

REGULAR MEETING  
JULY 20, 2020  
TIME: 8:00 PM

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

CONVENED:  
ADJOURNED:  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 P 1:50

This meeting of the City Council will be held virtually on Monday, July 20, 2020 at 8:00 PM with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

1. Minutes, City Council Meeting, June 22, 2020.
2. PUBLIC HEARING On the Petition from Eversource Energy to install approximately 500' of 8" Low Pressure gas main as part of a system improvement on South Bolton Street & Main Street to Granger Boulevard, Order No. 20-1008044.
  - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Eversource Petition on South Bolton & Main Streets to Granger Boulevard.

**\*\* TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 862 433 430#. \*\***
3. CONTINUED PUBLIC HEARING On the Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, Order No. 20-1007948E.

**\*\* TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 862 433 430#. \*\***
4. PUBLIC HEARING On the Petition from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, Order No. 20-1008046.

**\*\* TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 862 433 430#. \*\***

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.

5. PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District to be known as Volaris Marlborough, consisting of 188 units in 4 buildings at 339 Boston Post Road East, Order No. 20-1007995B.
  - a) Communications from various residents relative to the Application for Special Permit as proposed for 339 Boston Post Road East, Order No. 20-1007995B.

**\*\* TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 862 433 430#. \*\***

6. Communication from the Mayor, re: Additional information regarding naming of field in honor of Disbursing Clerk 2<sup>nd</sup> Class Harold Cole, Order No. 20-1008043.
7. Communication from the Mayor, re: Transfer Request in the amount of \$271,443.00 which moves funds from Reserved for Salaries to various accounts to fund the MMEA collective bargaining agreement for fiscal year 2021.
8. Communication from the Mayor, re: Transfer Request in the amount of \$49,352.00 which moves funds from Reserved for Salaries and Board of Health Senior Clerk to Auditor and Board of Health Principal Clerk to fund the new salary of the Auditor and the Board of Health Principal Clerk.
9. Communication from the Mayor, re: Transfer Request in the amount of \$39,300.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back to fund the sick leave buy back for a retiree in the Department of Public Works.
10. Communication from the Mayor, re: Grant Acceptance in the amount of \$2,000,000.00 from the Executive Office of Housing and Community Development (EOHCD) MassWorks Infrastructure Program for the Lincoln Street Revitalization Project.
11. Communication from the Mayor, re: Grant Acceptance in the amount of \$2,144.00 from the MA Board of Library Commissioners (MLBC) for the Public Library to be used to hold virtual programming for children ages 3-10 in a variety of topics.
12. Communication from the Mayor, re: Proposed Salary Ordinance Amendment and updated Job Description for the position of Director of Civil Defense.
13. Communication from the Mayor, re: Notification of 60-day Temporary Appointment of Assistant Commissioner Theodore Scott as Acting Commissioner of Public Works.
14. Communication from City Solicitor, Jason Grossfield, re: Proposed Grant of Public Trail Easement pursuant to Special Permit, 96 Crowley Drive, X19-1007703D.
15. Communication from City Clerk Steven Kerrigan, re: Proposed Acceptance of MGL Chapter 53 §9A.
16. Communication from Code Enforcement Officer Ethan Lippett, re: Request for Approval of a Flat Wall Sign, Aivy Nails & Spa, 115 Apex Drive, Unit C, within the HRMUOD, Order No. 16/20-1006443.
17. Communication from Code Enforcement Officer Ethan Lippett, re: Request for Approval of a Free-Standing Sign, Aivy Nails & Spa, 115 Apex Drive, Unit C, within the HRMUOD, Order No. 16/20-1006443.

18. Communication from Code Enforcement Officer Ethan Lippett, re: Request for Approval of a Flat Wall Sign, Post Road Carpet, 782 Boston Post Road East, within the Wayside District.
19. Communication from Code Enforcement Officer Ethan Lippett, re: Request for Approval of a Free-Standing Sign, Post Road Carpet, 782 Boston Post Road East, within the Wayside District.
20. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Rezoning of Land off Valley Street, identified as Map 82, Parcel 125, Order No. 20-1007976A.
21. Communication from the Planning Board, re: Favorable Recommendation with proposed considerations on the Proposed Zoning Amendment to Chapter 650 to add a new §38 relative to creating a Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, Order No. 20-1007975A.
22. Communication from Attorney Brian Falk on behalf of Vedi Naturals, LLC, re: Request to Extend Time Limitations to August 25, 2020 at 10:00 PM, on the Application for Special Permit to operate an Adult Use Marijuana Retail Establishment, 505 Boston Post Road West (Twin Boro Crossing), Order No. 19/20-1007881C.
23. Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100.
24. Communication from Central MA Mosquito Control Project re: Personnel being in the community responding to residents' concerns about mosquitos on various dates in July 2020.
25. Communication from Massachusetts Clean Water Trust re: Public comment period for implementing the water infrastructure transfer act.
26. Minutes of Boards, Commissions and Committees:
  - a) School Committee, May 26, 2020, June 9, 2020 & June 23, 2020.
  - b) Ad-Hoc Municipal Aggregation Committee, June 25, 2020.
  - c) Conservation Commission, May 7, 2020, May 21, 2020, June 4, 2020 & June 18, 2020.
  - d) Fort Meadow Commission, September 19, 2019 & May 21, 2020.
  - e) Historical Commission, May 21, 2020.
  - f) Planning Board, June 8, 2020.
  - g) Traffic Commission, May 27, 2020.
  - h) Zoning Board of Appeals, July 7, 2020.

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From City Council

27. **Order No. 20-1008026B** – Updated Job Descriptions for the Finance Director/Treasurer and Auditor positions.



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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL -2 P 1:35

**JUNE 22, 2020**

Regular meeting of the City Council was held on Monday, June 22, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing. Councilors Participating Remotely: Oram, Perlman, Robey, Wagner, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Meeting adjourned at 9:46 PM.

City Council President Ossing recognized DPW Commissioner John Ghiloni who will be retiring on July 2, 2020. He then introduced Mayor Vigeant who presented Commissioner Ghiloni a proclamation declaring July 1, 2020 as John Ghiloni Day in the City of Marlborough. President Ossing along with other members of the City Council spoke and thanked Commissioner Ghiloni for his service and wished him well in his retirement.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

**Present: 11 – Absent: 0**

**Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Minutes of the City Council meeting, June 8, 2020, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Communication from Ayoub Engineering on behalf of Lincoln 431 LLC, (Shell Station), 431 Lincoln Street, re: Request for an extension of time on the Public Hearing for Sign Special Permit to July 20, 2020, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the PUBLIC HEARING on the Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, **CONTINUED UNTIL JULY 20, 2020 AT 8:00 PM**; adopted.

**Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

The hearing was continued with no testimony being heard.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the PUBLIC HEARING on the Petition from Eversource Energy to install approximately 185' of 2" IP plastic pipe as a gas main extension on Union Street from 215 Union Street towards Hollis Street, Order No. 20-1008031, all were heard who wish to be heard, hearing closed at 8:25 PM; adopted.

**Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

ORDERED: That the Petition from Eversource Energy to install approximately 185' of 2" IP plastic pipe as a gas main extension on Union Street from 215 Union Street towards Hollis Street, **APPROVED WITH THE FOLLOWING CONDITION**; adopted.

1. That Eversource complete their ongoing work on Pleasant Street, Bolton Street, and Poirier Drive prior to mobilizing their forces to this project.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the PUBLIC HEARING on the Proposed Rezoning of land off Valley Street, identified as Map 82, Parcel 125, Order No. 20-1007976, all were heard who wish to be heard, hearing closed at 8:35 PM; adopted.

**Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

President Ossing called a recess at 8:35 PM and returned to open meeting at 8:37 PM.

Mayor Vigeant, provide an update to the City Council regarding the Fiscal Year 2020 and Fiscal Year 2021 Budgets.

ORDERED: That the Communication from Councilor Ossing and Councilor Tunnera, re: Municipal Aggregation – June 2020 Update, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$500.00 for the Police Department from James & Marna Rusher for the benefit of the K-9 unit led by Sgt. Ken McKenzie; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Transfer Request in the amount of \$135.00 which moves funds from Nurse Salary to Senior Clerk Salary to cover the cost associated with an employee promotion in the Health Department, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Board of Health				FISCAL YEAR:		2020	
FROM ACCOUNT:						TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$5,091.77</u>	<u>\$135.00</u>	<u>15120001</u>	<u>50390</u>	<u>Nurse</u>	<u>\$135.00</u>	<u>15120002</u>	<u>50770</u>	<u>Senior Clerk</u>	<u>\$1,774.38</u>
Reason:		<u>Position vacant</u>				<u>Increase in pay due to Principal Clerk promotion effective May 25, 2020</u>			
	\$135.00	Total			\$135.00	Total			

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Communication from the Mayor, re: Notification of renewal of 60-Day Temporary Appointments of Tax Collector Eileen Bristol as Interim Treasurer, and of Stephen Cirillo as Interim Comptroller, effective June 17, 2020, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Proposed Amendment to the Code of the City of Marlborough, Chapter 540 "Solid Waste", making changes to the Resident Drop-Off Facility operations and associated fees, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

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 AS FOLLOWS:

I. By amending Chapter 540 ("Solid Waste"), Article II ("Transfer Stations") by deleting the words "Transfer Stations" in the title and replacing it with the words: "Resident Drop-Off Facility".

II. By amending Chapter 540, Section 540-16, entitled "Provision for Station", as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 540-16 Provision for ~~station~~ resident drop-off facility.

The City shall provide, either by contract or otherwise, a ~~transfer station~~ resident drop-off facility for the ~~disposal of solid waste drop-off and transfer of residential solid waste and residential recycling, and may include residential compost,~~ generated within the City.

III. By amending Chapter 540, Section 540-17, entitled "Use of landfill", as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 540-17 Use of landfill.

~~Upon establishment of a transfer station,~~ The Hudson Street landfill will be closed to public use. Further use of said landfill facility by the public will only be allowed under emergency conditions by the Department of Public Works or as otherwise approved by the City Council.

IV. By amending Chapter 540, Section 540-18, entitled "Definitions", by deleting the existing section in its entirety and replacing it with the following:

§ 540-18 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this article:

**RESIDENTIAL COMPOST:** Discarded organic material such as yard trimmings, kitchen scraps, wood shavings, cardboard and paper that is converted to compost, which can be used for soil improvement or as a fertilizer.

**RESIDENTIAL RECYCLING:** Discarded material that can be converted into reusable material as defined by the Massachusetts Department of Environmental Protection.

**RESIDENTIAL SOLID WASTE:** Discarded material that is usual to housekeeping, which is not recycling or hazardous waste as defined by the Massachusetts Department of Environmental Protection.

- V. By amending Chapter 540, Section 540-19, entitled "Stickers", by deleting the existing section in its entirety and replacing it with the following:

§ 540-19 Stickers; Use of Resident-Drop Off Facility

- (A) The resident drop-off facility shall be for the sole use of residents of the City of Marlborough. The department of public works shall issue permits in the form of stickers to be attached to each vehicle window. The department of public works shall adopt regulations for the administration of the resident drop-off facility consistent with this section.
- (B) Entrance for the use of the resident drop-off facility shall only be allowed to vehicles displaying a proper window sticker affixed to the lower, front corner of the driver's side window. Said permit shall allow use of the facility on an annual basis, from July 1 through June 30 of each year, as follows:
- (1) Residential Solid Waste / Residential Recycling Standard Sticker: \$50 annual fee. This sticker permits a maximum of 50 household bags of residential solid waste and 6 pay items.
  - (2) Residential Recycling Only Sticker: No fee.
  - (3) Senior Citizens (Age 65 and older) and Disabled American Veterans Sticker: No fee. This sticker permits a maximum of 50 household bags of residential solid waste and 4 pay items.
  - (4) Sticker Upgrades: Purchasable in \$100 increments for an additional 4 pay items. 12 household bags of residential solid waste are considered 1 pay item.
  - (5) For purposes of this subsection, Pay Items are items such as electronics, appliances and bulk waste.
- VI. By deleting Chapter 540, Sections 540-20, 540-21, and 520-22 in their entirety.

ORDERED: That the Proposed Order for the naming of the new Elementary School and Recreational Fields, refer to **VETERAN'S AFFAIRS COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

Pursuant to City Ordinance Sec. 551-1, the City Council hereby approves the naming of the following public building and fields:

- (i) The new elementary school, located at 441 Bolton Street, Marlborough, shall henceforth be named and known as the Goodnow School. Said naming is in honor of Theodore Goodnow, Andrew Goodnow, and Charles Goodnow, three brothers Killed in Action during the Civil War; and
- (ii) The softball field, located at 441 Bolton Street, Marlborough, shall henceforth be named and known as Demers Field. Said naming is in honor of Lance Corporal Richard Demers, a United States Marine, Killed in Action during the Vietnam War; and
- (iii) The baseball field, located at 25 Union Street, Marlborough, shall henceforth be named and known as Cole Field. Said naming is in honor of Disbursing Clerk 2nd Class Harold Cole, who served in the Naval Reserve during World War II and, following honorable discharge, later reenlisted and was killed in a plane crash while on active duty.

ORDERED: That there being no objection thereto set **MONDAY JULY 20, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from Eversource Energy to install approximately 500' of 8" Low Pressure gas main as part of a system improvement on South Bolton Street & Main Street to Granger Boulevard, refer to **ENGINEERING DEPARTMENT**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Communication from Attorney Sem Aykanian on behalf of Paul Griffin, Jr., Trustee of Union Realty Trust, re: Proposed License to Encroach for the purpose of placing a handicap access ramp at 270-276 Main Street, refer to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE; CITY SOLICITOR AND ENGINEERING**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That there being no objection thereto set **MONDAY JULY 20, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Cultural Council, June 2, 2020.
- b) Library Trustees, April 28, 2020.
- c) Planning Board, May 18, 2020.
- d) Traffic Commission, February 26, 2020.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

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

- a) Adrian Gilbert, 40 Temple Circle, pothole or other road defect.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

Reports of Committees:

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

City Council Urban Affairs Committee  
Wednesday, June 17, 2020; 7:30 PM  
In Council Chambers and via Microsoft Teams

Minutes and Report

Voting members present in Chambers: Chairman Katie Robey, Councilor Landers, Councilor Doucette, and Councilor Navin. Others in Chambers: Councilor Dumais and Councilor Irish.

Others attending Via Microsoft Teams: Councilor Perlman, Councilor Ossing, Mayor Vigeant, City Solicitor Grossfield and Assistant City Solicitor Jason Piques.

**Order No. 20-1007947: Proposed Zoning Amendment to Chapter 650 §5, §17 and §18— Contractor Yards and Proposed Zoning Map Amendment to Section 650-8 being a portion of Parcel 85-12.**

Chair Robey stated that councilors had received a communication from Solicitor Grossfield that included letters of support for these amendments from Gina DeMatteo and from Trombetta Family Limited Partnership, a letter of support from the ZBA and a generally favorable recommendation from the Planning Board after they held their Public Hearing. The Council's Public Hearing was continued until May 18; there was no public speaking against and no questions from the public.

**Councilor Doucette moved to approve the amendments to Chapter 650 §5, §17 and §18; it was seconded, and motion carried 4-0.**

It was moved and seconded to adjourn; motion carried 5-0. The meeting adjourned at 7:50 PM.



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

a. By inserting in subsection A thereof a new paragraph (48) as follows:

(48) Contractor's yard and landscape contractor's yard.

(a) **Exemptions; Design Standards for Certain Existing Yards.** All existing contractor's yards and landscape contractor's yards in the CA or LI zoning district as of the date of this amendment that existed prior to December 31, 2014 shall not be required to obtain a special permit, but shall file for site plan review with an as-built plot plan by the City of Marlborough Site Plan Review Committee within nine (9) months of the effective date of this paragraph, and complete site plan review within twenty-four (24) months of the effective date of this paragraph. Said site plan review shall be limited to the following design standards:

(1) *Screening.* To the maximum extent practicable, the yard shall be adequately screened from the street and adjacent properties to obscure the vehicles parked thereon, and the equipment and/or materials stored therein, to create an effective visual barrier.

(2) *Vehicles, Equipment and/or Materials.* To the maximum extent practicable, all vehicles, equipment and/or materials associated with the yard must be stored on and accessed from impervious or otherwise dust-free surfaces.

(3) *Flammable, Combustible or Dangerous Substances.* A yard shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community Right-To-Know Act, or EPCRA) and/or MGL c. 148.

(4) *Maximum size of yard.* The maximum size of the yard (including all structures, parking and driveways on the lot) shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the lot is located. If the yard exceeds said lot coverage percentage, the yard shall not increase its lot coverage and shall be made compliant within twenty-four (24) months of the effective date of this paragraph.

For yards that are in compliance with a prior special permit or site plan approval, no special permit or site plan review is required.

(b) **Design Standards for All Other Permissible Yards.** Yards shall require a special permit, and site plan approval by the City of Marlborough Site Plan Review Committee, whose review shall include, but not be limited to, the following design standards.

(1) *Screening.* Yard shall be adequately screened from the street and adjacent properties to obscure the vehicles parked thereon, and the equipment and/or materials stored therein, to create an effective visual barrier from ground level to a height of at least five (5) feet.

(2) *Vehicles, Equipment and/or Materials.* All vehicles, equipment and/or materials associated with the yard must be stored on and accessed from impervious or otherwise dust-free surfaces.

(3) *Flammable, Combustible or Dangerous Substances.* A yard shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community Right-To-Know Act, or EPCRA) and/or MGL c. 148.

(4) *Maximum size of yard.* The maximum size of the yard, when combined with all structures, parking and driveways on the lot being proposed for the lot on which the yard is proposed to be located, shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the lot is located.

(5) *Proximity to existing residential zoning districts/uses.* (i) Yard shall not be located on a lot less than two hundred (200) feet from a residential zoning district, and on any lot if a residential use is being made of any abutting lot(s); and (ii) *Minimum lot area.* Minimum area of the lot shall be 22,500 square feet.

