permit with respect to the above-referenced application, as recommended by the Urban Affairs Committee at its meeting on October 22, 2019. I have reviewed the proposed decision and placed it into 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

ORDERED:

DECISION ON A LED SIGN SPECIAL PERMIT

IN CITY COUNCIL

LED Sign Special Permit
Blue Hills Fuels, LLC – Gulf Station
Order No. 19-1007779

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 19-1007779**

The City Council of the City of Marlborough hereby GRANTS the application for a Sign Ordinance Special Permit to Blue Hills Fuels, LLC – Gulf Station (the “Applicant”) for the property located at 114 East Main Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 114 East Main Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 57, Parcel 194 (the “Site”) and maintains a filling station with a convenience store and car wash.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs and Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate a digital display sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a 72.5” x 54.6” double-faced sign, with a monochrome digital display consisting of two (2) 20” x 42” LED Numerals displaying the price of fuel (the product specifications are attached hereto as Exhibit A). The total digital display area is 11.6 ft². The Sign is to be located below an internally-illuminated sign at the premises (as shown in Exhibit B).
4. In connection with the Application, the Applicant has submitted schematic designs of the Site and a sketch plan showing the location of the Sign on the Site (as shown in Exhibit C).
5. The Marlborough City Council held a public hearing on the Application on October 21, 2019.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

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

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

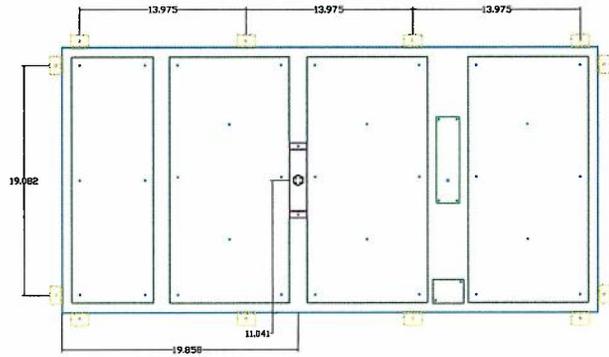
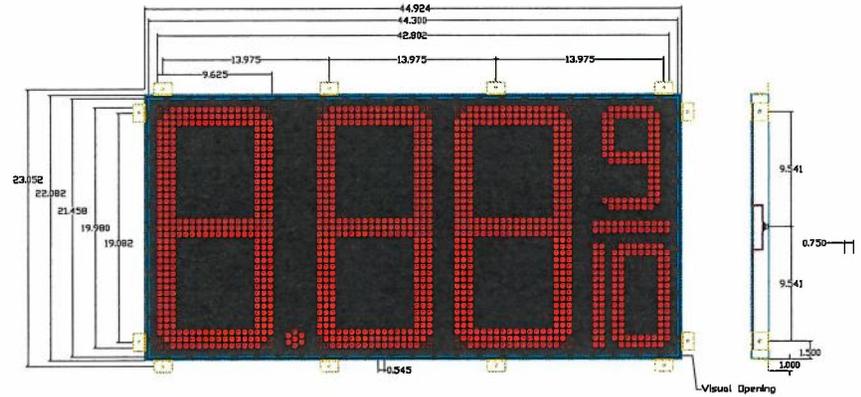
ADOPTED
In City Council
Order No. 19-1007779
Adopted

Approved by Mayor
Arthur Vigeant
Date:

A TRUE COPY
ATTEST:

CX.A

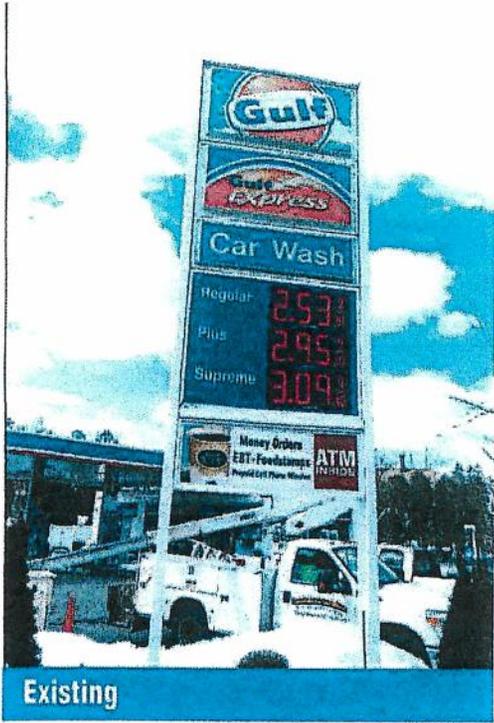
REVISIONS					
REV	DESCRIPTION	CREATOR	DATE	APPROVED	DATE
A	Pre Production	AW	12/5/16	AW	12/5/16
A1	Horizontal brackets details	AW	1/30/17	AW	1/30/17
B	Visual Opening specified	AW	5/22/17	AW	5/22/17



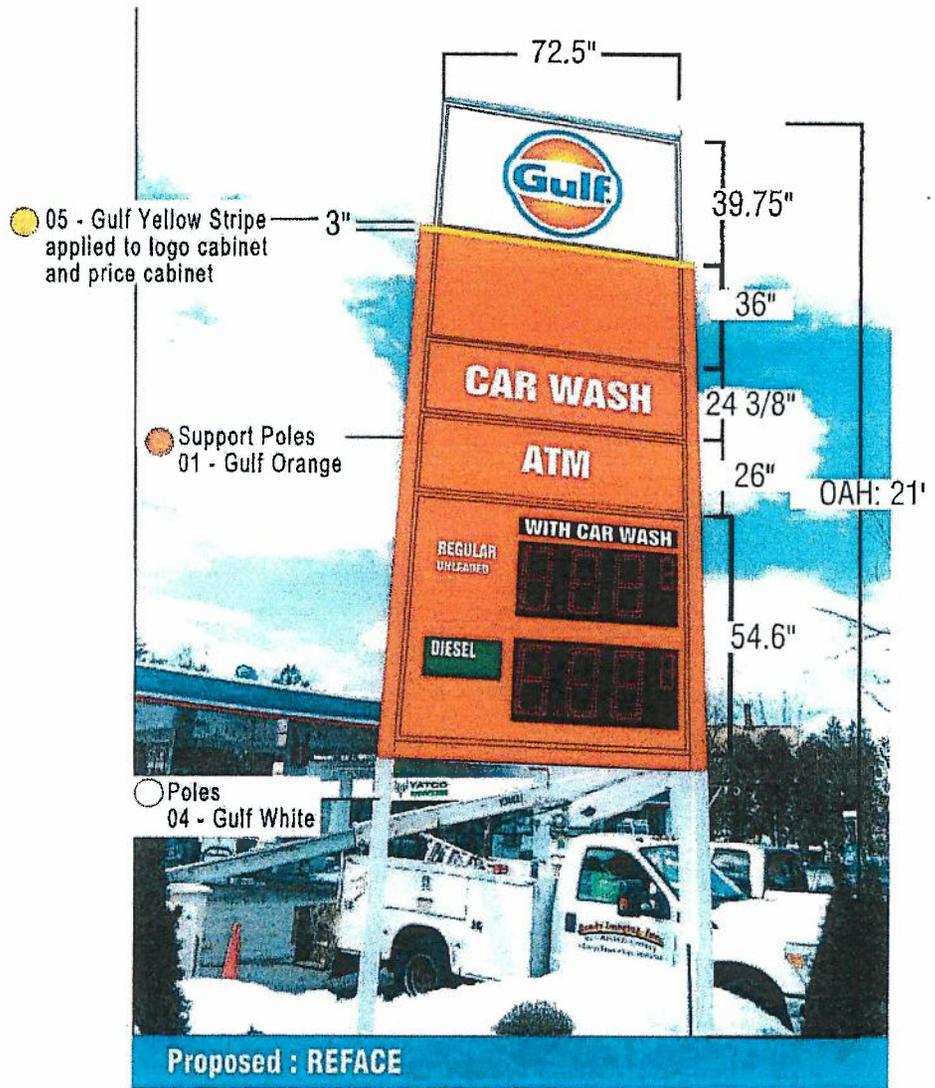
PRICEVISION <small>pricevision inc.</small>		FMD20SEP SMD Layout	
Pricevision Inc. 1506 Wallace Drive Suite 140 Covington, Tennessee 38009 Phone: 972-770-0000 Fax: 972-770-0001		PART NO.	FMD20SEP-80000-Rev_B
CONFIDENTIAL <small>This drawing is the property of Pricevision Inc. It is not to be reprinted, copied, disseminated or utilized in any fashion without the written permission of Pricevision Inc.</small>		SIZE	DWG FILE
		B	FMD20SEP-80000_Rev_B.DWG
		SCALE	SHEET