#### IV. Zoning Map Amendment

The Zoning Map, Section 650-8, is amended by making the following changes:

Change a portion of Assessor's Parcel 85-12, consisting of less than 6.53 +/- acres, being the portion of the property currently zoned Business (B), to the adjacent Light Industrial (LI) District. The proposed Zoning Map change is shown on the attached map.

#### **APPROVED.**

**First Reading, suspended; Second Reading, adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Enroll, adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Ordain; adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**No objection to passage in one evening.**

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 398, ENTITLED "LICENSES AND PERMITS," AS FOLLOWS:

I. Chapter 398, entitled "LICENSES AND PERMITS", is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

A. Section 398-2, entitled "List of delinquent taxpayers," is amended as follows:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as "the Tax Collector," shall annually, and may periodically~~upon request~~, furnish to each department, board, commission or division, hereinafter referred to as "the licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as "the party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**APPROVED.**

**First Reading, suspended; Second Reading, adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Enroll, adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Ordain; adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**No objection to passage in one evening.**

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 AS FOLLOWS:

- I. By amending Section 67-10(A), entitled “Comptroller-Treasurer; appointment, term and duties”, by inserting the following sentences at the end of the existing paragraph: Alternatively, the Mayor may, subject to confirmation of the City Council, appoint a Finance Director/Treasurer for a term of three years to expire the day following his/her approval by the City Council. The Finance Director/Treasurer shall be the director of all financial management operations and shall perform all duties of the Comptroller-Treasurer as delineated by City Code.
- II. By amending Section 67-5 (Auditor, General Duties) by inserting the following sentence as subsection F: The Auditor shall assist and make recommendations to the Mayor in the development and evaluation of the capital and operating budgets and shall be responsible for preparation of budget documentation.
- III. By amending Chapter 125, entitled “Personnel”, by adding to the salary schedule referenced in Section 125-6, the following:

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
Finance Director/ Treasurer	\$102,116.74	\$104,159.04	\$106,242.23	\$108,367.07	\$110,534.41	\$112,745.10	\$115,000.00
Auditor	\$102,116.74	\$104,159.04	\$106,242.23	\$108,367.07	\$110,534.41	\$112,745.10	\$115,000.00

This ordinance shall supersede and replace any existing rate for said positions (if applicable) in the current salary schedule.

**APPROVED.**

**First Reading, suspended; Second Reading, adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Enroll, adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Ordain; adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**No objection to passage in one evening.**

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:46 PM; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**



# IN CITY COUNCIL

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Marlborough, Mass., JUNE 22, 2020

## ORDERED:

That there being no objection thereto set **MONDAY JULY 20, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from Eversource Energy to install approximately 500' of 8" Low Pressure gas main as part of a system improvement on South Bolton Street & Main Street to Granger Boulevard, be and is herewith refer to **ENGINEERING DEPARTMENT**.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ADOPTED

ORDER NO. 20-1008044

**Steven Kerrigan**

---

**From:** Thomas DiPersio  
**Sent:** Thursday, July 16, 2020 10:37 AM  
**To:** City Council; Steven Kerrigan; Mike Ossing  
**Subject:** Order 20-1008044

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

2020 JUL 16 A 10:57

Council President Ossing, Public Services Committee Chairman Landers and City Councilors,

Regarding Order No. 20-1008044 which has been referred to the Engineering Department, Petition from Eversource Energy to install a approximately 500' of 8" low pressure gas main as part of a system improvement on South Bolton Street and Main Street, I offer the following for your consideration:

As we have done on recent petitions from Eversource, I request that approval of this petition would be with the following condition:

1. That Eversource complete their ongoing work on Pleasant Street, Bolton Street, and Poirier Drive prior to mobilizing their forces to this project.

We will further condition the work, as to exact location of their new main, the final paving requirements, etc., as part of the subsequent permit that is required from the Engineering Department.

Please contact me with any questions.

Thank you

**Thomas DiPersio, Jr., PE, PLS**  
 City Engineer  
 Department of Public Works  
 135 Neil Street  
 Marlborough, MA 01752  
 Phone:(508)624-6910x33200  
[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)





## IN CITY COUNCIL

Marlborough, Mass., JUNE 22, 2020

### ORDERED:

That the PUBLIC HEARING on the Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, be and is herewith **CONTINUED UNTIL JULY 20, 2020 AT 8:00 PM.**

**Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

The hearing was continued with no testimony from the public being heard.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ADOPTED

ORDER NO. 20-1007948E



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 22, 2020

### ORDERED:

That there being no objection thereto set **MONDAY JULY 20, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ADOPTED

ORDER NO. 20-1008046



## IN CITY COUNCIL

---

Marlborough, Mass., JUNE 8, 2020

### ORDERED:

That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District to be known as Volaris Marlborough, consisting of 188 units in 4 buildings at 339 Boston Post Road East, be and is herewith **CONTINUED UNTIL JULY 20, 2020 AT 8:00 PM.**

**Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

The hearing was continued with no testimony from the public being heard.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ADOPTED

ORDER NO. 20-1007995B



# City of Marlborough Office of the Mayor

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 AM 11:14  
Nathan R. Boudreau  
EXECUTIVE AIDE

Patricia Bernard  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

## Re: Disbursing Clerk 2<sup>nd</sup> Class Harold Cole

Honorable President Ossing and Councilors:

I wanted to provide you with additional information on Disbursing Clerk 2nd Class Harold Cole, whom I have suggested as the veteran honored with the naming rights to the baseball field previously known as Community Center Field, located behind 1LT Charles W. Whitcomb School. In recent discussions, it was noted that this honoree was not killed in action, however, Disbursing Clerk 2nd Class Harold Cole has honorably served in two of our nation's conflicts, the latter of which resulted in the loss of his life.

Harold Clark Cole was born on December 10, 1920, here in Marlborough, Massachusetts. Harold Cole grew up on Mechanic Street and was proudly educated at Marlborough Public Schools. After his formal education, he worked as a cab driver for the city's cab company before enlisting for World War II. On April 11, 1944, he joined the United States Navy reserve and was put directly into active military service during World War II.

In World War II, Cole was assigned to LMSR-Group 52. This group escorted and provided security for the landing crafts in Japan. During their service, LMSR-Group 52 experienced great sacrifice due to enemy attack.

Disbursing Clerk 2nd Class Cole was honorably discharged from the US Navy on April 4, 1946 and returned home. Cole received several awards and citations for his actions during World War II. After his service, Cole was employed by Ethier Motors Company as a salesman, but according to his son, he sought more in life, so he re-enlisted during the Korean War.

During his time in Korea, Cole served attached to the SS. General A.E. Anderson, a ship that received a Silver Star for Service in Korea. During Cole's time on the ship, he moved Airborne

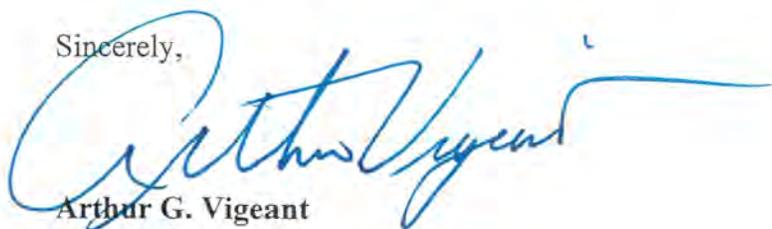
units between California and Japan. After transporting the airborne division, the ship maintained the same route supporting the North Atlantic Treaty Organization's mission. Cole was an active crew member of the Anderson at the time of his death.

On May 18, 1951, Harold Cole was the only man from a 5-man crew to perish in a plane crash on their way home from serving our country. One of the engines in their B-52 lost power and unfortunately crashed. Harold Cole received numerous posthumous awards and citations for his service in Korea. Dispersing Clerk 2nd Class Cole left behind his wife Agnes, daughter Leonita, and son Harold Cole Jr.

Cole's devotion lead his family to a life of military service, Harold Cole Jr went on to serve a long career in the US Navy, followed by his three children. His eldest son has been in the US Army for over 22 years, middle son is in the Army Reserves, and his youngest daughter is currently serving in the United States Air Force.

I hope that you can consider Disbursing Clerk 2nd Class Cole's devotion and life cut short by service in totality and bestow this honor upon this worthy veteran who gave his life for his country and community.

Sincerely,



**Arthur G. Vigeant**  
Mayor



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

RECEIVED  
CITY CLERK'S OFFICE  
*Arthur G. Vigeant*  
CITY OF MARLBOROUGH  
MAYOR  
2020 JUL 16 A 11:11  
*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Transfer Request - MMEA**

Honorable President Ossing and Councilors:

I have enclosed a transfer request for your review and approval to fund the collective bargaining agreement between the City and the MMEA Union for Fiscal 2021. This is necessary as the union's contract was not ratified prior to the FY21 budget being submitted for review and approval.

If you have any questions, comments, or concerns, please do not hesitate to contact Auditor Diane Smith or me.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure



**CITY OF MARLBOROUGH**  
**Office of the City Auditor**  
140 Main St.  
Marlborough, MA 01752

July 13, 2020

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

**RE: MMEA Transfer Request**

Enclosed herewith is a transfer request to fund the collective bargaining agreement between the City and the MMEA Union for Fiscal Year 2021. The Union's contract was not ratified by the time the FY21 budget was submitted to the City Council for approval.

Please contact me if you should have any further questions regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Diane Smith", is written over the word "Sincerely,".

Diane Smith  
City Auditor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Auditor			FISCAL YEAR:		2021		
Available Balance		FROM ACCOUNT:			TO ACCOUNT:		Available Balance		
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	
<u>\$420,000.00</u>	<u>\$271,443.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$8,390.00</u>	<u>11330002</u>	<u>50062</u>	<u>Finance Assistant</u>	<u>\$121,928.33</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$210.00</u>	<u>11330003</u>	<u>51430</u>	<u>Longevity</u>		<u>\$4,030.00</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$234.00</u>	<u>11330003</u>	<u>51920</u>	<u>Sick Leave Buyback</u>		<u>\$3,491.00</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$4,220.00</u>	<u>11350002</u>	<u>50062</u>	<u>Finance Assistant</u>		<u>\$60,934.09</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$3,420.00</u>	<u>11350002</u>	<u>50520</u>	<u>Principal Clerk</u>		<u>\$49,387.90</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$1,455.00</u>	<u>11350002</u>	<u>50770</u>	<u>Senior Clerk</u>		<u>\$21,170.06</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$4,080.00</u>	<u>11410002</u>	<u>50550</u>	<u>Head Clerk</u>		<u>\$55,573.50</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$2,930.00</u>	<u>11410002</u>	<u>50770</u>	<u>Senior Clerk</u>		<u>\$42,320.12</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$5,860.00</u>	<u>11440002</u>	<u>50770</u>	<u>Senior Clerk</u>		<u>\$84,640.23</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	
				<u>\$4,578.00</u>	<u>11550001</u>	<u>50210</u>	<u>Sr System Analyst</u>		<u>\$66,102.90</u>
	Reason:				Reason:			<u>Contractual Obligation</u>	

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Auditor	FISCAL YEAR:	2021
FROM ACCOUNT:		TO ACCOUNT:	
_____	_____	<u>\$5,845.00</u>	<u>11550001 50213 Network Engineer \$84,499.22</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$175.00</u>	<u>11550003 51920 Sick Leave Buyback \$2,655.00</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$2,910.00</u>	<u>11610002 50770 Senior Clerk \$42,340.12</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$110.00</u>	<u>11610003 51920 Sick Leave Buyback \$1,700.00</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$1,180.00</u>	<u>11620002 50141 Clerk \$17,870.00</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$3,230.00</u>	<u>11620002 50520 Principal Clerk \$46,802.21</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$10,592.00</u>	<u>11920001 50292 Bldg Craftsman \$152,988.90</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$4,005.00</u>	<u>11920001 50385 Electrician \$57,793.20</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$2,729.00</u>	<u>11920001 50680 General Foreman \$41,051.00</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	<u>\$11,170.00</u>	<u>11920001 50690 Foreman \$132,712.91</u>
Reason:	_____	Reason:	<u>Contractual Obligation</u>

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Auditor	FISCAL YEAR:	2021
_____	FROM ACCOUNT:	TO ACCOUNT:	
_____	_____	11920002 50520	Principal Clerk
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	11920003 50560	Custodian
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	11920003 51300	Overtime
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	11920003 51920	Sick Leave Buyback
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032001 50292	Bldg Craftsman
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032001 50385	Electrician
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032001 50386	HVAC Tech
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032001 50690	Foreman
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032002 50141	Clerk
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032002 50141	General Foreman
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation
_____	_____	13032003 51300	Overtime
_____	_____	_____	_____
Reason:	_____	Reason:	Contractual Obligation

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Auditor	FISCAL YEAR:	2021
	FROM ACCOUNT:		TO ACCOUNT:
		<u>\$343.00</u>	<u>13032003 51920 Sick Leave Buy Back \$8,127.00</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$4,720.00</u>	<u>12100002 50520 Principal Clerk \$98,896.05</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$27,795.00</u>	<u>12100003 51213 Dispatchers \$419,681.03</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$4,075.00</u>	<u>12100003 51214 Public Safety Assistant \$58,872.22</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$9,252.00</u>	<u>12100003 51450 Night Shift Differential \$132,011.59</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$4,225.00</u>	<u>12200002 50062 Finance Assistant \$60,929.08</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$165.00</u>	<u>12200003 51920 Sick Leave Buy Back \$153,880.00</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$12,478.00</u>	<u>12410001 50260 Local Inspector \$181,513.64</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$4,585.00</u>	<u>12410001 50370 Plumbing Inspector \$67,686.30</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$4,585.00</u>	<u>12410001 50380 Electrical Inspector \$66,242.06</u>
Reason:		Reason:	<u>Contractual Obligation</u>

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Auditor	FISCAL YEAR:	2021
_____	FROM ACCOUNT:	TO ACCOUNT:	
_____	_____	12410002 50770 Senior Clerk	<u>\$126,001.24</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	12410003 51430 Longevity	<u>\$3,508.00</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	12410003 51920 Sick Leave Buy Back	<u>\$1,700.00</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	14001002 50520 Principal Clerk	<u>\$49,383.90</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	14001002 50550 Head Clerk	<u>\$55,565.50</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	14001002 50770 Senior Clerk	<u>\$42,317.12</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	61090002 50520 Principal Clerk	<u>\$46,633.33</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	14920001 50166 Program Manager	<u>\$59,220.00</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	14920002 50770 Senior Clerk	<u>\$42,320.12</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	15120001 50611 Assist Sanitarian	<u>\$96,497.80</u>
Reason:	_____	Reason: Contractual Obligation	
_____	_____	15120002 50520 Principal Clerk	<u>\$0.00</u>
Reason:	_____	Reason: Contractual Obligation	

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Auditor	FISCAL YEAR:	2021
FROM ACCOUNT:		TO ACCOUNT:	
		<u>\$3,145.00</u>	<u>15410001 50312 Outreach Worker \$45,527.81</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$2,662.00</u>	<u>15410002 50584 Clerk Typist \$38,447.28</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$2,930.00</u>	<u>15410002 50770 Senior Clerk \$42,320.12</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$112.00</u>	<u>15410003 51920 Sick Leave Buy Back \$1,698.00</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$3,543.00</u>	<u>16100001 50470 Childrens Librarian \$51,147.46</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$3,420.00</u>	<u>16100001 50471 Young Adult Librarian \$49,382.90</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$3,415.00</u>	<u>16100001 50480 Cataloguer \$49,387.90</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$3,848.00</u>	<u>16100001 50656 Head Circulation \$55,565.50</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$3,420.00</u>	<u>16100002 50520 Principal Clerk \$49,382.90</u>
Reason:		Reason:	<u>Contractual Obligation</u>
		<u>\$6,875.00</u>	<u>16100003 50860 Full Time Library Staff \$60,343.66</u>
Reason:		Reason:	<u>Contractual Obligation</u>

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Auditor

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

\$1,500.00

16100003 51440 Education Incentive

\$0.00

Reason:

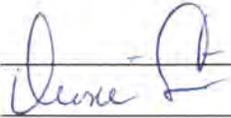
Reason:

Contractual Obligation

\$271,443.00

\$271,443.00

Department Head signature:



Auditor signature:

\_\_\_\_\_

Comptroller signature:

\_\_\_\_\_



*City of Marlborough*  
*Office of the Mayor*

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

RECEIVED  
CITY CLERK'S OFFICE  
*Arthur G. Vigeant*  
CITY OF MARLBOROUGH  
MAYOR  
2020 JUL 16 AM 11:11  
*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Transfer Request – Auditor and Board of Health Principal Clerk**

Honorable President Ossing and Councilors:

I have enclosed a transfer request for your review and approval to fund two salary increases.

First, a transfer of \$5,222.00 from the “Reserve for Salaries” account to the “Auditor” account, finalizing Auditor Diane Smith’s recently approved new salary. This transfer will raise her yearly salary to \$115,000.00. Secondly, a \$44,130.00 transfer from the “Board of Health – Senior Clerk” account to the “Board of Health – Principal Clerk” account for the salary associated with Principal Clerk Tina Nolin’s recent promotion from Senior Clerk to Principal Clerk.

If you have any questions, comments, or concerns, please do not hesitate to contact Auditor Diane Smith or me.

Sincerely,

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

Enclosure



**CITY OF MARLBOROUGH**  
Office of the City Auditor  
140 Main St.  
Marlborough, MA 01752

July 13, 2020

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

**RE: Auditor and Board of Health Principal Clerk Transfer**

The City Council recently approved a new salary schedule for the City Auditor position. I am submitting a transfer to increase that line item to \$115,000.00 using Reserve for Salaries.

At the end of Fiscal Year 2020 the Senior Clerk in the Board of Health was promoted to a Principal Clerk. A transfer is required to move the funds budgeted in the Senior Clerk line to a new Principal Clerk line.

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

Sincerely,

Diane Smith  
City Auditor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$420,000.00</u>	<u>\$5,222.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$5,222.00</u>	<u>11350001</u>	<u>50020</u>	<u>Auditor</u>	<u>\$109,778.00</u>
	Reason:	_____				Increase due to new salary ordinance			
<u>\$44,130.00</u>	<u>\$44,130.00</u>	<u>15120002</u>	<u>50770</u>	<u>BOH - Senior Clerk</u>	<u>\$44,130.00</u>	<u>15120002</u>	<u>50520</u>	<u>BOH - Principal Clerk</u>	<u>\$0.00</u>
						Promotion from Senior Clerk to Principal Clerk			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	\$49,352.00	Total			\$49,352.00	Total			

Department Head signature: \_\_\_\_\_  
 Auditor signature: Deane  
 Comptroller signature: \_\_\_\_\_



# City of Marlborough Office of the Mayor

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

RECEIVED  
*Arthur G. Vigeant*  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 11:11  
*Wendy P. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Transfer Request – Sick Leave Buy Back**

Honorable President Ossing and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$39,300.00 to fund the sick leave buy back for a retiree in the Department of Public Works. This transfer would move the funds from the reserve for salaries to the sick leave buy back account for DPW.

If you have any questions, comments, or concerns please do not hesitate to contact Auditor Diane Smith or me

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



## CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

July 13, 2020

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

**RE: DPW Transfer Request**

Enclosed herewith is a transfer request to fund Sick Leave Buy Back owed to an individual that recently retired from the DPW.

Please contact me if you should have any further questions regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Diane Smith', with a stylized flourish at the end.

Diane Smith  
City Auditor





# City of Marlborough

## Office of the Mayor

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 Marlborough, Massachusetts 01752  
 508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
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2020 JUL 16 A 11:11  
 Nathan P. Boudreau  
 EXECUTIVE AIDE

Patricia Bernard  
 EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

### Re: Grant Acceptance – Department of Public Works

Honorable President Ossing and Councilors:

Enclosed for your review and acceptance is a grant for \$2,000,000.00 from the Commonwealth of Massachusetts Executive Office of Housing and Community Development's MassWorks Infrastructure Program for the Lincoln Street Revitalization Project.

As you know, this MassWorks grant was awarded this past November to support the Lincoln Street Revitalization Project. The award aims to unlock opportunity in the French Hill neighborhood by providing the funding necessary to make infrastructure improvements and upgrades along Lincoln Street. These funds would not have been received without the administrative work of the MEDC. The administrative portion of this project is underway, and we are currently in the process of awarding the Construction Contract. Thank you to the Executive Office of Housing and Community Development and the Baker Polito Administration for their continued support and partnership.

Thank you in advance for your consideration, and please do not hesitate to contact me or Acting Commissioner Ted Scott with any questions.

Sincerely,

Arthur G. Vigeant  
 Mayor

Enclosures

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 7/15/2020

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Thomas DiPersio - City Engineer

NAME OF GRANT: Lincoln St. Revitalization Project

GRANTOR: Ececutive Office of Housing and Economic Development

GRANT AMOUNT: \$2,000,000.00

GRANT PERIOD: 2-13-20 to 6-30-22

SCOPE OF GRANT/  
ITEMS FUNDED Segment of Lincoln St. Between Broad Street and the Assabet River Rail Trail  
Infrastructure project consisting of utility and roadway improvements from Broad St.  
to the Assabet River Rail Trail.

IS A POSITION BEING  
CREATED: No

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

ARE MATCHING CITY  
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?  
\_\_\_\_\_

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 7/20/2020  
\_\_\_\_\_

**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**

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions, Contractor Certifications and Commonwealth Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.mass.gov/comptroller/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/osd/forms>.

<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a):		<b>COMMONWEALTH DEPARTMENT NAME:</b> Executive Office of Housing and Economic Development <b>MMARS Department Code:</b> EED	
<b>Legal Address: (W-9, W-4):</b> 140 Main Street, Marlborough MA 01752		<b>Business Mailing Address:</b> One Ashburton Place, Room 2101, Boston, MA 02108	
<b>Contract Manager:</b> Thomas DiPersio Jr.	<b>Phone:</b> 508.624.8910	<b>Billing Address (if different):</b>	
<b>E-Mail:</b> TDipersio@marlborough-ma.gov	<b>Fax:</b> 508.229.1720	<b>Contract Manager:</b> Jacqueline Furtado	<b>Phone:</b> 617.788.3649
<b>Contractor Vendor Code:</b> VC6000192112		<b>E-Mail:</b> Jacqueline.Furtado@mass.gov	<b>Fax:</b> 617.788.3605
<b>Vendor Code Address ID (e.g. "AD001"):</b> AD01. (Note: The Address ID must be set up for EFT payments.)		<b>MMARS Doc ID(s):</b> 19MWIPMARLBOROUGHLIN	
<b>Vendor Code Address ID (e.g. "AD001"):</b> AD01. (Note: The Address ID must be set up for EFT payments.)		<b>FRF/Procurement or Other ID Number:</b> MWIP19	
<input checked="" type="checkbox"/> <b>NEW CONTRACT</b> <b>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</b> <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 all Grants - <u>815 CMR 2.00</u> ) (Solicitation Notice or 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"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<input type="checkbox"/> <b>CONTRACT AMENDMENT</b> Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____ Enter Amendment Amount: \$ _____ (or "no change") <b>AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.)</b> <input type="checkbox"/> Amendment to Date, 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"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions, Contractor Certifications and the following Commonwealth Terms and Conditions document is incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
<b>COMPENSATION: (Check ONE option):</b> 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 <u>815 CMR 9.00</u> . <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>2,000,000</u>			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> 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 <input type="checkbox"/> statutory/legal or Ready Payments ( <u>M.G.L. c. 29, § 23A</u> ); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (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.) Funding award through the MassWorks Infrastructure Program (pursuant to Plan Item D001 in the Mass. Capital Investment Plan 2019-2023) to support a public infrastructure project, as outlined in the attached RFR response, and in accordance with the scope and additional terms/conditions described in Attachment A.			
<b>ANTICIPATED START DATE: (Complete ONE option only)</b> 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.			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30, 2022</u> , 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.			
<b>CERTIFICATIONS:</b> 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 certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further 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, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the applicable Commonwealth Terms and Conditions, 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 <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> X:  Date: <u>2/13/20</u> (Signature and Date Must Be Handwritten At Time of Signature)		<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X:  Date: <u>2/13/20</u> (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>		Print Name: <u>Mike Kennealy</u> Print Title: <u>Secretary of the Executive Office of Housing and Economic Development</u>	

EFO



*City of Marlborough*  
*Office of the Mayor*

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

RECEIVED  
CITY CLERK'S OFFICE  
*Arthur G. Vigeant*  
CITY OF MARLBOROUGH  
MAYOR  
2020 JUL 16 A 11:11  
*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Grant Acceptance – Marlborough Public Library**

Honorable President Ossing and Councilors:

Please find enclosed for your review and acceptance a grant in the amount of \$2,144.00 from the Massachusetts Board of Library Commissioners (MLBC). This money will be used to hold virtual programming for children ages 3-10 in a variety of topics including STEAM (Science, Technology, Engineering, Arts, and Math) activities and multicultural story time. We appreciate the continued support of the Massachusetts Board of Library Commissioners.

If you have any questions, please do not hesitate to contact Margaret Cardello or my office.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures



**City of Marlborough**  
**Marlborough Public Library**  
35 West Main Street  
Marlborough, MA 01752  
Phone 508-624-6900 FAX 508-485-1494  
TDD 508-460-3610

*Margaret Cardello*  
Director

July 8, 2020

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

Dear Mayor Vigeant,

I am pleased to inform you that the Library has been awarded a Virtual Programming grant in the amount of \$2,144 from the Massachusetts Board of Library Commissioners (MBLC). Grant funds will be used this summer to offer weekly virtual programs for children ages 3-10. Program topics will explore STEAM activities and multicultural story times.

I would be happy to answer any questions you or the City Council may have regarding this grant award.

Sincerely,

A handwritten signature in black ink that reads 'Margaret Cardello'. The signature is fluid and cursive, with the first name 'Margaret' being larger and more prominent than the last name 'Cardello'.

Margaret Cardello

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Marlborough Public Library DATE: 7/8/2020

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Margaret Cardello

NAME OF GRANT: Virtual Programming for Distance Learning

GRANTOR: Massachusetts Board of Library Commissioners

GRANT AMOUNT: \$2,144

GRANT PERIOD: July - August 2020

SCOPE OF GRANT/  
ITEMS FUNDED This grant provides funding for weekly virtual programs that complement  
our Summer Reading program theme, Imagine Your Story.  
These programs will promote literacy and encourage children, ages 3 to 10,  
to explore STEAM related activities along with multicultural storytimes.  
Our goal is to help children in our community be engaged in learning  
even though they cannot physically be in our building and to help combat  
summer slide, which will likely be exacerbated this year due to COVID-19

IS A POSITION BEING  
CREATED: No

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

ARE MATCHING CITY  
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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

7/8/2020

Mail - Margaret Cardello - Outlook

**From:** Forbes, Lyndsay (BLC)  
**Date:** Thu, Jul 2, 2020 at 11:55 AM  
**Subject:** grant application

Good morning,

On behalf of the MBLC, I am pleased to inform you that your grant proposal for Virtual Programming for Distance Learning is among those that have been selected for funding. This is a provisional award in the amount of \$2,144.00. The grant award is contingent on your completion of the contract materials, which will be sent to you soon.

We look forward to working with you on your project in the coming months.

Lyndsay Forbes  
Project Manager and Grants Specialist  
Massachusetts Board of Library Commissioners  
(617) 725-1860



# 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  
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Arthur G. Vigeant  
RECEIVED  
MAYOR  
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2020 JUL 16 AM 11:11  
Patricia Bernard  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

## Re: Salary Ordinance Amendment - Director of Civil Defense

Honorable President Ossing and Councilors:

Please find enclosed for your review an amendment to the City's salary ordinance and a job description pertaining to the Director of Civil Defense. The director is tasked with leading the emergency management operations of the City and performing emergency management functions as authorized, directed, or required. The Director of Civil Defense administers the City of Marlborough's Civil Defense Department and coordinates the administrative, financial, and information systems necessary for the department to function per state and local guidance.

The Director of Civil defense will be paid \$15,000.00 per year except during a declared state of emergency by the governor of the Commonwealth. During a state of emergency (snowstorm, flood, pandemic, etc.,) in addition to the above annual salary rate, an hourly rate of pay of \$60.00 per hour could be authorized by the Mayor, subject to the rate being at least 75% reimbursable to the City by the federal or state government programs, available appropriation; and prior approval as to hours and duties to be performed.

This position has recently proven to be of the utmost importance as the incumbent has worked with the Massachusetts and Federal Department of Emergency Management on grants and securing Personal Protective Equipment during the outbreak of COVID-19.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures

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 AS FOLLOWS:

- I. By amending Chapter 125, entitled "Personnel", by adding to the salary schedule referenced in Section 125-6, the following:

Position	Effective Date	Step		Maximum
		1	2	
Director of Civil Defense	Upon Ordainment			\$15,000.00*

\*During a declared state of emergency by the governor of the Commonwealth, in addition to the above annual salary rate, an hourly rate of pay of \$60.00 per hour may be authorized by the Mayor, subject to: (1) said hourly rate being at least 75% reimbursable to the city by the federal or state government, (2) available appropriation; and (3) approval of the Mayor as to duties and hours to be performed.

This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

ADOPTED  
In City Council  
Order No. 20-XXX  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

# CITY OF MARLBOROUGH

## DIRECTOR OF CIVIL DEFENSE

### **Position Purpose:**

The purpose of this position is to have charge of emergency management as defined in section 1, chapter 639, Acts of 1950, and to perform emergency management functions as authorized or directed by that chapter or by the executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under chapter 639 and performs all other related work as required. The Director of Civil Defense administers the City of Marlborough's Civil Defense Department and coordinates the administrative, financial and information systems necessary for the department to function in accordance with state and local directives.

### **Supervision:**

*Supervision Scope:* The director shall have direct responsibility for the organization, administration and operation of Emergency Management subject to the direction and control of the Mayor who is the appointing authority for this position.

*Supervision Received:* Works under the policy direction of the Mayor, and in accordance with the provisions of federal regulations and Massachusetts General Laws.

*Supervision Given:* Supervises volunteers.

### **Job Environment:**

Work is performed in typical office conditions, with frequent interruptions, to provide assistance and information to the general public on a walk-in basis and on the telephone. Scheduled hours include evening meetings and an extended workday when emergencies or drills arise.

Operates computer and general office equipment such as copier, fax, and telephone.

Makes frequent contacts with city departments, boards and committees, federal, state and county officials and the general public, to provide information and solve problems. Contact usually involves the provision of information of a technical or factual nature to the public or interested parties.

### **Essential Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

The Director is responsible for the recruiting, appointment, training and equipping of volunteers in certain categories of service, for the coordination of civil defense efforts of other City departments and other agencies charged with emergency functions for civil defense in the event of a hostile action or natural disaster.

The Director is responsible for certain financial arrangements having to do with Marlborough Civil Defense Department for emergency duties and for the integration of a local civil defense plan and operations with the Massachusetts Civil Defense Agency Office of Emergency Preparedness.

The Director shall be responsible for coordinating the local Emergency Planning Committee certification process pursuant to the Massachusetts State Emergency Response Commission directives.

The Director is responsible for the direction and control of Increased Readiness Plans which include the increased inventory of public shelter, marking of unmarked shelters, accelerated training of emergency personnel and plans for improvement on short notice of public and private shelter locations and to put into operation the Crisis Relocation Plans and the evacuation of people to designated area.

The Director is responsible for obtaining signed licenses for public shelter facilities in the City of Marlborough, making arrangements for the delivery of supplies to the shelter, coordinating, supervising and directing the work of volunteers engaged in this function.

The Director shall disseminate public information brochures, pamphlets and Emergency Action Packages for use by schools, businesses and elderly and handicapped care facilities and group homes.

The Director is responsible for coordinating the Civil Defense Preparedness Plans for the Municipality with the duly authorized Chief of Police, Fire, Rescue, Engineering, Health, Medical and Welfare Departments for the preparation of plans with appropriate authorities in the files of evacuation, resources, management, decontamination and transportation.

The Director shall create and maintain a computerized data base of emergency response plans, emergency routes and shelters and update and disseminate the same.

Actively pursues grant funding for all aspects of Emergency management operations and obtaining capital assets.

Serves at the City's Liaison and works closely with both State and Federal emergency management agencies (MEMA/FEMA). Attends required meetings with emergency management agencies.

Advises the Mayor of courses of action available to prepare for, respond to and recover from major emergencies or disasters, and of mitigation strategies to lessen the impact of future occurrences.

The Director is required to attend all seminars, all courses offered in the aspect of civil defense; and, to attend all meetings and briefings that are required by Emergency Management Agencies at the State, Federal, regional and local levels.

During actual emergencies and disasters, works with the Mayor coordinating local government response and recovery operations; conducts post-disaster damage assessment activities; and, if there is a disaster declaration, coordinates FEMA Public Assistance Program's financial reimbursement process.

Performs similar or related work as directed.

**Recommended Minimum Qualifications:**

Education, Training and Experience:

Bachelor's Degree in general or applied liberal arts and sciences, management, communications or public relations is required. The employee must have extensive experience in a supervisory position

which includes supervising staff. Experience in public relations including reading, writing and comprehension skills is preferred.

Special Requirements:

Valid driver's license

CORI Background check required.

Knowledge, Ability and Skill:

Familiarity with the City of Marlborough and greater Marlborough area as well as the Commonwealth of Massachusetts.

Excellent interpersonal and team building skills; ability to establish and maintain effective working relationships with volunteers, supervisors, departments, officials and the public; ability to communicate effectively verbally and in writing. Extensive computer experience including Excel and Word.

Ability to prioritize competing demands and possession of good organizational skills.

Physical Requirements:

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

The majority of tasks require the ability to exert light physical effort in sedentary to light work, which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation. Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions. During some emergency situations, the employee may be required to lift or maneuver equipment weighing more than fifty (50) pounds.



*City of Marlborough*  
*Office of the Mayor*

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*Patricia Bernard*  
EXECUTIVE SECRETARY

July 16, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: 60 Day Appointment – Acting Commissioner, Department of Public Work**

Honorable President Ossing and Councilors:

I have enclosed a 60-day appointment of Acting Commissioner Theodore Scott. Acting Commissioner Scott has served as Assistant Commissioner of the Department of Public Works since 2016 and has the necessary skills to manage the Department of Public Works until a full time Commissioner is hired. The Office of Human Resources has advertised the Commissioners role and is beginning the interview process shortly.

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

Sincerely,

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

Enclosure



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nathan R. Boudreau*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 16, 2020

Theodore Scott  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

RE: Temporary Appointment Pursuant To M.G.L. c. 41, § 61A

Dear Mr. Scott:

In accordance with authority vested in me under M.G.L. c. 41, § 61A, I appoint you as temporary officer for the position of Department of Public Works Commissioner because said office is vacant. Under this appointment, you shall hold and exercise the powers and perform the duties of Commissioner for not more than sixty days (60), from time to time, for so long as the position remains vacant.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures

**PART I. ADMINISTRATION OF THE GOVERNMENT**

**TITLE VII. CITIES, TOWNS AND DISTRICTS**

**CHAPTER 41. OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**

**TEMPORARY AUDITOR, TREASURER, COLLECTOR OF TAXES, ACCOUNTANT AND CLERK OF A TOWN AND  
TEMPORARY HEADS OF CITY DEPARTMENTS**

**Chapter 41: Section 61A. Appointment; tenure; bond; removal; powers and duties**

Section 61A. If the office of city auditor, city treasurer, city collector of taxes or other officer having charge of a city department is vacant, or if any such officer, because of disability or absence, is unable to perform his duties, the mayor, without confirmation by the city council, any provision of a city charter to the contrary notwithstanding, shall appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed and has qualified according to law, or the officer who was disabled or incapacitated resumes his duties; but no such temporary officer shall be appointed under this section for a period longer than sixty days. Any such temporary officer shall be sworn and give bond for the faithful performance of his duties in accordance with the provisions of law applying to the officer whose place he fills, and if he fails so to do within ten days after his appointment the mayor shall rescind the appointment and appoint another.