E MID Sign

- Retrofit Gulf Face, new Interior LED illumination (existing: flourescent)
- Panel under Gulf Logo will need to be confirmed
- Move pricer below Car wash and ATM
- Pricer Panel will be replaced with a 2 Product Toggle
- Regular and Diesel - Red Digits



Existing

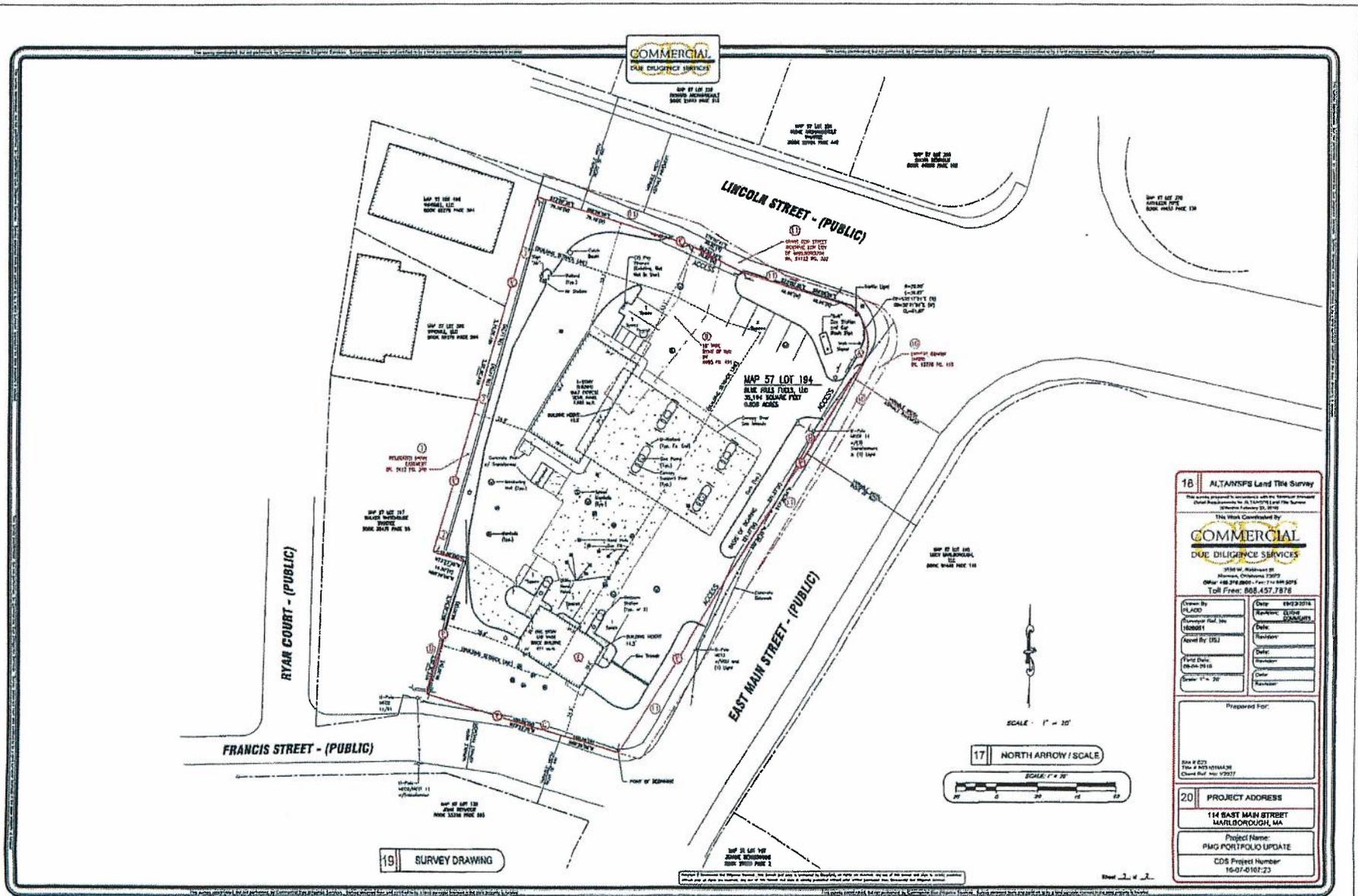


Proposed : REFACE

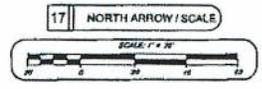
Handwritten signature

Project Name GULF	Facility # 92040673	Customer GULF	Created by B.DIGHERO	Permit Pack BIG RED ROOSTER FLOW 2 Northfield Plaza, Ste 230 Northfield, IL 60093 P: (847) 441-1818 F: (847) 592-9564
Revision # R6	Date 08 13 2019	Scale NA	Page # 11 OF 13	

CXC



19 SURVEY DRAWING



18 ALTA/NSPS Land Title Survey
 This survey prepared in accordance with the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, effective February 21, 2018.
 This Work Conducted By
COMMERCIAL DUE DILIGENCE SERVICES
 1510 W. Main Street
 Amherst, Ohio 43021
 Office: 608.378.2002 • Fax: 714.941.3075
 Toll Free: 888.457.7878

Drawn By CLAUDE	Date 10/23/2018
Reviewed By HOBBS	Project 144 EAST MAIN STREET
Approved By DEJ	Date 10/23/2018
Field Date 08-04-2018	County Franklin
Scale 1" = 20'	Technician CLAUDE

Prepared For:

17 NORTH ARROW / SCALE

20 PROJECT ADDRESS
 114 EAST MAIN STREET
 MARLBOROUGH, MA
 Project Name:
 PMG PORTFOLIO UPDATE
 CDS Project Number:
 16-07-0107-23



City of Marlborough Legal Department

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

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

October 23, 2019

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

Re: City Council Order No. 19-1007757
Special Permit Decision, 257 Simarano 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,

Jay Piques
Assistant City Solicitor

Enclosure

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 OCT 23 P 4:35

_____, 2019

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 19-1007757

Application of:
Aries Laboratories LLC d/b/a Indo Laboratories

Locus:
257 Simarano Drive
Map 112, Parcel 4

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Aries Laboratories LLC d/b/a Indo Laboratories, with a mailing address of 257 Simarano Drive, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained herein.

Decision date: October _____, 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 October, 2019.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, § 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:

Application of:
Aries Laboratories LLC d/b/a Indo Laboratories

Locus:
257 Simarano Drive, Suite 100
Map 112, Parcel 4

**DECISION ON A SPECIAL PERMIT
ORDER NO. 19-1007757**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Aries Laboratories LLC, d/b/a Indo Laboratories, (the “Applicant”) to build and operate an Independent Marijuana Testing Laboratory at 257 Simarano Drive, Suite 100, Marlborough, Massachusetts, as provided in the Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Aries Laboratories LLC, d/b/a Indo Laboratories is a limited liability company organized, and existing under the laws of the Commonwealth of Massachusetts having a usual place of business at 257 Simarano Drive, Suite 100, Marlborough, MA 01752 (the “Applicant”).
2. The Applicant is a lessee of the property located at 257 Simarano Drive, Suite 100, Marlborough, MA 01752, as shown on Marlborough Assessors Map 112 and Parcel 4 (the “Site”). The Site’s owner is 257 Simarano LLC, with a business address of 336 Baker Avenue, Concord, MA 01742.