# City of Marlborough

## Legal Department

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

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2020 JUL 15 PM 2:23  
 JASON D. GROSSFIELD  
 CITY SOLICITOR  
 JASON M. PIQUES  
 ASSISTANT CITY SOLICITOR  
 HEATHER H. GUTIERREZ  
 PARALEGAL

July 14, 2020

Michael H. Ossing, President  
 Marlborough City Council  
 City Hall  
 140 Main Street  
 Marlborough, MA 01752

Re: Proposed Grant of Public Trail Easement in re:  
 Special Permit Decision, 96 Crowley Drive, Marlborough

Dear Honorable President Ossing and Councilors:

Enclosed please find a proposed order authorizing acceptance of a Grant of Public Trail Easement to the City of Marlborough.

Condition No. 6 of the above-referenced Special Permit granted by the City Council (Order No. 19-1007703D dated October 21, 2019) required construction and maintenance of this trail, and the granting of an easement to allow for public use of the trail. The proposed form of easement is included.

The enclosed documents are in proper legal form. Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield  
 City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor  
 Priscilla Ryder, Conservation/Sustainability Officer

**GRANT OF PUBLIC TRAIL EASEMENT**

THIS GRANT OF PUBLIC TRAIL EASEMENT (this "Easement"), made this \_\_\_ day of \_\_\_\_\_, 2020 by **PLEASANT HILL RETIREMENT COMMUNITY LLC**, a Nebraska limited liability company with a usual place of business at 7101 S. 82nd St., Lincoln, Nebraska 68516 (hereinafter referred to as the "Grantor") and the **CITY OF MARLBOROUGH, MASSACHUSETTS**, with an address of 140 Main Street, Marlborough, Mass. 01752 (hereinafter referred to as the "City" or "Grantee").

**WITNESSETH:**

WHEREAS, pursuant to that certain Deed recorded with the Middlesex South District Registry of Deeds in Book 74026, Page 367, Grantor is the owner of certain land known as 96 Crowley Drive, Marlborough, Middlesex County, Massachusetts, as more particularly described on Exhibit A attached hereto (the "Property");

WHEREAS, the City approved Grantor's construction of a senior independent living community on the Property pursuant to that certain Decision on a Special Permit by the City of Marlborough City Council, Order No. 19-1007703D, dated October 21, 2019, and recorded with the Middlesex South District Registry of Deeds in Book 74026, Page 371 (the "Decision");

WHEREAS, pursuant to Condition No. 6 of the Decision, Grantor is required to construct and maintain a 5-foot wide "woods trail" on the Property from Pleasant Street up to the sidewalk along Crowley Drive as shown on Sheet 08 of the approved Final Site Plan in Exhibit B attached hereto (the "Trail Easement Area");

WHEREAS, the Trail Easement Area consists of an area five (5) feet in width located within the area shown as "8' Public Trail Access Easement" in said Exhibit B;

WHEREAS, pursuant to Condition No. 6 of the Decision, Grantor is also required to grant to the City an easement to allow the public to pass and repass over the Trail Easement Area as part of the City's interconnected trail system of open spaces, sidewalks and bike paths; and

WHEREAS, the City Council of the City of Marlborough has voted to accept this Grant of Easement to the City as shown in Exhibit C attached hereto.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) paid to Grantor by Grantee, the receipt and sufficiency of which is hereby acknowledged, and the mutual covenants, terms, conditions and restrictions contained herein, Grantor hereby grants and conveys the easement more particularly described herein, for the purposes and uses, and subject to the terms and conditions, hereinafter stated.

1. Grant of Easement for Public Trail. Grantor hereby grants, with quitclaim covenants, to the City a perpetual right and non-exclusive easement in, upon, over, across and through the Trail Easement Area for the purpose of allowing use of the Trail Easement Area by the general public, free

of charge, for recreational purposes as defined herein. Upon acceptance of the Easement by the City, the City and the members of the general public shall have the right to enter upon and use the Trail Easement Area, subject to the terms of this Easement.

2. Recreational Purposes. The Trail Easement Area may be used for recreational purposes, including but not limited to, the right to pass and repass over the Trail Easement Area for walking, jogging, bicycling, hiking, snowshoeing, horseback riding, cross-country skiing, or any other activity undertaken for exercise, education or relaxation (collectively, "Recreational Trail Activities"). Recreational Trail Activities shall not include the use of any motorized bike or other motorized vehicle. Any use of the Trail Easement Area by the City or members of the public for a purpose not authorized by this Easement is prohibited.

3. Recreational User. Any member of the general public who is on or about the Trail Easement Area shall be deemed a recreational user for purposes of the provisions of the Recreational Use Statute, M.G.L., c. 21, § 17C.

4. Hours of Use. The Trail Easement Area may be used for Recreational Trail Activities only from dawn until dusk, Monday through Sunday.

5. Maintenance of Trail Easement Area. Following Grantor's construction of the trail in accordance with the Decision, Grantor shall maintain the Trail Easement Area in compliance with all applicable laws to reasonably facilitate its use for Recreational Trail Activities in a manner acceptable to City. Grantor shall keep the Trail Easement Area open and unobstructed during the Hours of Use as defined in Paragraph 4 hereof, provided that Grantor may temporarily limit or prohibit access to the Trail Easement Area for the performance of any maintenance or repair, with prior notice to City. If Grantor reasonably determines that it is necessary to temporarily limit or close the Trail Easement Area to perform any maintenance or repairs, Grantor shall first notify the City pursuant to Section 6 hereof, explaining the reason for such temporary limit or closure of access and indicating the amount of time Grantor estimates will be required to repair the Trail Easement Area. Any maintenance or repairs shall be performed by Grantor in a safe and diligent manner and shall cause the minimum amount of interference to the City and general public's use of the Trail Easement Area. Grantor shall not deposit snow onto the Trail Easement Area. Grantor and City shall each have the right to post reasonable signage regarding way-finding, Recreational Trail Activities, and/or liability disclaimers. City's right to place such signage shall be subject to Grantor's prior approval as to the size, design and location of such signage. The rights established herein shall be appurtenant and for the benefit of City, and shall be binding, enforceable against, and burden the land owned by, the Grantor and its successors and assigns.

6. Notices. Any notice, designation, consent or approval required under this Easement shall be in writing and mailed by certified mail, return receipt requested, or sent by overnight courier, addressed to the parties or sent by facsimile transmission or email transmission to the parties at the addresses or number(s) provided below. Any notice forwarded by certified mail in accordance with the terms of this Section shall be deemed to have been delivered to the other party three (3) business days following the date of mailing, one (1) business day following the deposit with an overnight courier, or on the business day during which the facsimile or email notice is

sent. Either party may designate alternative notice contact information by certified mail to the other party.

If to the City: Attn: Priscilla Ryder  
 Conservation Officer  
 140 Main St. City Hall  
 Marlborough, MA 01752  
 Telephone: 508-460-3768  
 Email: [pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)  
With a copy to: [legal@marlborough-ma.gov](mailto:legal@marlborough-ma.gov)

If to Grantor: Attn: Derek Zimmerman, Esq.  
 Cameron General Contractors  
 7101 S. 82<sup>nd</sup> Street  
 Lincoln, NE 68516  
 Telephone: 402-420-3155  
 Email: [DZimmerman@camerongeneralcontractors.com](mailto:DZimmerman@camerongeneralcontractors.com)

7. Miscellaneous.

(a) The Recitals at the beginning of this Easement are incorporated into the body of this Easement.

(b) The captions used herein are solely for purposes of convenience and shall not in any way affect the interpretation of the provisions of the Easement.

(c) The rights and obligations established herein shall run with Grantor's land and shall be binding upon the Grantor and inure to the benefit of the City, and their respective successors and assigns. If Grantor conveys to a third party(ies) any land through which the Trail Easement Area passes, any and all such conveyances shall be made subject to the Public Trail Easement granted herein.

(d) This Easement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

(e) No subsequent alteration, amendment, change or addition to this Easement shall be binding upon the parties hereto unless reduced to writing and signed by each party.

(f) If any provision of this Easement shall be deemed to be invalid or unenforceable, the remainder of this Easement shall not be affected thereby.

(g) This Easement shall not be deemed or construed to create or establish any relationship, partnership, joint venture or similar relationship or arrangement or other legal entity between the parties hereto.

(h) This Easement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

(i) This Easement includes and incorporates all of the following exhibits:

- Exhibit A: Legal Description of 96 Crowley Drive
- Exhibit B: Depiction of the Trail Easement Area
- Exhibit C: City Council Order

[SIGNATURES ON FOLLOWING PAGES]



## **Exhibit A**

### **Legal Description of 96 Crowley Drive**

#### Parcel 1

That certain parcel of land located at 90 Crowley Drive, Marlborough, MA being shown as Lot 4 containing 484,933 Sq. ft. +/- (11.133 acres) on that certain plat entitled: Plan of Land in Marlborough, Mass. Prepared for First Colony Crowley Drive One, LLC dated September 14, 2015, recorded with the Middlesex South District Registry of Deeds herewith as Plan No. 978 of 2015 and to which reference may be made for a more complete and accurate description of the premises being described.

#### Parcel 2

That certain parcel of land located at 92 Crowley Drive, Marlborough, MA being shown as Lot 3-B containing 9673 S.F. +/- (0.2221 Acres) on that certain plan entitled: "Plan of Land of 92 Crowley Drive in Marlborough, Mass Prepared for First Colony Crowley Drive One, LLC"; Scale 1"=40', Date: October 29, 2019, recorded with the Middlesex South District Registry of Deeds herewith as Plan No. 1041 of 2019 and to which reference may be made for a more complete and accurate description of the premises being described.

**Exhibit B**

**Depiction of Trail Easement Area**

[See Attached]



**Exhibit C**  
**(Council Order)**

ORDERED:

That the City Council for the City of Marlborough hereby accepts from Pleasant Hill Retirement Community LLC, a Nebraska limited liability company, with a usual place of business at 7101 S. 82nd St., Lincoln, Nebraska 68516 (the "Grantor"), a Grant of Public Trail Easement on a certain portion of the Grantor's land located at 96 Crowley Drive, Marlborough, Massachusetts.

The Trail Easement Area consists of an area five (5) feet in width located within the area shown as "8' Public Trail Access Easement" as indicated on the plan attached to the Grant of Public Trail Easement as Exhibit B (Sheet No. 8 of Approved Final Site Plan).

The Trail Easement Area may be used for recreational purposes, including but not limited to, the right of the general public to pass and repass over the Trail Easement Area for walking, jogging, bicycling, hiking, snowshoeing, horseback riding, cross-country skiing, or any other activity undertaken for exercise, education or relaxation, excepting the use by any motorized vehicle.

A copy of the Grant of Public Trail Easement is attached hereto.

ADOPTED  
In City Council  
Order No. 20-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
*Office of the City Clerk*

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

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

2020 JUL -7 A 10:00

*Steven W. Kerrigan*  
 City Clerk

*Wilson Chu*  
 Assistant City Clerk

July 6, 2020

Marlborough City Council  
 Michael H. Ossing, President  
 140 Main Street  
 Marlborough, MA 01752

**Re: Acceptance of MGL Chapter 53 §9A**

Dear President Ossing and Councilors:

It is my recommendation that the City of Marlborough formally accept MGL Chapter 53 §9A which relates to the time allowed by candidates to draw nomination papers. Enclosed is a proposed Order prepared by the Legal Department, and a copy of the statute for your consideration.

By accepting this section, it sets the definitive timeline for when the last day a candidate can obtain nomination papers and the procedures that must be followed to run for local office. This change would impact future municipal elections as papers to run for state office are issued by the Secretary of the Commonwealth. This change will allow our office to clarify the election calendar for future municipal elections.

Thank you for your consideration of this change, and if you have any questions please let me know.

Sincerely,

Steven W. Kerrigan  
 City Clerk

Enclosures

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

Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title VIII. Elections (Ch. 50-57)  
Chapter 53. Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses (Refs & Annos)

M.G.L.A. 53 § 9A

§ 9A. Nomination papers for cities or towns; applicable provisions

Currentness

In any city or town which accepts this section, in a city by vote of the city council subject to the provisions of its charter, and in a town by vote of the town meeting, the following provisions shall apply with respect to nomination papers:--

The final date for obtaining blank nomination papers for nomination to city or town office shall be forty-eight week day hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification.

Each candidate shall file with the city or town clerk, prior to obtaining blank nomination papers, a statement containing his name and address, and the city or town office for which he intends to be a candidate.

No candidate for city or town office shall receive more blank nomination papers than will contain the number of signatures required to place his name in nomination, multiplied by five.

**Credits**

Added by St.1962, c. 249, § 1. Amended by St.1964, c. 175.

M.G.L.A. 53 § 9A, MA ST 53 § 9A

Current through Chapter 88 of the 2019 1st Annual Session

ORDERED:

That the City of Marlborough accepts Section 9A of Chapter 53 of the General Laws of Massachusetts, entitled "Nomination papers for cities or towns; applicable provisions."

ADOPTED  
In City Council  
Order No. 19-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

*City of Marlborough*  
*Commonwealth of Massachusetts*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 A 11: 15



Ethan Lippitt  
Code Enforcement Officer  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 XT 30201  
Fax: (508) 460-3736  
Email: [elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)  
[pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)

### City Council Sign Approval Form

7/16/2020

To City Council President and all City Council Members,

Included in this form is an applicant seeking approval from city council as it relates to the signage project at the below address. Attached to this form is a copy of the current plan for the sign.

Address of Location seeking approval 115 Apex Dr.  
Sign Permit Application: BP-2020-000689

Zoning District:  
Meets Current Sign Code:  
Planning Board Variance:

HRMUOD Hospitality and Recreation  
YES  
NO

Code Enforcement Officer  
Ethan Lippitt

CC File  
City Council  
Commissioner Cooke



**CITY OF MARLBOROUGH**

**Building Department  
(508) 460-3776**

**BUILDING PERMIT**

**JOB WEATHER CARD**

PERMIT NO: **BP-2020-000689**  
 ISSUE DATE: **06/22/2020**  
 APPLICANT: **ART STUDIO SIGN AND NEON**

PERMIT TO: **Flat Wall Sign**

AT (LOCATION) **115 APEX DR, MARLBOROUGH, ma 01752** ZONING DISTRICT **LI** Bldg. Type: **Commercial**  
 SUBDIVISION MAP BLOCK LOT **78-14** BUILDING IS TO BE: **CONST TYPE** USE GROUP **Business**

**WORK DESCRIPTION**  
 Installation of a Flat Wall Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.

**CONTRACTOR**  
 LICENSE **0000**  
 Construction Supervisor  
**SIGN INSTALLATION**  
**PAID** *[Signature]*

AREA (SQ FT) **925,388,204** EST COST(\$) **2000.00** PERMIT FEE (\$) **50.00**  
 OWNER **GUTIERREZ ARTURO J TR** BUILDING DEPT BY \_\_\_\_\_  
 ADDRESS **1 WALL ST** PHONE **017-282-2545**

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE	APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.	WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.
---	--	--

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

**BUILDING INSPECTIONS APPROVALS**

REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER: _____	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

*CD on file*



**CITY OF MARLBOROUGH**

**Building Department  
(508) 460-3776**

**BUILDING  
PERMIT**

PERMIT NO

BP-2020-000689

ISSUE DATE

06/22/2020

APPLICANT

ART STUDIO SIGN AND NEON

**JOB WEATHER CARD**

PERMIT TO

Flat Wall Sign

AT (LOCATION)	115 APEX DR, MARLBOROUGH, ma 01752	ZONING DISTRICT	LI	Bldg. Type:	Commercial
SUBDIVISION MAP BLOCK LOT	78-14	BUILDING IS TO BE:	CONST TYPE	USE GROUP	Business

**WORK DESCRIPTION**  
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**CONTRACTOR**  
LICENSE 0000  
Construction Supervisor

AREA (SQ FT)	925,388,204	EST COST(\$)	2000.00	PERMIT FEE (\$)	50.00
OWNER	GUTIERREZ ARTURO J TR				
ADDRESS	1 WALL ST				

**SIGN INSTALLATION**  
**PAID** *[Signature]*  
PHONE 617-282-2515

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

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---	--	--

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER: _____	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

*CO on file*

**CITY OF MARLBOROUGH**

140 Main Street  
 Marlborough, MA 01752  
 Telephone: 508 460 3776

Receipt No.: **206342**  
 Receipt Date: **06/22/2020**

**RECEIPT****RECORD & PAYER INFORMATION**

Record ID: BP-2020-000689  
 Record Type: Commercial Building  
 Property Address: 115 APEX DR, MARLBOROUGH, ma 01752  
 Description of Work: Installation of a Flat Wall Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.  
 Payer: ART STUDIO SIGN AND NEON  
 Applicant:  
 ART STUDIO SIGN AND NEON  
 963 DORCHESTER AVE.  
 DORCHESTER, MA 02125

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	2091	ICSERRANO		\$50.00

**FEE DETAIL**

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90068	50.00	\$50.00	\$50.00
			\$50.00	\$50.00

**CITY OF MARLBOROUGH**

140 Main Street  
 Marlborough, MA 01752  
 Telephone: 508 460 3776

Receipt No.: **206342**  
 Receipt Date: **06/22/2020**

**RECEIPT**

**RECORD & PAYER INFORMATION**

Record ID: BP-2020-000689  
 Record Type: Commercial Building  
 Property Address: 115 APEX DR, MARLBOROUGH, ma 01752  
 Description of Work: Installation of a Flat Wall Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.  
 Payer: ART STUDIO SIGN AND NEON  
 Applicant: ART STUDIO SIGN AND NEON  
 963 DORCHESTER AVE.  
 DORCHESTER, MA 02125

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	2091	ICSERRANO		\$50.00

**FEE DETAIL**

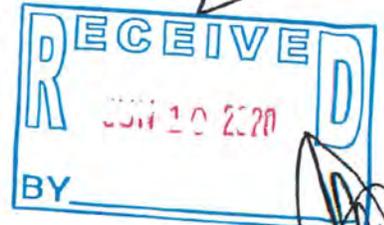
Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90068	50.00	\$50.00	\$50.00
			<u>\$50.00</u>	<u>\$50.00</u>

78-12 (14)



# City of Marlborough BUILDING DEPARTMENT

140 Main Street  
Marlborough, Massachusetts 01752



*[Handwritten signature]*

Date: 05-14-2020

Permit No. BP-2020-000689

Address/Location of Sign 115C Apex Drive

Name of Business Aivy Nails & Spa

Name of Owner of Business Mai Truong Telephone 508-410-7126

Type of Sign: (check off which applies)

Flat Wall     Free Standing     Awning     Banner     Projecting

Does this site have a Special Permit     YES     NO

Is this a replacement of a same size existing sign(s)     YES     NO

**Dimensions Sign:**

Length 34 inches    Width 68 inches    Height (Free Standing) \_\_\_\_\_    Area 16.06 sq ft

Location of Sign on Bld.    North     South \_\_\_\_\_    East \_\_\_\_\_    West \_\_\_\_\_

**Dimensions Façade:**

Length 28 ft    Width 27 ft    Area 756 sq ft

*[Signature]*    617-282-2545  
Signature of Responsible Party    Telephone

Installer Company Art Studio Sign & Neon    Telephone 617-282-2545

MCTSIGN@AOL.COM

Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

*[Signature]*    05-14-2020  
Signature    Date

Cost of Sign(s) \$2000<sup>00</sup>

Permit Fee \$ 50.00



A)34"H x 68"W Channel Letters "Aivy": 5" matte white aluminum body/can with 3/16" thick white acrylic faces with 1" white trim. Internally illuminated with white LED. After removal of existing "Dalla" letters, individual letters will be mounted onto existing raceway.

NOTE: Primary electrical connection will be done by a licensed electrician hired by the client. Art Studio Sign & Neon is not responsible for the primary connection.

Aivy Nails & Spa  
 Client Name  
 115C Apex Dr,  
 Address  
 Marlborough, MA 01752

Approval Signature of sign  
 layout plan and permission  
 to install sign as proposed

Landlord / Property Manager

Date

ART STUDIO

ARTSTUDIOSIGNNEON.COM

SIGN & NEON<sup>®</sup>

617-282-2545

963 Dorchester Ave - Dorchester, MA 02125

UL Lic# E337990

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 reproduced, or transmitted without prior written consent by

Art Studio Sign & Neon.

Before



After



Aivy Nails & Spa  
 Client Name  
 115C Apex Dr,  
 Address  
 Marlborough, MA 01752

Approval Signature of sign layout plan and permission to install sign as proposed

Landlord / Property Manager

Date

NOTE: Primary electrical connection will be done by a licensed electrician hired by the client. Art Studio Sign & Neon is not responsible for the primary connection.

ART STUDIO

ARTSTUDIOSIGNNEON.COM

SIGN & NEON® 617-282-2545

963 Dorchester Ave - Dorchester, MA 02125

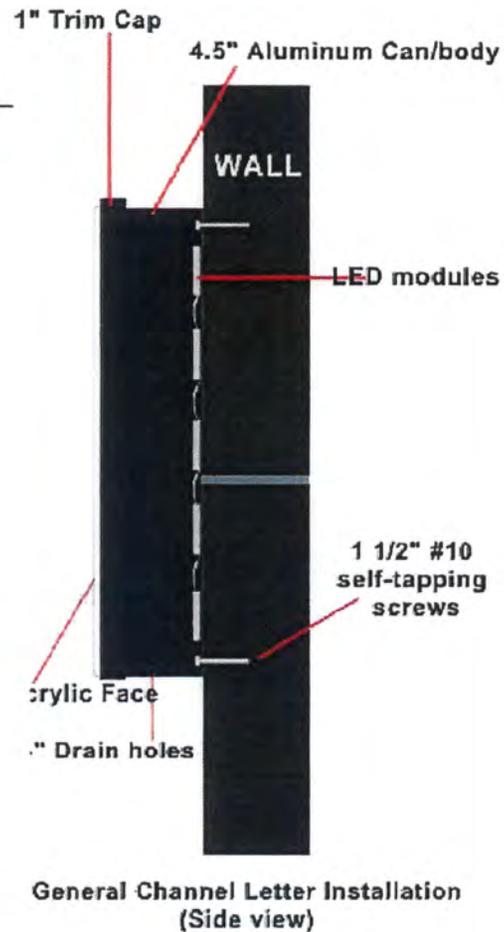
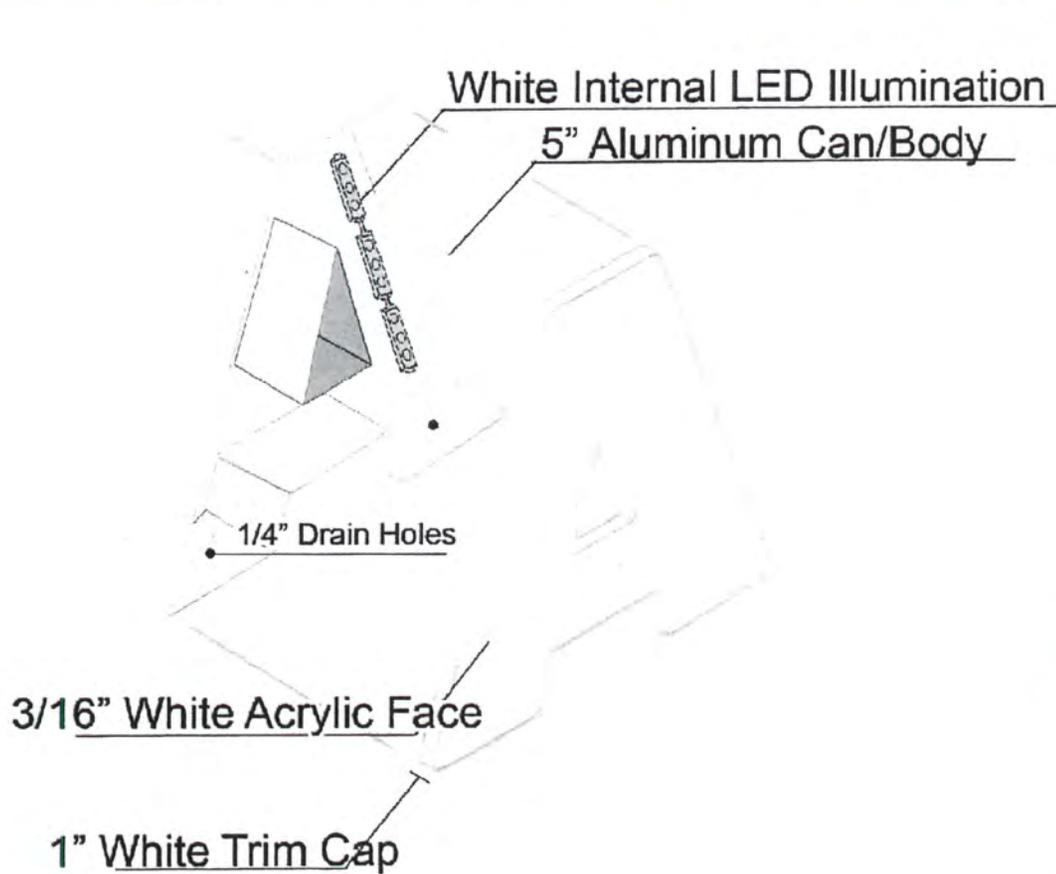
UL Lic# E337990

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Art Studio Sign & Neon.

# General Channel Letter Construction



Aivy Nails & Spa  
 Client Name  
 115C Apex Dr,  
 Address  
 Marlborough, MA 01752

Approval Signature of sign layout plan and permission to install sign as proposed

Landlord / Property Manager

Date

NOTE: Primary electrical connection will be done by a licensed electrician hired by the client. Art Studio Sign & Neon is not responsible for the primary connection.

**ART STUDIO**  
 ARTSTUDIOSIGNNEON.COM

**SIGN & NEON** 617-282-2545

963 Dorchester Ave - Dorchester, MA 02125

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*City of Marlborough*  
*Commonwealth of Massachusetts*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 A 11:15



Ethan Lippitt  
Code Enforcement Officer  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 XT 30201  
Fax: (508) 460-3736  
Email: [elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)  
[pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)

### City Council Sign Approval Form

7/16/2020

To City Council President and all City Council Members,

Included in this form is an applicant seeking approval from city council as it relates to the signage project at the below address. Attached to this form is a copy of the current plan for the sign.

Address of Location seeking approval 115 Apex Dr.  
Sign Permit Application: BP-2020-000690

Zoning District:	HRMUOD Hospitality and Recreation
Meets Current Sign Code:	YES
Planning Board Variance:	NO

Code Enforcement Officer  
Ethan Lippitt

CC File  
City Council  
Commissioner Cooke



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

BUILDING PERMIT

JOB WEATHER CARD

PERMIT NO BP-2020-000690  
ISSUE DATE 06/22/2020  
APPLICANT ART STUDIO SIGN AND NEON

PERMIT TO Free Standing Sign

AT (LOCATION) 115 APEX DR, MARLBOROUGH, ma 01752 ZONING DISTRICT LI Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 78-14 BUILDING IS TO BE: CONST TYPE USE GROUP Business

WORK DESCRIPTION  
Installation of a Free Standing Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.  
*2 Signs = \$100.00*

CONTRACTOR  
LICENSE 0000  
Construction Supervisor

SIGN INSTALLATION

AREA (SQ FT) 925,388,204 EST COST(\$) 1500.00 PERMIT FEE (\$) ~~50.00~~ *\$100.00*

OWNER GUTIERREZ ARTURO J TR  
ADDRESS 1 WALL ST

BUILDING DEPT BY

PHONE *617-582-2545*

**PAID**

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER: _____

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

*as on file*



**CITY OF MARLBOROUGH**

Building Department  
(508) 460-3776

**BUILDING PERMIT**

**JOB WEATHER CARD**

PERMIT NO

BP-2020-000690

ISSUE DATE

06/22/2020

APPLICANT

ART STUDIO SIGN AND NEON

PERMIT TO

Free Standing Sign

AT (LOCATION) 115 APEX DR, MARLBOROUGH, ma 01752 ZONING DISTRICT LI Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 78-14 BUILDING IS TO BE: CONST TYPE USE GROUP Business

**WORK DESCRIPTION**  
Installation of a Free Standing Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.

**CONTRACTOR**  
LICENSE 0000  
Construction Supervisor

SIGN INSTALLATION

**PAID**

AREA (SQ FT) 925,388,204 EST COST(\$) 1500.00 PERMIT FEE (\$) 50.00

OWNER GUTIERREZ ARTURO J TR

ADDRESS 1 WALL ST

BUILDING DEPT BY

PHONE 617-282-2545

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

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**POST THIS CARD SO IT IS VISIBLE FROM STREET**

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER:	

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INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

*as on file*

**CITY OF MARLBOROUGH**

140 Main Street  
Marlborough, MA 01752  
Telephone: 508 460 3776

Receipt No.: **206343**  
Receipt Date: **06/22/2020**

**RECEIPT**

**RECORD & PAYER INFORMATION**

Record ID: BP-2020-000690  
Record Type: Commercial Building  
Property Address: 115 APEX DR, MARLBOROUGH, ma 01752  
Description of Work: Installation of a Free Standing Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.  
Payer: ART STUDIO SIGN AND NEON  
Applicant: ART STUDIO SIGN AND NEON  
963 DORCHESTER AVE.  
DORCHESTER, MA 02125

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	2092	ICSERRANO		\$50.00

**FEE DETAIL**

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90069	50.00	\$50.00	\$50.00
			<u>\$50.00</u>	<u>\$50.00</u>

**CITY OF MARLBOROUGH**

140 Main Street  
Marlborough, MA 01752  
Telephone: 508 460 3776

Receipt No.: **206343**  
Receipt Date: **06/22/2020**

**RECEIPT**

**RECORD & PAYER INFORMATION**

Record ID: BP-2020-000690  
Record Type: Commercial Building  
Property Address: 115 APEX DR, MARLBOROUGH, ma 01752  
Description of Work: Installation of a Free Standing Sign for "Aivy Nails and Spa" Length 34", Width 68", Area 16.06 SQFT, North.  
Payer: ART STUDIO SIGN AND NEON  
Applicant: ART STUDIO SIGN AND NEON  
963 DORCHESTER AVE.  
DORCHESTER, MA 02125

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	2092	ICSERRANO		\$50.00

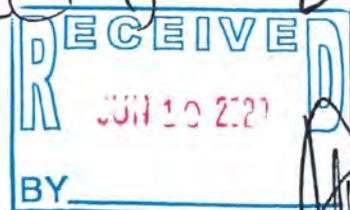
**FEE DETAIL**

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90069	50.00	\$50.00	\$50.00
			<u>\$50.00</u>	<u>\$50.00</u>



# City of Marlborough BUILDING DEPARTMENT

140 Main Street  
Marlborough, Massachusetts 01752



78-6 (14)

Date: 05-14-2020

Permit No. BP 2020-000690

Address/Location of Sign 115C Apex Drive

Name of Business Aivy Nails & Spa

Name of Owner of Business Mai Truong Telephone 508-410-7126

Type of Sign: (check off which applies)

Flat Wall  Free Standing  Awning  Banner  Projecting

Does this site have a Special Permit  YES  NO

Is this a replacement of a same size existing sign(s)  YES  NO

**Dimensions Sign:**

Length 25.75 inches Width 50 inches Height (Free Standing) \_\_\_\_\_ Area 8.94 sq ft

Location of Sign on Bld. North  South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

**Dimensions Façade:**

Length \_\_\_\_\_ Width \_\_\_\_\_ Area \_\_\_\_\_

*M. Truong* Signature of Responsible Party Telephone 617-282-2545

Installer Company Art Studio Sign & Neon Telephone 617-282-2545

MCTSIGN@AOL.COM  
Email

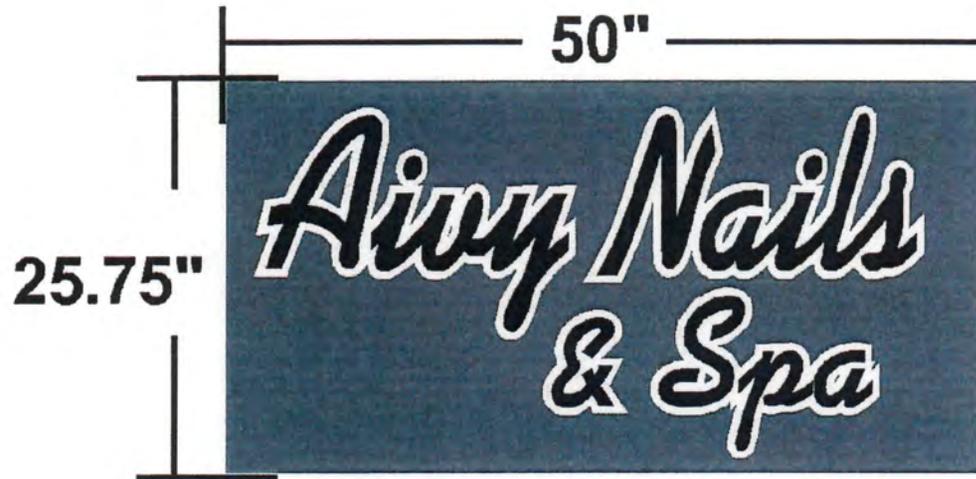
I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

*M. Truong* Signature Date 05-14-2020

Cost of Sign(s) \$1500.00 Permit Fee \$ 50.00

# Pylon along main entrance

\_\_\_\_\_  
 Aivy Nails & Spa  
 Client Name  
 115C Apex Dr,  
 Address  
 Marlborough, MA 01752



A) Vinyl application onto new pylon sign panel, replacing existing pylon sign panel

\_\_\_\_\_  
 Approval Signature of sign  
 layout plan and permission  
 to install sign as proposed

\_\_\_\_\_  
 Landlord / Property Manager

\_\_\_\_\_  
 Date

ART STUDIO

ARTSTUDIOSIGNNEON.COM

SIGN & NEON<sup>®</sup>

617-282-2545

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Art Studio Sign & Neon.