3. The Applicant, on or about August 2, 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 650-32, to permit the applicant to conduct a business with the purpose of operating a Independent Marijuana Testing Laboratory (the "Use").
4. The "Table of Uses" states that the intended use requires a Special Permit (SP)/ Zoning Relief issued by the Marlborough City Council.
5. The facility is located in the industrial (I) zoning district, Map 112, Parcel 4.
6. The Use will occupy an existing laboratory at the Site with an area of 10,565 +/- square feet.
7. The Special Permit application filed on August 2, 2019 consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit, (b) Special Permit-Summary Impact Statement for the proposed use of a Marijuana Independent Testing Laboratory, (c) Filing Fee check in the amount of \$250.00, (d) Plan Delivery Certification, (e) Tax Payment Certification, (f) Abutters List, (g) Facility Site Plan (the "Plan"), and (h) Planning Department Certification. Twelve sets of documents were delivered to the City Council 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 Chapter 650 Section 650-59 of the Zoning Code of the City of Marlborough.
8. Under the provisions of Massachusetts General Laws Chapter 40A, on August 2, 2019, Applicant filed with the City Clerk to be placed on the City Council Agenda for August 23, 2019
9. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established September 23, 2019 as the date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto, all in accordance with Massachusetts General Laws Chapter 40A.
10. All abutters certified by the Office of the Board of Assessors of Marlborough were sent official legal notification of the Public Hearing, via certified mail. Prior to the Public Hearing on September 23, 2019, the green/white certified mail slips were submitted to the City Clerk's office.
11. The Marlborough City Council held a public hearing on the Application on September 23, 2019 in accordance with the published notice, (the "Public Hearing"). The hearing was opened at the time provided for in the notice and following the completion of

testimony the hearing was closed on said date.

12. The Applicant presented testimony at the Public Hearing detailing the business operational plans for facility, especially as it pertained to security, waste disposal, hiring practices, community and economic impact, 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. There was no opposition from the members of the public.
13. The Site has 24-hour off-site monitoring of security cameras, as well as multi-tiered levels of security clearance within the building.
14. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the facility, operations, security and waste disposal.
15. 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.
16. According to the Applicant, the facility has been inspected and received written confirmation by the Fire Chief that all safety and building codes are met.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit. The City Council finds that it may grant a Special Permit subject to such terms as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or General Laws. c. 40A, et. seq. 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 Applicant provided to Urban Affairs written and oral documentation as to the handling of the waste materials. In summation, all marijuana samples will be rendered unusable for human consumption immediately upon sample intake. All waste product is weighed and recorded prior to being destroyed. The waste material will be rendered unusable in an alcohol solution inside of a 55-gallon container. Any material not used for testing will be immediately treated in the same manner. The waste container will be stored within facility inside of a secured and monitored waste room. When the waste container

reaches capacity, a licensed waste hauler will be scheduled to retrieve and remove the container from inside the facility.

D. The applicant commits to work with city officials and the Marlborough Police Department to address any and all reasonable security concerns. Surveillance cameras shall be capable of twenty-four-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises.

E. The City Council finds that the use of the Site for the purposes of a marijuana independent testing laboratory is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The proposed business will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.

F. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:

1. Social, economic, or community needs which are served by the proposal:

Finding: The Use will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.

2. Traffic flow and safety, including parking and loadings:

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

3. Adequacy of utilities and other public services:

Finding: The Site provides adequate utilities and public services for the Use.

4. Neighborhood character and social structures:

Finding: The use is consistent with the area in the vicinity of the Site.

5. Impacts on the natural environment:

Finding: The use will have no greater impact than the established uses in the area.

6. Potential fiscal impact, including impact on City services, tax base and employment:

Finding: The Use will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.

7. Hours of operation:

Finding: The hours of operation of the Use are generally similar to other laboratory uses.

8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:

Finding: The provision of contact information is specifically conditioned below.

9. Requiring payment of a community impact fee:

Finding: Notwithstanding any terms negotiated in a Host Community Agreement, no impact fee shall be assessed by the City Council.

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

11. Requiring regular inspections by City officials or their agents, and access of the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

12. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police who shall have the authority to disapprove the employment of any person(s) as a result of said background check:

Finding: All staff of Indo Labs comply with all Cannabis Control Commission hiring requirements including, but not limited to, any background and CORI check requirements. The requirements are specially conditioned below.

13. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images in, on, around, or at the premises:

Finding: This requirement is specially conditioned below.

14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes:

Finding: The Use shall not include retail sales of any kind.

15. The ability for the Business to:

- i. provide a secure indoor waiting area for clients;
- ii. provide an adequate and secure pick-up/drop-off area for clients, customers and products;
- iii. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;
- iv. adequately address issues of traffic demand, parking, and queuing especially at peak periods at the Business, and its impact on neighboring uses; and
- v. provide opaque exterior windows;

Finding: The use is a laboratory. Further, security is specially conditioned below.

16. Signs and signage:

Finding: The signage shown on the Plans are appropriate for the Use.

17. Names of businesses, business logos and symbols, subject to state and federal law and regulation:

Finding: The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.

G. 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 operate an Independent Marijuana Testing Laboratory, 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 is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.

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 in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of the Applications, 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. Compliance with State Requirements. In accordance with § 650-18(47)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Independent Marijuana Testing Laboratory.

6. Security. The Applicant has and shall continue to comply with the City Council requirement that a written Security Plan be approved and signed by the City of Marlborough Police Chief or his designee. Any substantive changes to Security Plan will receive written approval from Police Chief or his designee. The Applicant, its successors and/or assigns, shall utilize surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images in, on, around, or at the premises.

7. Processing. There shall be no retail sales permitted at the site. All waste product shall be rendered unusable in an alcohol solution inside of a 55-gallon container. Any material not used for testing will be immediately treated in the same manner. The waste container will be stored within the facility inside of a secured and monitored waste room. When the waste container reaches capacity, a licensed waste hauler will be scheduled to retrieve and remove the container from inside the facility.

8. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.

9. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.

10. Job Applicants. The Applicant commits to considering local applicants for employment and independent contract purposes. A job applicant's residency will be one positive consideration among many considerations such as experience and educational background.

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.

12. Background Checks. The Applicant, its successors and/or assigns, shall require that all staff of undergo a criminal background check, as required by the Cannabis Control Commission hiring requirements.

13. Compliance with Health Regulations. Applicant will comply with all current marijuana regulations and any future changes proposed and implemented by the City of Marlborough Board of Health.

14. Signs and Signage. The Applicant shall not utilize signs or signage that mention, imply, or refer to in any way, shape, or form, involvement in the marijuana business.

15. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant 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 Solicitor's Office, the Building Department, and the City Council's Office.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. 19-1007757

Adopted: _____, 2019

Approved by Mayor
Arthur Vigeant
Date: _____, 2019

A TRUE COPY
ATTEST:

City Clerk



\$ PAID
100.⁰⁰ / CK / X

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT 21 A 9 10

**Steven W. Kerrigan
Acting City Clerk**

DATE: 10/15/2019

To the City Council:

The person(s)/Business listed below respectfully requests that they be granted a Pool Table License. To operate and control no more than 2 Pool Tables on the premises noted within the City of Marlborough.

Owner Name: Adam Krasinski

Residential Address: 101 Farmington Circle

City/State/Zip Code: Marlborough, MA 01752

Telephone Number: 508-395-2096

Cell Number: _____

Email Address: adam@tackleboxbrewing.com

Business Name: Tackle Box Brewing Company LLC

Business Address: 416 Boston Post Rd E, STE 11, Marlborough

Business Telephone Number: 508-460-5050

Owner Signature: [Signature]



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

**Steven W. Kerrigan
Acting City Clerk**

I/we certify under the penalties of perjury, to the best of my/our knowledge and belief, I/we have paid all taxes owed to the City of Marlborough and the Commonwealth of Massachusetts as required under the law.

INDIVIDUAL/PARTNERSHIP

Individual/Partner Signature

Individual/Partner Signature

Individual/Partner Printed Name

Individual/Partner Printed Name

Social Security Number

Social Security Number

Driver License Number

Driver License Number

CORPORATION

Tackle Box Brewing Company LLC
Corporate Name (Mandatory)

[Signature]
By: Signature of Corporate Officer

Federal Tax ID Number

A Pool Table License will not be issued unless the certification clause is signed by the applicant, and the Tax Collector and all paperwork has been completed and submitted with the application.

Eileen Bristol
Tax Collector



PAID
\$ 50.⁰⁰ (ck) We

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2019 OCT 21 A 9 20

**Steven W. Kerrigan
City Clerk**

**CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

1. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: Katsunori Tanaka
- B. Address: 17 Eager Ct. Marlborough, MA 01752
- C. Telephone Number: 617-259-5802
- D. Business Name: Global Limousine & Tour Services, LLC
- E. Business Address: 17 Eager Ct. Marlborough, MA 01752
- F. Business Number: 617 259 5802

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

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

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk



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

**Steven W. Kerrigan
City Clerk**

I/we certify under the penalties of perjury, to the best of my/our knowledge and belief, I/we have paid all taxes owed to the City of Marlborough and the Commonwealth of Massachusetts as required under the law.

INDIVIDUAL/PARTNERSHIP



Individual/Partner Signature

Individual/Partner Signature

Katsunori Tanaka

Individual/Partner Printed Name

Individual/Partner Printed Name

Social Security Number

Social Security Number

Driver License Number

Driver License Number

CORPORATION

Corporate Name (Mandatory)

By: Signature of Corporate Officer

Federal Tax ID Number

A Pool Table License will not be issued unless the certification clause is signed by the applicant, and the Tax Collector and all paperwork has been completed and submitted with the application.

Eileen Bristol

Tax Collector



Sign Advertising

Electronic Message Centers

Office of the City Council
City of Marlborough MA
140 Main Street
Marlborough MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 OCT 24 A 10:18

October 24, 2019

Board Members,

After discussions with the Urban Affairs Committee, we are ready to present our final proposal for signage for Approach International Student Center.

After meeting with the committee we have revised our application from four signs at an aggregate of 199.67 sf, to reflect two internally illuminated wall signs, for a total aggregate of 100 sf.

Based on our client's location, with visibility on four frontages, and the services they provide to motorists beyond the community of Marlborough, we feel strongly the allowance to two wall signs to assist the way-finding public is appropriate for this business.

Our signs are to scale with others at this location and are aesthetically pleasing in relation to existing signs for other tenants in the building.

We are hopeful the City Council will react favorably to the changes we have made from our original sign proposal and move to approve our signs for Approach as enclosed.

Sincerely,

Barlo Signs
Jenn Robichaud
158 Greeley St
Hudson NH 03051

CORPORATE OFFICE: 158 Greeley Street, Hudson, NH 03051-3422 (603) 882-2638 or 800-227-5674
FAX (603) 882-7680 Email: your_image@barlosigns.com Website: www.barlosigns.com



(1) SET OF LED FACE-LIT CHANNEL LETTERS, LOGO & PILL

SCALE: 3/8"=1'-0"



SCALE: 3/32"=1'-0"

FILE NAME: APPROACH USA 190505683_7P

SITE ELECTRICAL

ELECTRICAL WORK BY: BARLO OTHERS

New CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120

Existing CIRCUITS REQ: AMPS: VOLTS:

UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO

TIME CLOCK REQ: YES NO PHOTO EYE REQ: YES NO

THESE REQUIREMENTS ARE BASED ON THE ASSUMPTIONS MADE BY THE DESIGNER. THE CONTRACTOR SHALL VERIFY ALL REQUIREMENTS ON THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE DESIGNER IMMEDIATELY.

SIMULATED NIGHT VIEW



SCOPE OF WORK

MANUFACTURE & INSTALL (1) SET OF LED FACE-LIT CHANNEL LETTERS, LOGO & PILL. LETTERS AND PILL WILL BE MOUNTED TO A RACEWAY ON THE BUILDING FACADE. RACEWAYS WILL BE PAINTED TO MATCH THE BUILDING.

TOTAL SQUARE FEET: 50

CODE ALLOWANCE: 157.00 SQ FT

VARIANCE REQUIRED: N/A

MFG. SPECIFICATIONS - CHANNEL LETTERS

LOGO / LETTERS

FACE: 3/16" 7328 WHITE ACRYLIC
VINYL: 3630-157 SULTAN BLUE
TRIM: 1" ROYAL BLUE
RETURNS: 5" BEA HERON BLUE
RACEWAY: PTM BUILDING (TBD)

ILLUMINATION: WHITE LED

PILL

FACE: 3/16" 7328 WHITE ACRYLIC
VINYL: 3630-157 SULTAN BLUE
TRIM: 1" ROYAL BLUE
RETURNS: 5" BEA HERON BLUE
RACEWAY: PTM BUILDING (TBD)

ILLUMINATION: WHITE LED

COLOR SCHEDULE - CLIENT TO VERIFY

C1 3630-157 SULTAN BLUE

C2 PTM BUILDING (TBD)

BARLO



INTERNATIONAL

BARLO INTERNATIONAL IS A DIVISION OF BARLO GROUP, INC. BARLO GROUP, INC. IS A DIVISION OF BARLO GROUP HOLDINGS, INC. BARLO GROUP HOLDINGS, INC. IS A PUBLIC COMPANY LISTED ON THE NYSE UNDER THE TICKER SYMBOL 'BARLO'. BARLO GROUP HOLDINGS, INC. IS A HOLDING COMPANY AND DOES NOT OPERATE ANY BUSINESSES. BARLO GROUP HOLDINGS, INC. IS A HOLDING COMPANY AND DOES NOT OPERATE ANY BUSINESSES.

PROJECT APPROVAL

Client:	Date:
Design: LP	Date: 0/0/00
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: LP/CB
SALES REP: BARN
PH: BC

APPROACH USA

58 APEX DRIVE
MARLBOROUGH, MA 01752

05/16/19

ITEM

A

SHEET

1.0

QUOTE #: 5683

JOB #:

(1) SET OF LED FACE-LIT CHANNEL LETTERS, LOGO & PILL

SCALE: 3/8"=1'-0"



SCALE: 3/32"=1'-0"

FILE NAME: APPROACH USA 190505683_7P

SITE ELECTRICAL

ELECTRICAL WORK BY: BARLO OTHERS

New CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120
 Existing CIRCUITS REQ: AMPS: VOLTS:
 UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO
 TIME CLOCK REQ: YES NO PHOTO EYE REQ: YES NO

SIMULATED NIGHT VIEW



SCOPE OF WORK

MANUFACTURE & INSTALL (1) SET OF LED FACE-LIT CHANNEL LETTERS, LOGO & PILL. LETTERS AND PILL WILL BE MOUNTED TO A RACEWAY ON THE BUILDING FACADE. RACEWAYS WILL BE PAINTED TO MATCH THE BUILDING.

TOTAL SQUARE FEET: 50

CODE ALLOWANCE: 157.00 SQ. FT.

VARIANCE REQUIRED: N/A

MFG. SPECIFICATIONS - CHANNEL LETTERS

LOGO / LETTERS

FACE: 3/16" 7328 WHITE ACRYLIC
 VINYL: 3630-157 SULTAN BLUE
 TRIM: 1" ROYAL BLUE
 RETURNS: 5" BEA HERON BLUE
 RACEWAY: PTM BUILDING (TBD)

ILLUMINATION: WHITE LED

PILL

FACE: 3/16" 7328 WHITE ACRYLIC
 VINYL: 3630-157 SULTAN BLUE
 TRIM: 1" ROYAL BLUE
 RETURNS: 5" BEA HERON BLUE
 RACEWAY: PTM BUILDING (TBD)

ILLUMINATION: WHITE LED

COLOR SCHEDULE - CLIENT TO VERIFY

C1 3630-157 SULTAN BLUE

C2 PTM BUILDING (TBD)



INTERNATIONAL

THE BARLO GROUP
 1000 STATE STREET
 MARLBOROUGH, MA 01752
 TEL: 508-251-1111
 FAX: 508-251-1112
 WWW.BARLO.COM

PROJECT APPROVAL

Client:	Date:
Design: LP	Date: 0/0/00
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: LP/CB
 SALES REP: BARR
 PH: BC

APPROACH USA

58 APEX DRIVE
 MARLBOROUGH, MA 01752

05/16/19

ITEM

C

SHEET

3.0

QUOTE #: 5683C

JOB #:

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

July 25, 2019 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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2019 OCT 17 P 4:00

Present: Ed Clancy - Chairman, Dennis Demers, John Skarin, William Dunbar, Allan White, also present was Priscilla Ryder Conservation Officer.