Before



After



Aivy Nails & Spa  
 Client Name  
 115C Apex Dr,  
 Address  
 Marlborough, MA 01752

Approval Signature of sign layout plan and permission to install sign as proposed

Landlord / Property Manager

Date

A) Vinyl application onto new pylon sign panel, replacing existing pylon sign panel



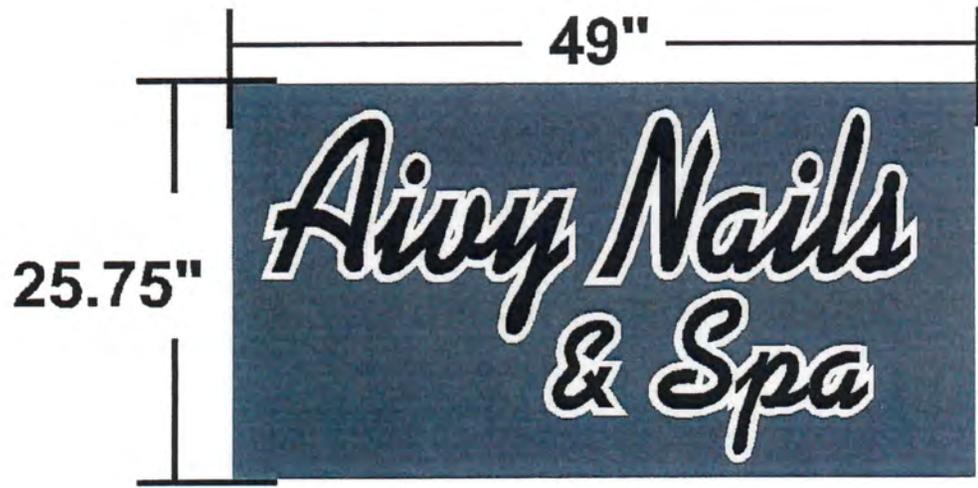
**ART STUDIO SIGN & NEON** 617-282-2545

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# Pylon near Hyatt Place

\_\_\_\_\_  
 Aivy Nails & Spa  
 Client Name  
 115C Apex Dr.  
 Address  
 Marlborough, MA 01752



A) Vinyl application onto new pylon sign panel, replacing existing pylon sign panel

\_\_\_\_\_  
 Approval Signature of sign  
 layout plan and permission  
 to install sign as proposed

\_\_\_\_\_  
 Landlord / Property Manager

\_\_\_\_\_  
 Date

ART STUDIO

ARTSTUDIOSIGNNEON.COM

SIGN & NEON<sup>®</sup>

617-282-2545

963 Dorchester Ave • Dorchester, MA 02125

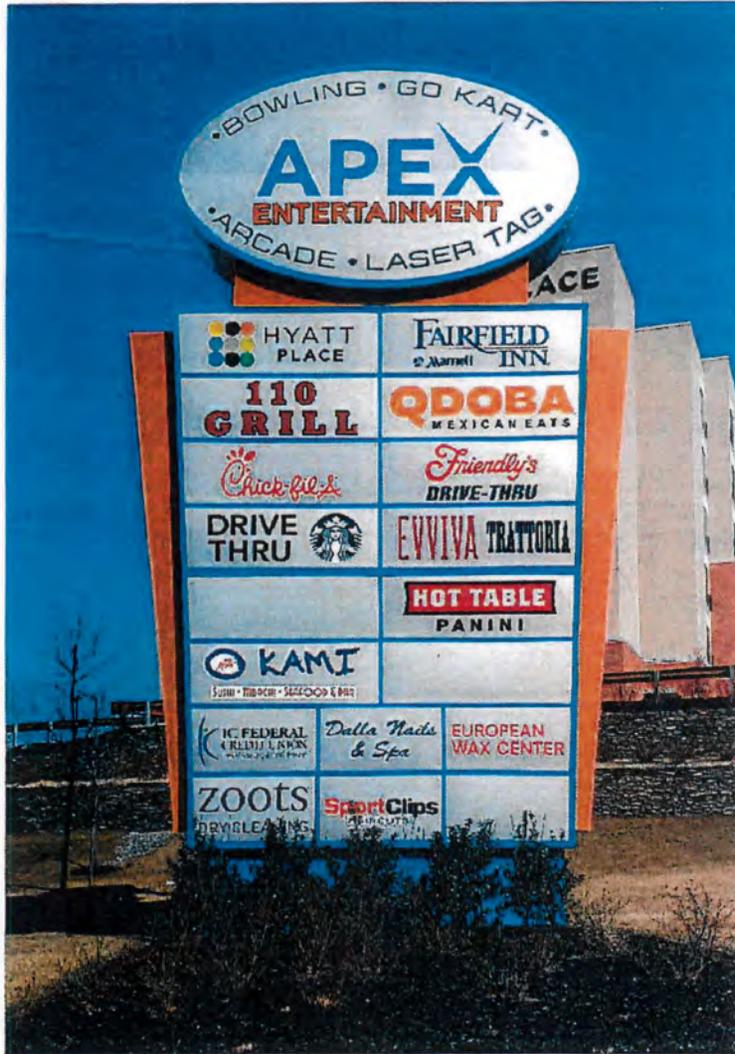
UL Lic# E337990

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Art Studio Sign & Neon.

Before



After



Aivy Nails & Spa  
 Client Name  
 115C Apex Dr.  
 Address  
 Marlborough, MA 01752

Approval Signature of sign layout plan and permission to install sign as proposed

Landlord / Property Manager

Date

A) Vinyl application onto new pylon sign panel, replacing existing pylon sign panel

**ART STUDIO SIGN & NEON**  
 ARTSTUDIO.SIGNNEON.COM 617-282-2545  
 963 Dorchester Ave • Dorchester, MA 02125

UL Lic# E337990  
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*City of Marlborough*  
*Commonwealth of Massachusetts*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 A 11: 15



Ethan Lippitt  
Code Enforcement Officer  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 XT 30201  
Fax: (508) 460-3736  
Email: [elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)  
[pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)

### City Council Sign Approval Form

7/16/2020

To City Council President and all City Council Members,

Included in this form is an applicant seeking approval from city council as it relates to the signage project at the below address. Attached to this form is a copy of the current plan for the sign.

Address of Location seeking approval 782 Boston Post Rd.  
Sign Permit Application: BP-2020-000691

Zoning District:  
Meets Current Sign Code:  
Planning Board Variance:

Wayside Zoning  
YES  
NO

Code Enforcement Officer  
Ethan Lippitt

CC File  
City Council  
Commissioner Cooke



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

*Siga*  
**BUILDING  
PERMIT**

**JOB WEATHER CARD**

PERMIT NO **BP-2020-000691**

ISSUE DATE **06/22/2020**

APPLICANT **SIGNARAMA**

PERMIT TO **Flat Wall Sign**

AT (LOCATION) **782 BOSTON POST RD EAST, MARLBOROUGH** ZONING DISTRICT **B** Bldg. Type: **Commercial**

SUBDIVISION MAP BLOCK LOT **61-11** BUILDING IS TO BE: **CONST** TYPE **USE GROUP **Business****

WORK DESCRIPTION  
Installation of a Flat Wall Sign for "Post Road Carpet" Length 124.9", Width 53.5", Area 46.4 SQFT, North.

CONTRACTOR  
LICENSE **0000**  
Construction Supervisor  
SIGN INSTALLATION  
**PAID** *[Signature]*

AREA (SQ FT) **4,250,323,44** EST COST(\$)**4700.00** PERMIT FEE (\$)**50.00**

OWNER **KORTIL LLC**

ADDRESS **782 BOSTON POST RD EAST**

BUILDING DEPT BY

PHONE **508-875-7446**

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

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APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER: _____

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



**CITY OF MARLBOROUGH**

Building Department  
(508) 460-3776

*519*  
**BUILDING**

**PERMIT**

**JOB WEATHER CARD**

PERMIT NO **BP-2020-000691**  
ISSUE DATE **06/22/2020**  
APPLICANT **SIGNARAMA**

PERMIT TO **Flat Wall Sign**

AT (LOCATION) **782 BOSTON POST RD EAST, MARLBOROUGH** ZONING DISTRICT **B** Bldg. Type: **Commercial**  
SUBDIVISION MAP BLOCK LOT **61-11** BUILDING IS TO BE: **CONST** TYPE **TYPE** USE GROUP **Business**

**WORK DESCRIPTION**  
Installation of a Flat Wall Sign for "Post Road Carpet" Length 124.9", Width 53.5", Area 46.4 SQFT, North.

**CONTRACTOR**  
LICENSE **0000**  
Construction Supervisor

**SIGN INSTALLATION**

**PAID** *[Signature]*

AREA (SQ FT) **4,250,323,44** EST COST(\$)**4700.00** PERMIT FEE (\$) **50.00**  
OWNER **KORTIL LLC** BUILDING DEPT BY \_\_\_\_\_  
ADDRESS **782 BOSTON POST RD EAST**  
PHONE **508 875 7446**

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

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--	---	---

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

BUILDING INSPECTIONS APPROVALS

	REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER: _____	

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**CITY OF MARLBOROUGH**

140 Main Street  
 Marlborough, MA 01752  
 Telephone: 508 460 3776

Receipt No.: **206344**  
 Receipt Date: **06/22/2020**

**RECEIPT****RECORD & PAYER INFORMATION**

Record ID: BP-2020-000691  
 Record Type: Commercial Building  
 Property Address: 782 BOSTON POST RD EAST, MARLBOROUGH, MA 01752  
 Description of Work: Installation of a Flat Wall Sign for "Post Road Carpet" Length 124.9", Width 53.5", Area 46.4 SQFT, North.  
 Payer: SIGNARAMA  
 Applicant:  
 SIGNARAMA  
 280 WORCESTER ROAD #118  
 FRAMINGHAM, MA 01702

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	1561	ICSERRANO		\$50.00

**FEE DETAIL**

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90070	50.00	\$50.00	\$50.00
			\$50.00	\$50.00

**CITY OF MARLBOROUGH**

140 Main Street  
 Marlborough, MA 01752  
 Telephone: 508 460 3776

Receipt No.: **206344**  
 Receipt Date: **06/22/2020**

**RECEIPT****RECORD & PAYER INFORMATION**

Record ID: BP-2020-000691  
 Record Type: Commercial Building  
 Property Address: 782 BOSTON POST RD EAST, MARLBOROUGH, MA 01752  
 Description of Work: Installation of a Flat Wall Sign for "Post Road Carpet" Length 124.9", Width 53.5", Area 46.4 SQFT, North.  
 Payer: SIGNARAMA  
 Applicant: SIGNARAMA  
 280 WORCESTER ROAD #118  
 FRAMINGHAM, MA 01702

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	1561	ICSERRANO		\$50.00

**FEE DETAIL**

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90070	50.00	\$50.00	\$50.00
			<u>\$50.00</u>	<u>\$50.00</u>



# City of Marlborough BUILDING DEPARTMENT

140 Main Street  
Marlborough, Massachusetts 01752

Date: 6/16/2020 Permit No. \_\_\_\_\_

Address/Location of Sign 782 Boston Post Road East

Name of Business Post Road Carpet

Name of Owner of Business KORTIL LLC Telephone \_\_\_\_\_

Type of Sign: (check off which applies)

Flat Wall  Free Standing  Awning  Banner  Projecting

Does this site have a Special Permit  YES  NO

Is this a replacement of a same size existing sign(s)  YES  NO

Dimensions Sign:

Length 112" Width 48" Height (Free Standing) \_\_\_\_\_ Area 37.3 SF

Location of Sign on Bld. North  South  East  West

Dimensions Façade:

Length 31.4' Width 5.2' Area 163.3 SF

[Signature] Signature of Responsible Party Telephone 508-875-7446

Installer Company Sigarama Telephone 508-875-7446

newmanjh@sigarama-framingham.com Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

X [Signature] Signature

6/16/2020 Date

Cost of Sign(s) \$2800.00

Permit Fee \$ \_\_\_\_\_

61-11 (B)



City of Marlborough  
BUILDING DEPARTMENT  
140 Main Street  
Marlborough, Massachusetts 01752



Date: 6/16/2020 Permit No. BP2020-000169  
Address/Location of Sign 782 Boston Post Road East  
Name of Business Post Road Carpet  
Name of Owner of Business KORTIL LLC Telephone \_\_\_\_\_

Type of Sign: (check off which applies)  
 Flat Wall  Free Standing  Awning  Banner  Projecting  
Does this site have a Special Permit  YES  NO  
Is this a replacement of a same size existing sign(s)  YES  NO

Dimensions Sign:  
Length 124.9" Width 53.5" Height (Free Standing) \_\_\_\_\_ Area 46.4 SF  
Location of Sign on Bld. North  South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Dimensions Façade:  
Length 31.4' Width 5.2' Area 163.3 SF  
Signature of Responsible Party [Signature] Telephone 508-875-7446

Installer Company Signarama Telephone 508-875-7446  
Email newmanjh@signarama-framingham.com

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

X [Signature] Signature 6/16/2020 Date

Cost of Sign(s) \$4,700.00 Permit Fee \$ 50.00

DATE : 6/16/2020

City of Marlborough  
Building Department  
140 Main Street  
Marlborough, MA 01752

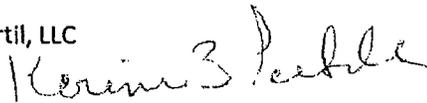
To Whom It May Concern:

Kortil LLC has reviewed and approved the proposed signs in permit review for Post Road Carpet located at 782 Boston Post Road East Marlborough, MA.

Signarama of Southborough is authorized to act on our behalf to obtain the necessary sign permits for this property.

Respectfully,

Kortil, LLC



KORINA PELTAK - MANAGER

Name & Title

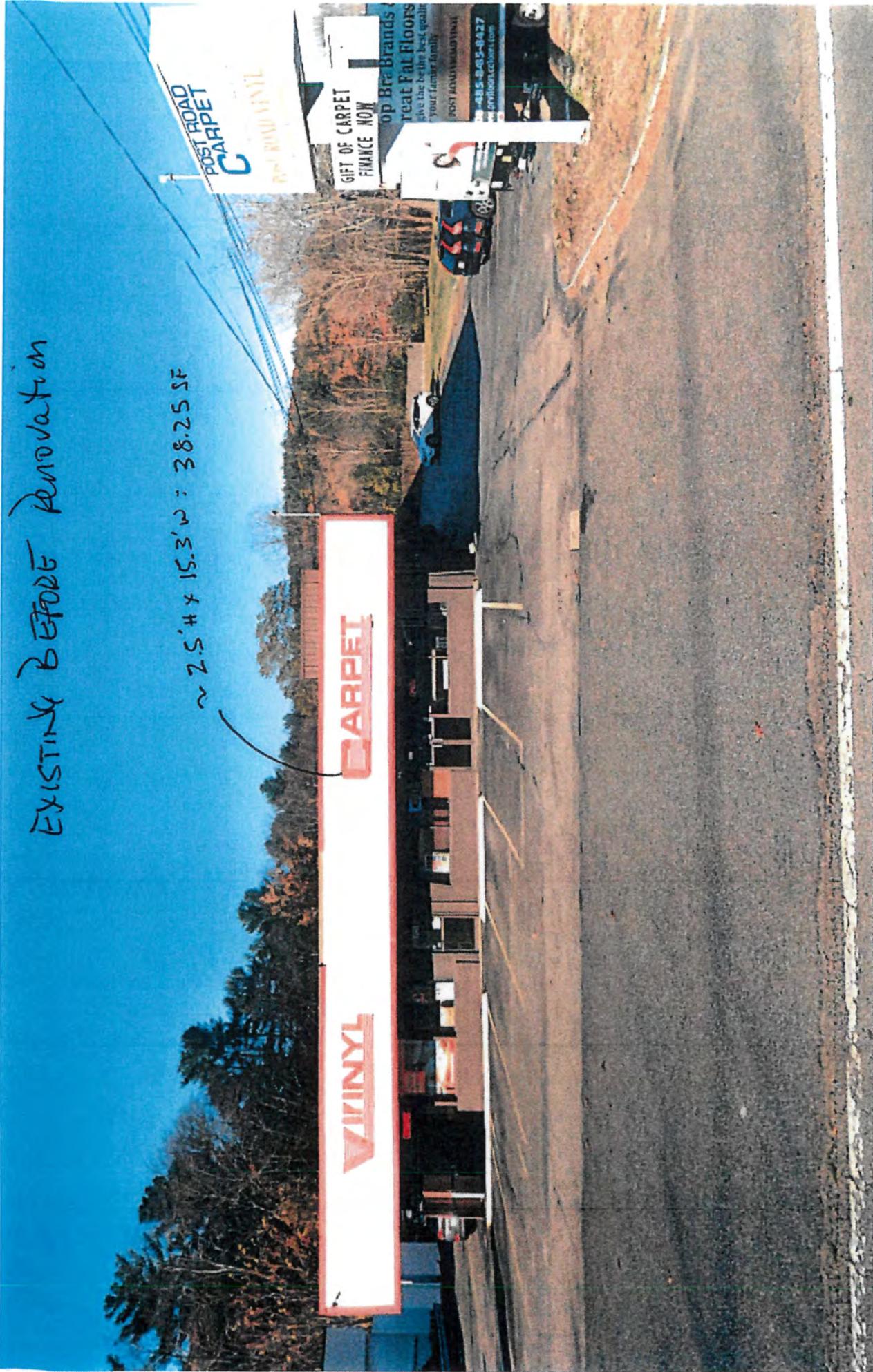
Phone

Email

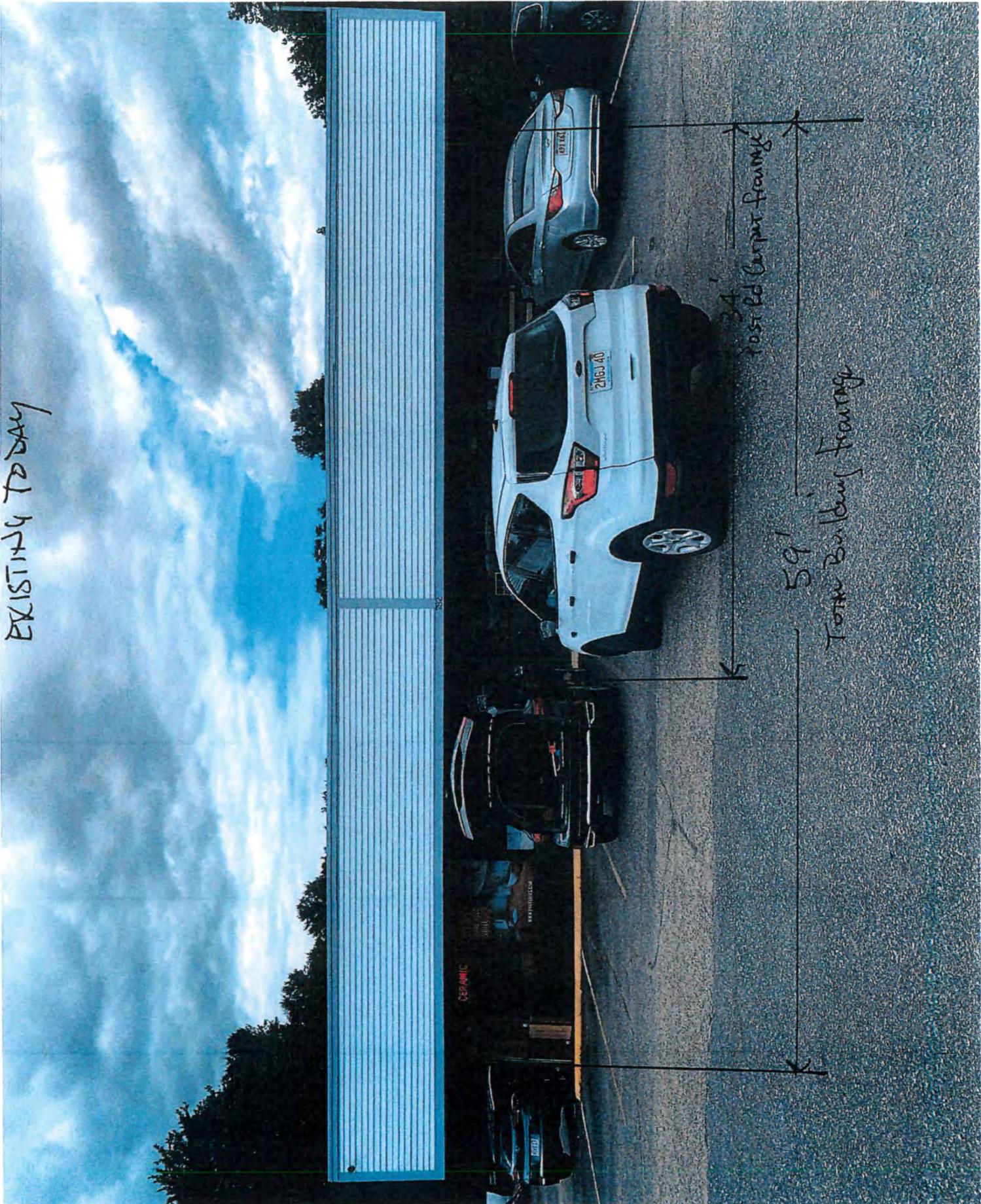
1 . . . . . aol.com

EXISTING BEFORE RENOVATION

~ 2.5' H x 15.3' W = 38.25 SF



EXISTING TODAY



48" H x 112" W x 3" D Channel Letter Sign.