Absent: David Williams and Karin Paquin

Approval of Minutes: June 20, 2019 were reviewed and unanimously approved 5-0.

Public Hearings:

Abbreviated Notice of Resource Area Delineation

Simarano Dr. – Andrew Montelli

Post Road Residential Inc. - Requests confirmation of the wetland resource areas on the site under the State Wetlands Protection Act at the property on Simarano Dr. Shown as Map 116 Parcels 5, 11 and 12 on the city's assessors maps. At the applicants request this item was continued to the August 8th meeting in order to allow time to finish review of delineation in the field and to adjust the line according to the changes made in the field by Ms. Ryder, Ms. Paquin and Mr. Dunbar.

Amend Order of Conditions (212-1156)

85 Dufresne Dr. – Lot 12

Dale McKinnon from Guerriere and Halnon was present representing the owner Fafard Real Estate - West Hill LLC. He explained that the owner requests to amend the Order of Conditions 212-1156 to regrade the northern side yard and extend a drainage outfall pipe near wetlands. They realize they will need to extend the easement area around the drainage pipe to do this work as well. The Commission noted this would require engineering approval. They want to do some selective clearing all the way to the property line. No large trees were to be removed. After some discussion the Commission noted that they would like the selected trees to be tagged, erosion controls shown on the plan and the easement area shown on the plan as well. Mr. Clancy noted that this is a marginal lot to begin with. Mr. Demers recalled that the Commission had noted previously that there should be no change to this plan once it was approved, and he is not in favor of making any changes to this plan. After some discussion the hearing was continued to August 8th, to allow for a better plan and marking of the trees in the field.

Notice of Intent

Lakeshore Dr. (Map 6 Parcel 81) – Regina Marksteiner

Seth Donahoe was present as well as Regina Marksteiner the owner. Mr. Donahoe reviewed the plans and showed the location of the 100' buffer zone, new house and foundation which steps into the hill, the infiltration area which will recharge all the site stormwater, sewer and water are available on the street. They have shown the 20' no disturb zone but will not be clearing closer than 40' to the lake. Erosion controls will be along the approximate 40' line as shown on the plan. The Commission discussed the small existing timber wall, the grading and cuts and fills. They discussed whether the existing timber wall would be rotting, and would it slump and be a future problem? They discussed the foundation walls and different heights, construction sequencing, wall definition, cross section of the building on the hill. The abutter at 297 Lakeshore Dr. noted that the timber retaining wall has been there a while and could need replacing. After some discussion the Commission continued the hearing to August 8th in order to have Mr. Donahoe provide the information requested.

Request for Determination of Applicability

24 Hager St. – Lourival Santos

Mr. Santos presented a plan to add a small addition to his house that is 60 feet away from the wetland and outside of any floodplain. The addition will have a foundation of concrete and is within the existing lawn. All excess materials will be removed from the site. As this work is minimal in nature the Commission closed the hearing and voted unanimously 5-0 to issue a negative Determination with standard conditions for erosion controls and notification of Conservation Officer prior to beginning work, and stabilization once work is completed.

Draft Order of Conditions:

- 159 Langelier Ln. – DEP 212-1210 The Commission reviewed the draft Order of Conditions as provided and voted 4-0 to approve the Order as written (Mr. Clancy abstained since he wasn't at the previous hearing).

Certificates of Compliance:

- DEP 212-1077 652 Stow Rd. – full certificate. Ms. Ryder noted that this was a drainage improvement project behind this home. All is in order and everything is stable. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance for this project.

Discussion:

- Re-Sign License Agreement renewal haying on the Felton Conservation Land – Donald Wright - Ms. Ryder noted that at a previous meeting the Commission signed a form, but it was not the form signed by Mr. Wright. The Commission unanimously signed the correct license agreement.

Violation:

- Avalon Marlboro II – off Simarano Dr.
Tony Sanchez project manager for the Avalon Marlborough II project was present and explained what had happened during the rain event which caused the wetland violation. He introduced Luke Bouche and Eric Olson from VHB who are the wetland/erosion control consultants for the project. Several site workers from Lynch Construction were also present as well. Mr. Bouche showed a plan and provided an overview of the current site conditions and actions that have been taken since the rain event that washed out areas of the site. He noted that this project did not have an Order of Conditions previously because all work was being performed outside of the 100' buffer zone. He noted that because of the wetland violation and the violation notice provided that they will be working on and submitting a Notice of Intent (NOI) shortly to meet the conditions of the violation notice. Because of the silty soil on the site they have brought in some construction grade fill to cover this clay soil to help stabilize the site. The plan showed the areas that have received the treatment, and the additional erosion controls to be added. Mr. Olson explained that he has been submitting the SWPPP reports and photos and he explained how the violation that occurred on June 20th and the corrective measures they have put in place since then, some additional basins and pumping systems. After some discussion, the Commission noted that they would see them at the next meeting for the NOI but asked that they stay on top of the erosion controls and stay ahead of any weather going forward.

Correspondence:

The following correspondence was reviewed and voted to be placed on file:

- Letter from Civil & Environmental Consultants, Inc. – dated June 26, 2019 RE: Marlborough – Stormwater Management System, 791 Boston Post Rd. CEC Project No. 186-038.
- Letter to Arthur Vigeant, Mayor – dated July 8, 2019 RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund DuPont Electronics & Imaging.
- Project Narrative – form
- Circulation to Commission Members - MACC Wetlands Buffer Zone Guidebook

Other Business:

- 148 Phelps St. - Ms. Ryder noted that the owner of this lot would like to subdivide the lot into two lots, however there is riverfront area on the second lot he wants to create and he wants to know if he can proceed with filing. The Commission noted that in the Riverfront Area they would need a 100' no disturb zone which it doesn't look like they have. Ms. Ryder will convey same.
- Byrnes Field – Ditch maintenance – Ms. Ryder noted that in walking the site with Chris White it appears that the ditch around the edge of the field has grown in and they would like to maintain it as part of the permitted project.

Adjournment: As there was no further business the meeting was adjourned at 8:46 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

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CITY OF MARLBOROUGH
October 7, 2019

Call to Order

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

2019 OCT 22 A 8:33

1. Meeting Minutes

A. September 23, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to approve the minutes as amended (changed attribution on item 4B) and file the meeting minutes of September 23, 2019. Motion carried.

2. Chair's Business

A. Boroughs Loop Trail Grand Opening

Chair Fenby informed that Board that the Loop Trail kick-off was held the past weekend. The events were well attended, and she expressed enthusiasm for the project and work by Marlborough and the surrounding communities. (The 33-mile trail links existing trail systems in Marlborough, Northborough, Westborough and Southborough and includes a mix of wooded walking and aqueduct trails.) She complimented the creativity of the City's Conservation Officer, Priscilla Ryder, who coordinated the trail opening with a ceremonial garden shear grape vine cutting.

3. Approval Not Required

A. ANR Application: Filomena Connor, Paul Connor, Paul DiTullio; Engineer: Connorstone Engineering, Inc. 10 SW Cutoff, Northborough, MA 01532; Description of Property: Middlesex South Registry of Deeds, Book 19669, Page 89; Book 20809, Page 350; Book 40262, Page 318; Book 40726, Page 371. Lots and description of property: Lots located between 297 DeSimone Drive & 23 LaRose Drive.

Mr. Paul DiTullio of 274 Brigham St., Marlborough presented the plan on behalf of his family. The lots shown on the plan are part of approximately 7 acres of land purchased by his mother and father in the 1980s. The family is selling the two house lots and reconfiguring the land to add an additional lot. Ms. Fenby asked if all the lots are considered buildable. Mr. DiTullio answered yes. They are creating three new building lots fronting DeSimone Drive (previously there were two) in addition to reworking lot lines of two existing home lots. He explained that driveways and a basketball court were situated without regard to property lines, since the land was under common family ownership. There will still be driveway easements on Lot 1 and Lot 2, but reconfiguration of the lot lines will enable the barn driveway to fit on Lot 4 at 23 LaRose, and include the basketball court in Lot 5 at 297 DeSimone Dr. Both existing home lots are under purchase and sale agreements. Mr. Fay asked if there is a consideration to subdividing the 5-acre parcel at 23 LaRose. Mr. DiTullio said the lot is being sold as-is. The family is not interested in subdividing the land, but it could be at some point.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to refer the matter to Engineering for review and recommendation. Motion carried.

4. Public Hearings

A. Council Order 19-1007756, Proposed Zoning Amendment Section 650-5 (B), entitled "Definitions; word usage", relative to the definition of Home Office/Home Occupation. Councilor Joseph Delano.

Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance.

The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Ward 1 City Councilor Delano presented the proposed amendment. Mr. Delano explained that the previously introduced zoning amendment regulating home offices/home occupations and contractor storage yards did not come to a Council vote. Lacking a means to classify home office businesses ("home office" is not included in the "Table of Uses" 650-17), the Building Commissioner has been unable to sign the business certificate affidavit for these entities. Adding these definitions will enable the City to clear the business certification backlog.

Speaking in Favor:

No person spoke in favor of the proposed amendment. Ms. Fenby closed that portion of the hearing.

Speaking in Opposition:

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

Questions and Comments from Board Members:

Mr. Fay felt the following language was imprecise: *"provided that not more than three persons are engaged in the activity on the premises at any one time."* He questioned who the "three persons" referred to... Does it mean employees? Customers? What about independent contractors? 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.

5. Subdivision Progress Reports (City Engineer, Updates and Discussion)

A. Subdivision Status Report

Goodale Estates: City Engineer DiPersio said there aren't many updates since the last meeting. Goodale is moving slowly. Mr. DiPersio explained that Engineering provided written communication outlining necessary action items to Mr. Gillis and his appointed site manager, Mr. Quigley. To date, Engineering has not received reciprocal communication. To review...Before paving can occur, there must be a confirmation of grades, verification of proper subbase and verification of adequate coverage over site utilities. Ms. Fenby would like Engineering to provide a copy of Engineering's communication to the Board so the questions can be addressed with Mr. Gillis at the next Planning Board meeting. Mr. Russ asked what additional work has been done on the site. Mr. DiPersio said that some electrical and utility work was done. Mr. Fay asked Mr. DiPersio if he thought the road was going to go in this year. Mr. DiPersio answered that hope was fading. Mr. LaVenture took site photos that were shared with the Board. Mr. DiPersio pointed out the relevant site features including the temporary access road and detention basin. Mr. Gillis is expected at the next Planning Board meeting on October 21.

Howe's Landing : Acceptance Process is underway. The draft Council Order for the acceptance of the street and municipal easements is on the October 7 City Council agenda. In addition to the 9-23-19 vote reducing the bond to zero, Attorney Galvani requested release from the Tripartite agreement. The Solicitor's office is reviewing the document for proper legal form for the next meeting, Oct. 21.

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

7. Definitive Subdivision Submissions (None)

8. Signs

A. Application for Sign Appeal/Variance - Jason Parillo, Poblocki Sign Company, 4 Industrial Park Road, Medway, MA 02053, on behalf of Doble Engineering, 123 Felton St., Marlborough, MA 01752

Mr. Parillo was present to appeal the denial of a 4th flat wall sign at 123 Felton St. According to the denial letter by Code Enforcement Officer, Pam Wilderman, only a total of 100 square feet of flat wall signage is allowed. Mr. Parillo's application exceeded this standard by 54 square feet. Mr. Parillo showed a site plan overview of the proposed sign locations. Three of the flat wall signs were placed over three entrances on the Felton St. side of the building. The 4th sign is proposed as an illuminated 61.24 square foot sign on the Interstate 495 side. The view of the sign from 495 was depicted in a slide prepared for the Board's review. According to Mr. Parillo, the sign's primary function is wayfinding.

Board members asked whether any alternatives were explored, for example, eliminating any flat wall signs on the other side of the building. They wondered whether each entrance served a different function that required identification. Mr. Parillo stated the three signs were the same and were at each entrance. The 4th sign provides visibility from Interstate 495, and according to the applicant, is not visible from any residence. A street view of the proposed sign location was viewed from GIS. Mr. Elder made an initial motion to approve the request for the sign variance. Discussion continued.

Mr. LaVenture offered the following viewpoint: We have a sign ordinance with rules that drive standardization, not entropy. Without compelling reasons to grant the variance, we are not supporting that function. GPS and cell phone apps do an excellent job of wayfinding. Mr. LaVenture asked what part of the sign ordinance Mr. Parillo could point to that would allow for this variance. There has been no hardship or conditions presented that would impede business that could only be remedied by the variance. Mr. LaVenture added that granting a variance provides no beneficial value to the city [in the sense of health, safety, and welfare of the public], and other remedies previously mentioned were available to his client [such as eliminating repetitive signage to conform with the ordinance], a variance seemed unwarranted.

Mr. Parillo was not familiar with Doble's inner workings or possible hardships resulting from the denial, but he was willing to explore conditions of use, such as reducing the hours of illumination or modifying the colors. Mr. Russ commented that ADP, a previous tenant, had signage on 495. This signage was not very noticeable. Ms. Fenby stated that 495 in Marlborough has a much more pleasant look than the interstate view in Framingham. Signs can detract from that appeal. Mr. Fay asked whether the Board had previously granted a similar variance. He recalled previous variances were granted for safety concerns or because of some unique aspect of the location. Councilor Robey was present and stated that a variance had been granted to the hotel on Forest St. to allow visibility from 495. This was granted as part of a special permit application process. Ms. Fenby asked whether members were ready to take a vote.

Mr. Elder motioned that the Planning Board grant the requested variance for a 4th flat wall sign at 123 Felton St. The motion was seconded by Mr. Fay. The motion did not carry.

9. Informal Discussion (None)

10. Unfinished Business

- A. Public Hearing Continued- Council Order 19-1007738 Proposed Zoning Amendment to Chapter 650 Section 8, Boundaries Established; Zoning Map, Rezoning of 269 Mechanic St., Assessor's Map 56-125. Law Office of Michael J. Norris.
Ms. Fenby referred to item 10A and the 10-2-19 letter from Attorney Michael Norris to City Council President Clancy. Based on the 269 Mechanic St. building encroachment into the rail trail, the proposed zoning amendment will require modification of the area requested for inclusion in the proposed amendment.

Councilor Ossing was present, and he confirmed that the letter will appear on the Council agenda. He anticipates the City Council will refer the modified amendment back to the Planning Board for recommendation. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the letter.

The Board will continue the public hearing and take no action at this time. Ms. Fenby requests that Attorney Norris communicate his research with the Board. Mr. Fay expressed his generally favorable impression of the proposed amendment, commenting that the zoning change is consistent with the surrounding neighborhood.

11. Calendar Updates

12. Public Notices of other Cities & Towns

A. Town of Sudbury, 1 Notice

B. City of Framingham, 12 Notices

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

Ms. Fenby asked whether members needed to see the public notices from other cities and towns in their hard copy packets. It was suggested that the notices appear in the electronic packet but be omitted from the hard copy packets. Ms. Fenby suggested Ms. Holmi ask the City Solicitor to confirm the Board's legal obligations with respect to these notices.