Letters are fabricated with .040 black aluminum returns and 1/8" aluminum composite backs & 1" black trimcap.

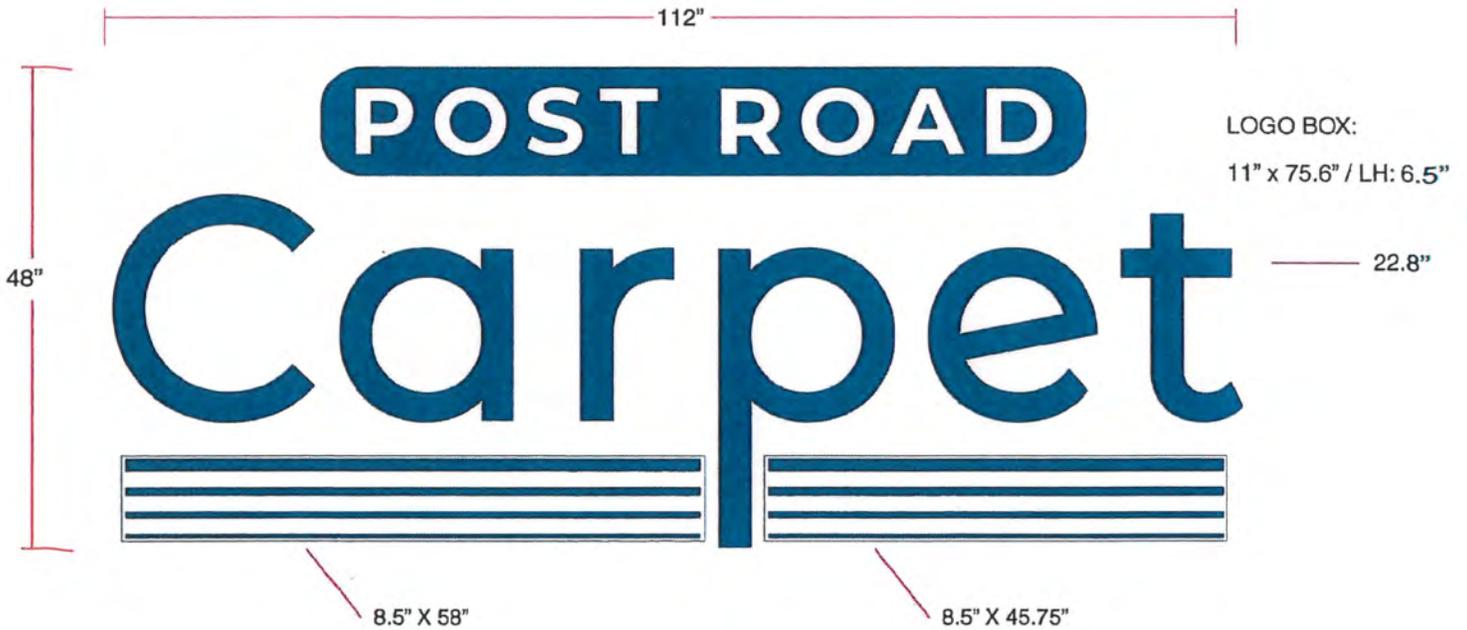
Faces are 3/16" thick white acrylic with contour cut Dark Blue vinyl applied, per the approved sign proof.

Includes a 11" H x 75.6" W x 3" D sign cabinet with 3/16" white acrylic face & contour cut Dark Blue vinyl applied, per the approved sign proof & reading: "POST ROAD".

Includes two (2) non-illuminated sign cabinets at 8.5" H x 58" W x 3" D & 8.5" H x 45.75" W x 3" D each with 3/16" white acrylic face & contour cut Dark Blue vinyl stripes applied, per the approved sign proof.



COPY (in Dark Blue):  
Post Road  
Carpet



**JOB #:** 62892  
**QUANTITY:** 1

**PROJECT TYPE:** CH LTR  
**PROOF DATE:** 6.2.20

**REVISION DATE:** 7.6.20  
**REVISION #:** 3

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508.875.7446 P 508.875.7470 F

53.5" H x 124.9" W x 3" D Channel Letter Sign mounted on a 5" H x 120" W x 5" D aluminum Raceway painted to closely match the building color (TBD).

Letters are fabricated with .040 black aluminum returns and 1/8" aluminum composite backs & 1" black trimcap.

Faces are 3/16" thick white acrylic with contour cut Dark Blue translucent vinyl applied.

Includes a 12.16" H x 84.35" W x 8" D LED-illuminated sign cabinet with 3/16" white acrylic face & contour cut Dark Blue translucent vinyl applied reading: "POST ROAD".

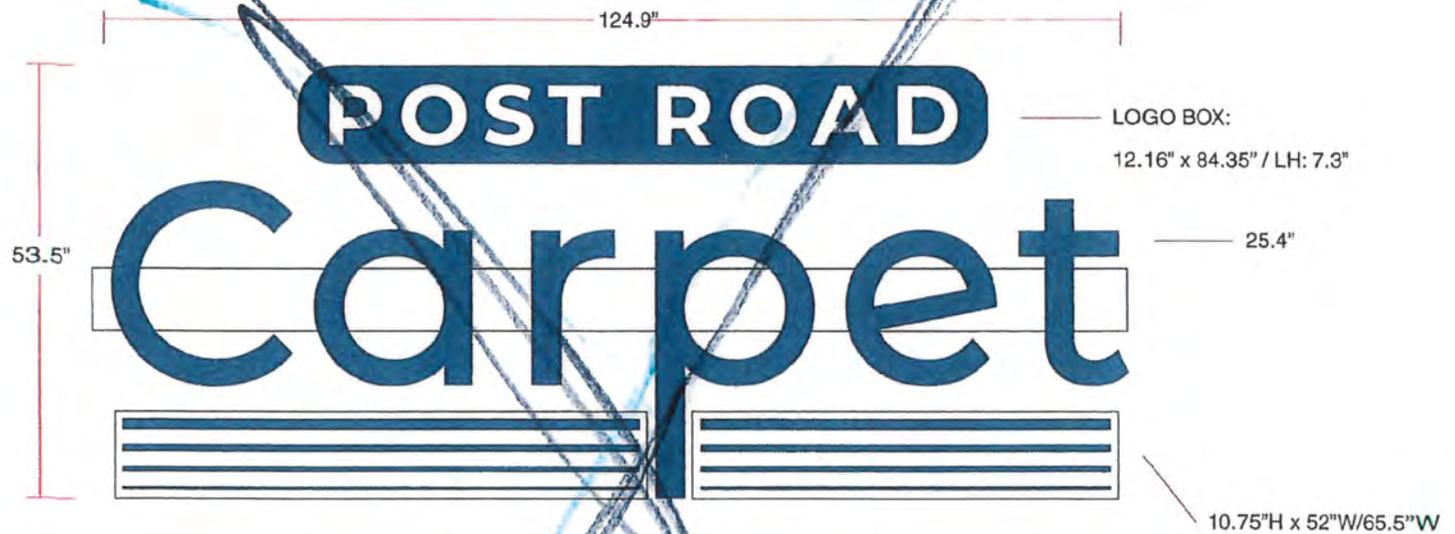
Includes two (2) LED-illuminated sign cabinets at 10.75" H x 65.5" W x 8" D & 10.75" H x 52" W x 8" D each with 3/16" white acrylic face & contour cut Dark Blue translucent vinyl stripes applied.

The sign is illuminated with white LEDs.

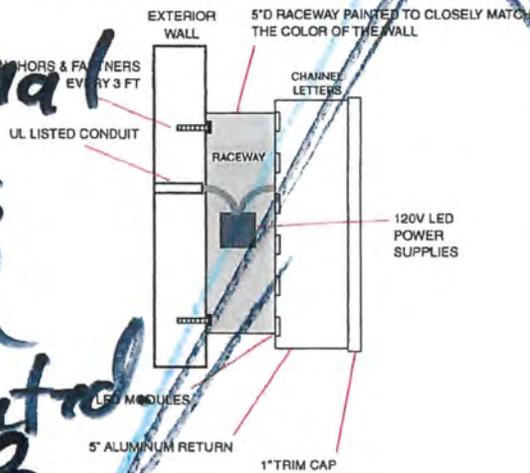


Includes UL approved Labels on each separate raceway & logo box. Primary Electrical by Others.

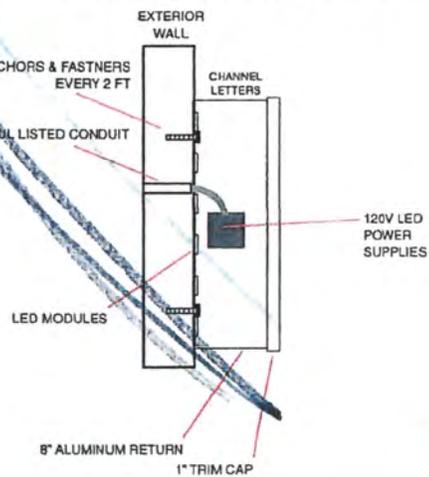
NOTE 3: If the building's paint color is not known, a close match will be made for the Raceway's paint color.



**MOUNTING METHOD FOR CHANNEL LETTERS**



**MOUNTING METHOD FOR LOGO BOXES**



*Original was Led updated 7/8*

JOB #: 62892 | PROJECT TYPE: CH LTR  
 QUANTITY: 1 | PROOF DATE: 6.2.20

REVISION DATE: 6.2.20  
 REVISION #: 1

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 SOUTHBOROUGH, MA 01772  
 508 875 7446 D 508 875 7470 F

*City of Marlborough*  
*Commonwealth of Massachusetts*

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUL 16 AM 11:15



Ethan Lippitt  
Code Enforcement Officer  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 XT 30201  
Fax: (508) 460-3736  
Email: [elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)  
[pwilderma@marlborough-ma.gov](mailto:pwilderma@marlborough-ma.gov)

### City Council Sign Approval Form

7/16/2020

To City Council President and all City Council Members,

Included in this form is an applicant seeking approval from city council as it relates to the signage project at the below address. Attached to this form is a copy of the current plan for the sign.

Address of Location seeking approval 782 Boston Post Rd.  
Sign Permit Application: BP-2020-000692

Zoning District:	Wayside Zoning
Meets Current Sign Code:	YES
Planning Board Variance:	NO

Code Enforcement Officer  
Ethan Lippitt

CC File  
City Council  
Commissioner Cooke



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

*Sign*  
**BUILDING**

**PERMIT**

**JOB WEATHER CARD**

PERMIT NO

BP-2020-000692

ISSUE DATE

06/22/2020

APPLICANT

SIGNARAMA

PERMIT TO

Free Standing Sign

AT (LOCATION) 782 BOSTON POST RD EAST, MARLBOROUGH ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 61-11 BUILDING IS TO BE: CONST TYPE USE GROUP Business

WORK DESCRIPTION

Installation of a Free Standing Sign for "Post Road Carpet" Length 120", Width 30", Area 25 SQFT, North.

CONTRACTOR

LICENSE 0000  
Construction Supervisor

SIGN INSTALLATION

**PAID**

AREA (SQ FT) 4,250,323,44 EST COST(\$ 1500.00 PERMIT FEE (\$) 50.00

OWNER KORTIL LLC

ADDRESS 782 BOSTON POST RD EAST

BUILDING DEPT BY

*[Signature]* 6/29/2020

PHONE 988-75-7446

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER: _____

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

5199  
**BUILDING PERMIT**

PERMIT NO

BP-2020-000692

ISSUE DATE

06/22/2020

APPLICANT

SIGNARAMA

**JOB WEATHER CARD**

PERMIT TO

Free Standing Sign

AT (LOCATION) 782 BOSTON POST RD EAST, MARLBOROUGH ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 61-11 BUILDING IS TO BE: CONST TYPE USE GROUP Business

WORK DESCRIPTION  
Installation of a Free Standing Sign for "Post Road Carpet" Length 120", Width 30", Area 25 SQFT, North.

CONTRACTOR  
LICENSE 0000  
Construction Supervisor

SIGN INSTALLATION  
**PAID**

AREA (SQ FT) 4,250,323.44 EST COST(\$) 1500.00 PERMIT FEE (\$) 50.00

OWNER KORTIL LLC  
ADDRESS 782 BOSTON POST RD EAST

BUILDING DEPT BY [Signature]  
PHONE 508-875-7446

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BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER:

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**CITY OF MARLBOROUGH**

140 Main Street  
 Marlborough, MA 01752  
 Telephone: 508 460 3776

Receipt No.: **206345**  
 Receipt Date: **06/22/2020**

**RECEIPT**

**RECORD & PAYER INFORMATION**

Record ID: BP-2020-000692  
 Record Type: Commercial Building  
 Property Address: 782 BOSTON POST RD EAST, MARLBOROUGH, MA 01752  
 Description of Work: Installation of a Free Standing Sign for "Post Road Carpet" Length 120", Width 30", Area 25 SQFT, North.  
 Payer: SIGNARAMA  
 Applicant: SIGNARAMA  
 280 WORCESTER ROAD #118  
 FRAMINGHAM, MA 01702

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
06/22/2020	Check	1561	ICSERRANO		\$50.00

**FEE DETAIL**

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Building Permit Fee	90071	50.00	\$50.00	\$50.00
			<u>\$50.00</u>	<u>\$50.00</u>

**CITY OF MARLBOROUGH**

140 Main Street  
 Marlborough, MA 01752  
 Telephone: 508 460 3776

Receipt No.: **206345**  
 Receipt Date: **06/22/2020**

**RECEIPT**

**RECORD & PAYER INFORMATION**

Record ID: BP-2020-000692  
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 Property Address: 782 BOSTON POST RD EAST, MARLBOROUGH, MA 01752  
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			<u>\$50.00</u>	<u>\$50.00</u>

Existing Side 2

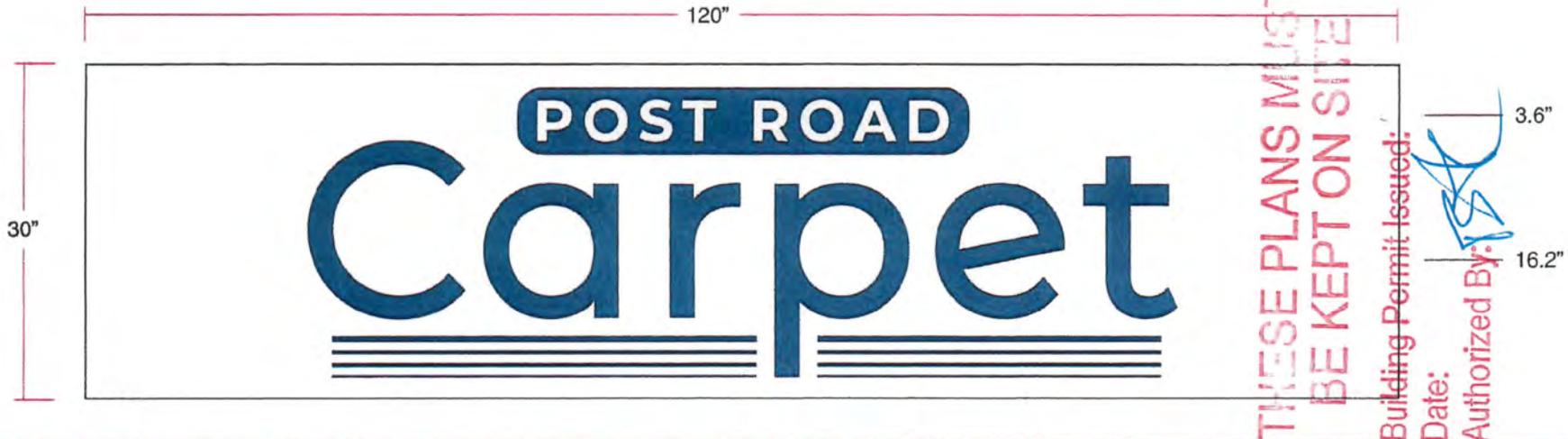


<b>JOB #:</b> 62892	<b>PROJECT TYPE:</b> SIGN FACES	<b>REVISION DATE:</b> 6.10.20
<b>QUANTITY:</b> 2	<b>PROOF DATE:</b> 6.10.20	<b>REVISION #:</b> 1

30"H x 120"W x 3/16" D White Polycarbonate sign faces with contour cut Dark Blue translucent vinyl applied to one (1) side of each face, per the approved sign proof.