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

Respectfully submitted,



George LaVenture/Clerk

/kih



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

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2019 OCT 21 P 4:14

Minutes
October 1, 2019

Location: 18 Chestnut St. – Zoning Board of Appeals Case # 1457-2019

Applicant: Osanir De Oliveira, 133 Lincoln St. Marlborough, MA 01752

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

Date of Appeal: July 25, 2019

Osanir De Oliveira proposes to construct a new duplex (2 family home) at 18 Chestnut St., Map 69, Parcel 301 of the Assessors Maps. Located in Zoning District Residence B (RB). The applicant is applying for the following:

Special Permit for:

- Required Lot Frontage is 100 ft. vs. the existing 82.5 ft. per Marlborough City Code Table 650-41. (Special Permit request will be heard separately.)

Use requested requires zoning relief (variances):

- Required maximum Lot Coverage of 30% vs. the proposed 53%. Per Marlborough City Code Table 650-41.
- Required minimum rear yard 30 ft. vs. the proposed bulkhead encroaches into the rear yard approximately 10.7 ft. thus, a deviation of some 19.3 ft.
- Proposing 2 curb cuts and driveways. Only one curb cut is allowed per Marlborough City Code 650-49B(2)(a) There shall be no more than one driveway street connection for lots with less than 200 ft. of frontage.

The public hearing was opened on August 27th, 2019 but was continued to Sept. 10th, 2019 in order for abutters to be notified properly.

The Board informed the audience that there are two processes to this petition. One is for zoning relief (variances) and the second for a Special Permit.
Zoning Relief will be heard first.

- Required maximum Lot Coverage of 30% vs. the proposed 53%. Per Marlborough City Code Table 650-41.
- Required minimum rear yard 30 ft. vs. the proposed bulkhead encroaches into the rear yard approximately 10.7 ft. thus, a deviation of some 19.3 ft.
- Proposing 2 curb cuts and driveways. Only one curb cut is allowed per Marlborough City Code 650-49B(2)(a) There shall be no more than one driveway street connection for lots with less than 200 ft. of frontage.

The property is located in Zoning District Residence B (RB), being Map 69, Parcel 301 of the Assessors Maps. The lot contains 8,162 sq. ft. according to applicant's plot plan. The Assessor's Map show 9,014 sq. ft.

Lots in the area are similar in size, shape and topography.

The applicant, Osanir De Oliveira, was present. Also, her architect, Jose Cuzman of Lifetime Architecture, 15 Maple Tree Ln. Franklin, MA 02038 Tel 617-448-7506.

Proposal: The applicant proposes to construct a new duplex, 2 story structure. Each unit will have 2 bedrooms, totaling 4 bedrooms.

Existing before demolition and proposed: A single family structure with one curb opening for a driveway. Square footage of this single-family structure according to assessor's data was 1,604 sq. ft. The proposed square footage will be some 1,601 sq. ft.

The applicant provided **plans** entitled:

- Plot Plan, 18 Chestnut St. Marlborough, MA Prepared by Bruce Saluk & Associates, Inc. dated June 14, 2019 Scale 1" = 20' .
- Plans entitled: Two Unit Townhouse, 18 Chestnut St. Marlborough, MA Prepared by: LifeTime Architecture, 15 Maple Tree Lane, Franklin, MA Sheets 1 thru 8.

Exhibits: The applicant provided to the Board a few names that were in favor to the petition. The Board read the names to the audience. (names placed in Board's file)

The applicant, Osanir De Oliveira stated the following:

- She would like to construct a duplex in place of the single family which she demolished that was in poor condition.

- She and husband with her children and her sister and husband with her children will be living in this duplex. (total of 8 people) The duplex is a way for her and her sister to share living costs.
- She will also replace the foundation.

Jose Cuzman the architect stated the following:

- He designed the 2 story duplex with basement and attic.
- Each unit will be under 2,000 sq. ft.
- The units will have an open plan with 2 bedrooms in each unit.
- The proposed bulk head will be located at the rear. There is no setback measurement shown on the plans, but in the revised plans, he will add that in.
- The proposed duplex will sit on a new larger foundation.
- The proposed duplex meets height requirements.

The Board discussed the following:

- Having one curb opening. Maybe the one driveway can be wider?
- Parking at the rear of the parcel not allowed.
- Parking in front is not allowed.
- Gravel is not allowed for driveways in order to meet lot coverage.
- It was mentioned by a Board Members that the proposed driveway on the left side of the proposed house seems to narrow towards the rear of the house. It starts as 5 ft. from the house at the front and as it goes back, it seems to be less. This should be reviewed if the left driveway is to remain.
- Board members had concerns about the increase of the proposed 53% lot coverage. Existing before the demolition was 16.8%. Zoning District Residence B is a maximum of 30%.

Questions from the Audience:

- 104 Mechanic St.– Marie Fernald - Issues about parking and being a duplex.

Speaking in opposition:

- 14 Chestnut St. – Robert Waldron – His house is to the left of the lot in question. His concerns are the proposed duplex and driveway being too close to his house. The lot in question is very small.
- 19 Norwood St. – Jack Harris – Wants to see a single family with one driveway.
- 33 Chestnut St. – Terry Dorschner – It will be 3 driveways opposite the current neighbor's driveway.
- 15 Chestnut St. – woman – She feels there will be a parking problem. There are no sidewalks on that side of the street (18 Chestnut St.) More cars will be parked on her side of the street.
- 26 Chestnut St. – Dacruz – Would like to see a home built with one driveway.

Speaking in favor:

- 77 Chestnut St. – Jose Borges – Would like to see something constructed on this empty lot.
- 105 Lincoln St. – Lee Ann Davis – a realtor. Has lived in this neighborhood for 30 years. Would love to see improvements to the neighborhood and a new house will be nice.

The public portion of the hearing was closed.

Hardship: As stated by the architect:

This is a non-conforming pre-existing lot with 82.5 ft. of frontage vs. the minimum required 100 ft. This existing frontage creates a narrow lot, which makes it difficult to construct a duplex with enough parking and living space for the owner.

It was stated by a Board Members that the applicant has not address the “hardship” criteria.

One Board member felt the proposed bulk head can remain, but must calculate the distance to the rear lot line on a plan

The architect agreed to come back to the Board with a revised plan showing the following:

- Eliminate the left driveway
- By eliminating the left driveway, re-calculate the lot coverage
- Show setback numbers for the proposed 2 open deck.
- Show setback numbers for the proposed bulk head. The architect said he can put the entrances to the basement on the side. That may eliminate asking for a variance at the rear??
- How many cars will be able to park on the proposed right driveway?

The **Special Permit** process did not continue this evening. Once the zoning relief hearing portion is closed, the Board will entertain the Special Permit process.

A motion was made by Thomas Pope and seconded by Robert Levine to continue the public hearing to October 1, 2019 at 7:00 PM. On a vote of 4-0, the hearing was continued to October 1, 2019 at 7:00 PM.

October 1, 2019 – Continuation

The Board continued the public hearing. Members present were Paul Giunta-Chairman, Thomas Pope, Thomas Golden and Robert Levine.

Also present was the applicant and her architect, Mr. Cuzman.

Exhibit for the file:

- The Board read into the file an e-mail from the Building Commissioner, Jeffrey Cooke, dated Sept. 30, 2019. E-mail stating in part that the applicant needs a Special Permit to expand from a single to a two family of a pre-existing, non-conforming lot, and zoning relief for the increase over the allowable amount of lot coverage, as this is a new violation.
- **Revise Plan:** Dated 9/25/2019, Proposed Conditions Plot Plan 18 Chestnut St. Marlborough, MA Prepared by: Bruce Saluk & Associates, Inc. Stamped by: Bruce Saluk.

The audience were invited up to the table to review the revised plan.

The Board stated that according to the revised plan, the proposed structure is smaller by shortening the front of the building, the proposed bulkhead is not encroaching into the rear yard setback, and the left driveway is eliminated.

The applicant feels the proposed structure is in keeping with the rest of the neighborhood in size of structure, setbacks, and lot coverage.

Hardship: The Board asked the applicant to re-state their hardship. The applicant stated that the design of the proposed structure was governed by the shape of the lot. The 82.5 ft. lot frontage created a narrow lot. The applicant stated he cannot make the structure any smaller and conform to the codes on the size of the rooms.

Thomas Golden, Board Member, felt that the pre-existing non-conforming nature of the lot, created his hardship.

Questions from audience:

- Marie Fernald – 104 Mechanic St. – Asked why not build a structure with a 1st and 2nd Floor. - Answer-that would require exterior stairs for the 2nd Floor, thus creating more lot coverage.

Speaking in opposition:

- 14 Chestnut St - Robert Waldron – felt a single-family home is a better fit for the lot and the neighborhood. The applicant is proposing 8 people to live in this structure, and that will mean 4 cars are stacked in the proposed driveway.

When the children become of driving age that will mean more cars. There is no room on the street for street parking. If the applicant has visitors, where will they park?

- 19 Norwood St.- Jack Harris – felt a single-family home is a better fit for the lot and neighborhood. The lot is too small. The applicant will build the proposed structure and may sell in the future, then the property becomes an eyesore. He was also concerned about cars speeding on the street.

The applicant agreed to take out the 2 open decks and the walkway at the front of the house from the plan, thus creating 33% Lot Coverage vs. the proposed 39% on their revised plan.

On a motion by Paul Giunta to close the public portion of the hearing. Thomas Pope seconded the motion. On a vote of 4-0, the public portion of the hearing was closed.

Discussion:

Paul Giunta -Chairman, stated he was impressed that the applicant has tried to scale down the proposed structure to create less Lot Coverage. Lot Coverage is the only zoning relief requested.

Thomas Pope – Board Member suggested that the proposed driveway be shortened at the rear of the property, which would create less Lot Coverage.

After much discussion with the applicant about Lot Coverage, the applicant was able to scale down Lot Coverage to 33% vs. the required maximum 30%. (On his revised plan, 39% Lot Coverage was proposed)

A motion was made by Robert Levine that the Board approve a 33% Lot Coverage and that the applicant presents a revised certified plot plan to the Building Department showing the 33% Lot Coverage prior to the issuance of a Building Permit. Also present the revised plan to the Zoning Board for their file. Thomas Pope seconded the motion. The Board voted 4-0 to approve the motion.

The Board finds:

- Due to the pre-existing non-conforming nature of the lot having 82.5 ft. of frontage vs. the minimum required 100 ft. has created a narrow lot, thus created the applicant's hardship.
- On Chestnut St. and surrounding neighborhoods, there is a mixture of single- and two-family homes and a few multi-family homes.
- Also, on Chestnut St. and surrounding neighborhood, the house lots are similar in size and shape to the lot in question.
- The lot in question is located in Zoning District Residence B. The bulk of the neighborhood are single- and two-family homes. With a few multi-family homes.

- Desirable relief may be granted without substantially derogating from the intent and purpose of the zoning bylaw because a zoning relief of 33% vs. the maximum required 30% for Lot Coverage is minimal. This is an old neighborhood in Marlborough, and a considerable number of lots in the area do not conform to the city's current codes concerning lot coverage, setbacks and lot shape.

A motion was made by Robert Levine to grant zoning relief for the proposed Lot Coverage of 33%. Motion was seconded by Thomas Pope. A vote of 4-0 to grant zoning relief for the proposed 33% Lot Coverage.

A motion was made by Paul Giunta to close the public hearing. Motion was seconded by Robert Levine. A vote of 4-0 to close the public hearing.

Following the close of this public hearing, the Special Permit process began.

Special Permit process...

Board Members present were: Paul Giunta-Chairman, Thomas Pope, Robert Levine and Thomas Golden.

Date of Appeal: September 25, 2019

Administrative body from whose decision or order of appeal was taken: Building Dept.

Appeal filed with: Zoning Board of Appeals and City Clerks' Office.

Special Permit for:

- Required Lot Frontage is 100 ft. vs. the existing 82.5 ft. per Marlborough City Code Table 650-41. The expansion of the 2-family duplex requires a Special Permit.

Notice was sent Certified Mail by the applicant to parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 400 feet of the property lines, including owners of land in another municipality, all as they appear on the most recent applicable tax lists. A re-notification to abutters were sent out August 23, 2019 by Certificate of Mailing for a continuation meeting date of September 10, 2019.

Original documents are on file with the Board of Appeals and the City Clerks' Office.

The public hearing was opened on August 27, 2019 and continued to Sept. 10, 2019 (no testimony was heard until the zoning relief portion was closed) and a continuation date of October 1, 2019.

The property is located in Zoning District Residence B (RB) Map 69, Parcel 301.

The Building Dept. determined the lot is pre-existing non-conforming with existing frontage of 82.5 ft. vs. the minimum required 100 ft. for Zoning District Residence B. per Marlborough City Code Table 650-41. The proposal is to expand a single-family structure to a 2-family structure requires a Special Permit.

The applicant has received zoning relief for Lot Coverage of 33% vs. the required maximum required 30% at the close of the Oct. 1st, 2019 meeting date. ZBA Case # 1457-2019

Many of the lots in the area are similar in size, shape and topography. The majority makeup of the neighborhood are single family homes, two families and a few multi-family homes.

The applicant, Osanir De Oliveira, was present. Also, her architect, Jose Cuzman of Lifetime Architecture, 15 Maple Tree Ln. Franklin, MA 02038 Tel 617-448-7506.

Plans: The applicant provided the following plans:

- Plot Plan, 18 Chestnut St. Marlborough, MA Prepared by Bruce Saluk & Associates, Inc. Dated: June 14, 2019
- Architectural Site Plan, Two Unit Townhouse, 18 Chestnut St. Prepared by Lifetime Architecture. Sheets 1 thru 7. No date stamp.
- **Revised plan-** Proposed Conditions Plot Plan, 18 Chestnut St. Marlborough, MA Prepared by Bruce Saluk & Associates, Inc. Dated Revised: Sept. 25, 2019.

Mr. Cuzman, architect, stated they have reduced the size of the proposed duplex to conform with the city's setback requirements. The structure cannot be any smaller to stay in conformance to the city's code on room size. The only zoning relief they are requesting is for the proposed Lot Coverage of 39% according to the revised plan. But the applicant has scaled it back to 33% proposed Lot Coverage

There was some discussion about the number of people that will be occupying the proposed duplex. (the applicant was stating 8 people) Some abutters were concerned that the proposed duplex will create more congestion in the neighborhood with added people and cars. The Board stated that if it were to remain a single-family house, you would not know how many people will occupy the proposed structure.

Speaking in **opposition**:

- 14 Chestnut St. – Robert Waldron – having 8 people occupy this proposed duplex will add more cars and congestion to the neighborhood.

Robert Levine, Board Member, stated that some of the concerns by the abutters is the square footage of the proposed duplex. There is not much of a difference in square footage between the demolished single-family structure vs. the proposed duplex.

A motion was made by Paul Giunta to close the public portion of the public hearing. Motion was seconded by Thomas Golden. A vote of 4-0 to close the public portion of the hearing.

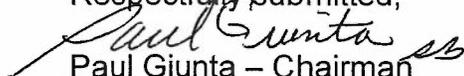
After some discussion the Board finds the following:

1. Compatibility of the size of the proposed structure with neighboring properties is in keeping with the neighborhood.
2. The petition is not substantially more detrimental than the demolished single-family structure. The size of the proposed duplex is some 1,601 sq. ft. Adding some 412 sq. ft. makes it some 2,013 sq. ft. ± .
3. The slight increase in the foot print of the foundation will not intensify the use of the proposed 2 family structure. If it is remained as a single-family structure it is hard to say how many people will occupy the proposed 2 family.
4. The proposed petition will be an improvement to the neighborhood. Currently this is an empty lot. The demolished structure was an eyesore in the neighborhood. The foot print of the demolished house is not much larger than the proposed duplex.

A motion was made by Thomas Pope to approve the Special Permit for a 2-family duplex. Thomas Golden seconded the motion. A vote of 4-0 to approve the Special Permit.

A motion was made by Robert Levine to close the public hearing. Thomas Golden seconded the motion. A vote of 4-0 to close the public hearing.

Respectfully submitted,


Paul Giunta – Chairman
Zoning Board of