Sign is illuminated with fluorescent lamps. New faces will be attached via the existing retainers on the sign cabinet.

COPY (in Dark Blue):  
Post Road Carpet



**PLEASE NOTE: PRICING INCLUDES UP TO TWO (2) REVISION CYCLES; AN ADDITIONAL COST MAY BE APPLIED FOR EXTRA DESIGN TIME.**

These plans are the exclusive property of Sign\*A\*Rama and are the result of the original work of its employees. Their sole purpose is for client consideration as to whether or not to purchase the proposed plans or to purchase from Sign\*A\*Rama, a sign manufactured according to these plans. Distribution or exhibition of these plans to anyone other than employees of your company, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition occurs, Sign\*A\*Rama expects to be reimbursed for time and effort entailed in creating these plans.

**IMPORTANT: SUPERIMPOSED PHOTOS ARE NOT TO BE VIEWED AS 100% ACCURATE DEPICTIONS, THEY ARE SIMPLY A ROUGH REPRESENTATION OF SIGN PLACEMENT.**

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508.875.7446 P 508.875.7470 F



2 Southville Road, Unit C Southborough, MA 01772

Phone: 508.875.7446 Fax: 508.875.7470 info@Signarama-Framingham.com www.FraminghamSigns.com

June 17, 2020

City of Marlborough  
Building Department  
140 Main Street  
Marlborough, MA 01752

To Whom It May Concern:

Attached are the sign permit documents to replace existing wall signage and freestanding sign faces for Post Road Carpet only located at 782 Boston Post Road East Marlborough, MA.

Attached are the following:

- Landlord Authorization letter
- A \$150.00 Check for the permit fees for the two signs
- Sign Permit Application for both the wall and freestanding sign face replacements.
- Existing building and freestanding sign photos with measurements of the existing conditions pre and post building renovation.
- Two copies of the proposed replacement sign proofs for both the wall and freestanding sign.

Please note that a site plan has not been provided for the freestanding sign as this is a pre-existing structure and we are simply replacing the top faces with an updated sign at the exact same dimensions.

Please contact me with any questions.

Respectfully,

Jeffrey H. Newman  
President

EXISTING Side 1

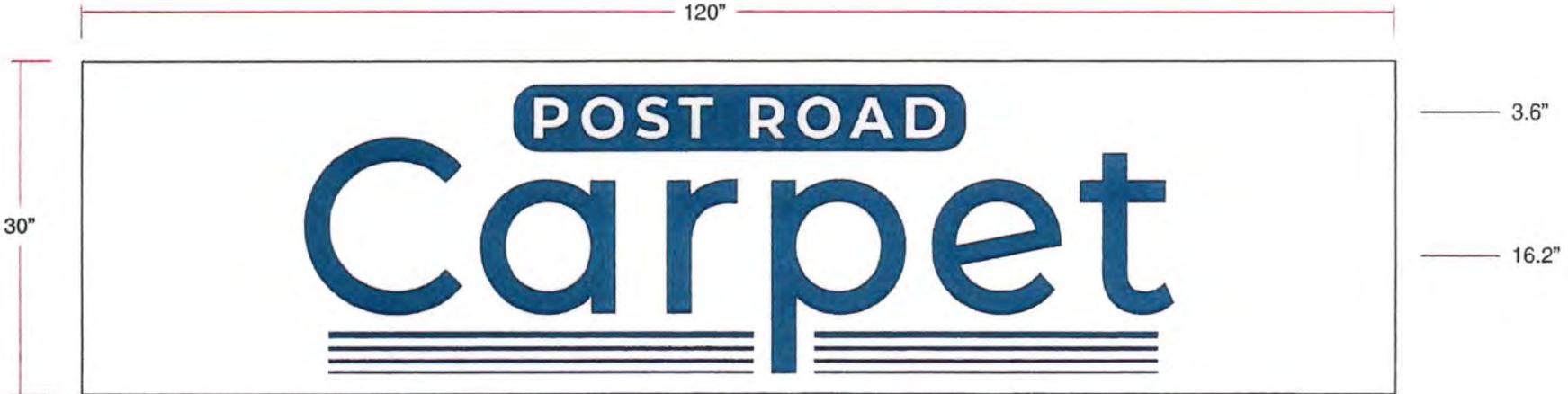


<b>JOB #:</b> 62892	<b>PROJECT TYPE:</b> SIGN FACES	<b>REVISION DATE:</b> 6.10.20
<b>QUANTITY:</b> 2	<b>PROOF DATE:</b> 6.10.20	<b>REVISION #:</b> 1

30"H x 120"W x 3/16" D White Polycarbonate sign faces with contour cut Dark Blue translucent vinyl applied to one (1) side of each face, per the approved sign proof.

Sign is illuminated with fluorescent lamps. New faces will be attached via the existing retainers on the sign cabinet.

COPY (in Dark Blue):  
Post Road Carpet



**PLEASE NOTE: PRICING INCLUDES UP TO TWO (2) REVISION CYCLES; AN ADDITIONAL COST MAY BE APPLIED FOR EXTRA DESIGN TIME.**

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## PLANNING BOARD



*City of Marlborough*  
*Planning Board*

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 JUL - 7 P 2: 17

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

Administrative Offices  
 135 Neil St.  
 Marlborough, MA 01752

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

July 2, 2020

Council President Michael Ossing  
 City of Marlborough  
 140 Main St.  
 Marlborough, MA 01752

RE: Council Order No. 20-1007976 Proposed Zoning Amendment,  
 Section 650-8, Land Off Valley Street, Map 82, Parcel 125

Honorable President Clancy and Members:

At its regularly scheduled meeting on June 22, 2020, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried 6-0.

In its recommendation, the Board concluded that the zoning change fits into the character of the neighborhood, the zoning change imposes minimal impact on the neighborhood abutters, and the zoning change benefits the area by cleaning up a remaining zoning anomaly over the abandoned railway bed.

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

Sincerely,

Barbara L. Fenby  
 Chairperson

cc: City Clerk ✓  
 Drohan, Tocchio & Morgan  
 Mark Evangelous



*City of Marlborough*  
*Planning Board*

Administrative Office  
135 Neil St.  
Marlborough, MA 01752

21  
PLANNING BOARD

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JUL 16 A 7 13

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

July 2, 2020

Council President Michael Ossing  
City of Marlborough  
140 Main St.  
Marlborough, MA 01752

RE: Council Order No. 20-1007975 Proposed Zoning Amendment  
Section 650 adding section 38, Large Scale Ground-Mounted Solar Photovoltaic Overlay District  
Map 30, Parcel 4 and Map 30, Parcel 4C

Honorable President Ossing and Members:

At its regularly scheduled meeting on June 22, 2020, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment with the following considerations: 1) That appropriate screening from abutting neighborhoods be included in the installation and 2) That the installation be sited in such a way to preserve the scenic view from the rail trail.

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried 6-0.

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

Sincerely,

Barbara L. Fenby  
Chairperson

cc: Steven Kerrigan, City Clerk ✓



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 JUN 25 A 7:33

CITY OF MARLBOROUGH  
*Office of the City Council*  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

Order No.2019-1007881  
Application for Special Permit by Vedi Naturals, LLC  
505 Boston Post Road West (Twin Boro Crossing)  
To Operate an Adult Use Marijuana Facility

The Decision of the Special Permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on August 25, 2020

By: Kathleen Robey  
Kathleen D. Robey, Chair, Urban Affairs Committee  
acting on behalf of, and at the direction of,  
the special permit granting authority  
**Marlborough City Council**

By: [Signature]

**For Petitioner**



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CITY OF MARLBOROUGH  
2020 JUL 15 A 8:40

July 14, 2020

Honorable Michael H. Ossing, President  
Marlborough City Council  
City Hall - 140 Main Street  
Marlborough, MA 01752

RE: Local Roots NE Inc. Special Permit Application for Adult Use Marijuana Retail Dispensary  
910 Boston Post Road, East Suite 100

Dear President Ossing and Members of the City Council:

We are happy to submit these documents for a Special Permit Application and appreciate the opportunity to provide this material to you and to the City of Marlborough. A separate electronic copy of this information is available at your request.

Local Roots NE Inc (LRNE) proposes an Adult Use Retail Marijuana dispensary, to be located at 910 Boston Post Road, East, Suite 100. We believe that our property at 910 Boston Post Road, East is an ideal location for this use. We have ample parking on site and open view corridors which will allow for optimal security procedures. Abutting properties are predominantly commercial in nature so impacts on residents will be negligible. We also enjoy a dedicated traffic signal allowing control of all vehicle movements while providing easy access both east and west on Route 20.

The site and building will meet all zoning setback requirements. Our proposed dispensary space will be approximately 1,885 square feet, of which approximately 885 will consist of retail floor space, with the remaining 970 square feet used for security equipment, employee break room, bathrooms vault and a management office. Our proposed plan indicates 25 dedicated parking spaces with additional parking available.

In order to secure privacy and security for our neighbors, LRNE shall incorporate a state-of-the-art security system which will be installed in compliance with all Cannabis Control Commission (CCC) regulations. Pursuant to CCC regulations, neither the interior of the sales floor, nor any product will be visible from a public place or right of way. Furthermore, only patrons aged 21 or older will be allowed into the establishment.

Dean Iandoli and Catherine Trifilo started the company in 2016 after learning of the benefits of Medical Marijuana in treating their 15 year old son for the symptoms that he suffered with Tourette's syndrome. The

use of marijuana tinctures greatly diminished his tics, and helped him flourish academically and socially without the side effects of “off label” pharmaceuticals commonly prescribed for Tourette’s.

Catherine and Dean partnered with Michael Staiti and Richard Olstein in 2018 in order to bring business, construction and financial expertise to the team. Michael and Richard have headquartered their businesses in Marlborough for 20 years and own multiple properties in the City. LRNE’s corporate offices are currently located in Marlborough. Michael and Richard have been proud supporters of the City of Marlborough, including the Mayor’s Charity Ball, Marlborough Regional Chamber of Commerce Scholarship Foundation, and Marlborough Police and Fire Departments. We believe this connection to Marlborough make us uniquely qualified candidates to own and operate a marijuana dispensary here. We take great pride in our business, as well as great pride in the City, and believe that we can create a win/win situation for both.

Local Roots NE is a local company. Our headquarters are in Marlborough, and our cultivation facilities are located in Framingham and Barre, MA. Our other dispensaries are located in Fitchburg and Sturbridge. We are committed to the central Massachusetts community.

LRNE is a vertically integrated company, meaning that we have the ability to produce and manufacture our own products. There is widespread agreement within the industry that there will be a large undersupply of product for retail sale over the next 3-5 years. Those entities that do not have the ability to control their own supply chain from seed to sale will struggle to adequately stock their dispensaries. It has been our focus all along to control ours. Our Barre cultivation facility is currently approved and operational and will supply most of our product. We will also enter into wholesale contracts in order to offer our customers a variety of products. In addition, we have a provisional license for an additional cultivation and manufacturing facility in Framingham, MA, and construction is ongoing.

One of our primary goals is to be a positive influence in the community. We will strive to hire locally, both with dispensary personnel, and local contractors. We intend to further our involvement in the community through volunteerism, promoting community programs (such as coat drives and canned good drives), and contributions to local charities and causes.

We look forward to meeting with you to answer any questions that you might have and to discuss the benefits of our project and our team.

Yours truly,



Richard Olstein

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 JUL 15 A 8:40

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

LOCAL ROOTS NE INC

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

910 BOSTON POST ROAD EAST, SUITE 100 PARCEL ID:M-200605\_900063 MAP 62 LOT 21-910

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

BLACKCOMB ASSOCIATES LLP, 1 MAIN STREET, WHITINSVILLE, MA 01588

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

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

Article 650 Section 32 Paragraph, C Sub-paragraph

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

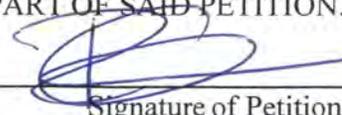
B

7. Specific reason(s) for seeking Special Permit

APPLICANT WISHES TO OPERATE AN ADULT USE MARIJUANA DISPENSARY

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

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



Signature of Petitioner or Applicant

Address: 910 BOSTON POST ROAD, EAST  
SUITE 100, MARLBOROUGH MA 01752

Telephone No., 508-229-7827

Date: 7/9/20

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

---

LOCAL ROOTS NE INC (Name of Petitioner)

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

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

Abutters for 910 Boston Post Rd East 400 ft  
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
62	14			CBT HOLDINGS LLC	ATTN METROLUBE	929 BOSTON PORT RD EAST S	MARLBOROUGH	MA 01752	929 BOSTON POST RD EAST
62	15			RAYTHEON COMPANY		PO BOX 660248 MS 336	DALLAS	TX 75266	895-1001 BOSTON POST RD EAST
62	20			940 BOSTON POST ROAD LLC		940 BOSTON POST RD EAST	MARLBOROUGH	MA 01752	940 BOSTON POST RD EAST
62	22			896 BPR LLC		171 LOCKE DR STE 114	MARLBOROUGH	MA 01752	894-896 BOSTON POST RD EAST
62	24			890 BOSTON POST ROAD LLC	C/O MARLBORO NISSAN	740 BOSTON POST RD EAST	MARLBOROUGH	MA 01752	890 BOSTON POST RD EAST
62	3A			CURLEY WILLIAM F TR	668 BOSTON POST RD TRUST	982 BOSTON POST RD EAST	MARLBOROUGH	MA 01752	BOSTON POST RD EAST
92	2			SOARES ADRIANO V	CLAUDIA M VALASSA	138 LEOLEIS DR	MARLBOROUGH	MA 01752	138 LEOLEIS DR

**MARLBOROUGH ASSESSORS**

*Andrew C. Amore Jr.*  
*Allen Silverstein*  
*Donat Maylle*

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: LOCAL ROOTS NE INC Address: 910 Boston Post RD E Ste 100

Project Name: \_\_\_\_\_ Address: \_\_\_\_\_

I. PROPOSED USE: (describe) Adult use Marijuana dispensary

2. EXPANSION OR NEW: New use

3. SIZE: floor area sq. ft. 12,300 floor 1 all floors 24,272  
Sq ft 8,005 floor 2 and 3,967 sq floor 3

#buildings 1 # stories 3 lot area (s.f.) 61,416+/-

4. LOT COVERAGE: 80% Landscaped area: 5 %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 9 Peak period: 20

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 7 Peak period: 16

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

2 deliveries/pick ups per week

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

Security lighting for entire perimeter of space. No light will leave the property.

8. NOISE:

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

No impact

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

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

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

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

How will it be disposed? \_\_\_\_\_  
None

\*Attach **additional** sheets **if** necessary



CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752  
City Hall  
140 Main St. Marlborough,  
Massachusetts 01752

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

President and Members City Council

Date: \_\_\_\_\_

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: LOCAL ROOTS NE INC

Project Use Summary: ADULT USE MARIJUANA RETAIL

Project Street Address: 910 Boston Post Road, East, Suite 310 Plate: 62-Parcel: 21

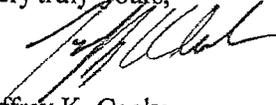
Applicant/Developer Name LOCAL ROOTS NE INC

Plan Date: AUGUST 2, 2018 Revision Date: N/A

Dear President and Members:

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

Very truly yours,

  
Jeffrey K. Cooke  
Building Commissioner

Application Fee to submit to  
City Clerk's office

\$500.00

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

**Steven W. Kerrigan  
City Clerk**



Dear Applicant,

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan  
City Clerk*

City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT

Lisa M. Thomas  
City Clerk



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

Company Name

LOCAL ROOTS NE INC

Owner Name/Officer Name of LLC or Corporation

RICHARD OLSTEIN LOCAL ROOTS NE INC

Owner/Officer Complete Address and Telephone Number

910 BOSTON POST ROAD, EAST SUITE 310

MARLBOROUGH, MA 01752

508-229-7827

Signature of Applicant

Attorney on behalf of Applicant, if applicable

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

Eileen Bristol

Tax Collector



*City of Marlborough*  
**BUILDING DEPARTMENT**

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

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

**PATRICK DAHLGREN**  
 ASSISTANT BUILDING  
 COMMISSIONER

**WILLIAM PAYNTON**  
 LOCAL BUILDING INSPECTOR

**RICHARD DESIMONE**  
 PLUMBING & GAS INSPECTOR

**JOHN CAIN**  
 WIRING INSPECTOR

**ZONING DENIAL**

July 13, 2020

To:

**Property Owner**

Blackcomb Associates  
 1 Main Street  
 Whitinsville, MA 01588

**Applicant**

Local Roots NE, Inc.  
 910 Boston Post Road, East Suite 310  
 Marlborough, MA 01752

Mr. Local Roots NE, Inc.:

Your application to operate Adult Use Marijuana retail at 910 Boston Post Road, East Suite 100, Marlborough, MA Parcel ID # 62-21, located in the Wayside zoning district (W) is denied as it does not comply with Chapter 650- 32 of City Code of Marlborough. The "Table of Uses" states that your use requested requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed Use requires a Special Permit (SP).

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

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-59 or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

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

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

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

Sincerely,

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

CC: files, City Council, Mayor

Date 7/9/20

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

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

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

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

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

910 Boston Post Road East Suite 100  
No. / Street

62-21  
Parcel ID#

B WS  
Zoning District

Assessors Init: \_\_\_\_\_

Description of Use Proposed (as written in Section 650-17 Table of Uses).  
Please attach a brief narrative, if necessary.

Applicant wishes to operate an adult use marijuana dispensary

If Residential, state # of units proposed \_\_\_\_\_

If Business, state exact type Adult use marijuana dispensary

Present Use of Property, including any existing structures  
unit is vacant /building is commercial/retail

Applicant's Name Local Roots NE Inc  
Applicant's Address  
910 Boston Post Road East Suite 100  
Marlborough, MA 01752

Bldg Owner's Name Blackcomb Associates  
Owner's Address  
1 Main Street  
Whitinsville, MA 01588

Applicant's Phone 508-229-7827

Owners Phone 508-234-6301

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

[Signature]  
Applicant's Signature

[Signature]  
Owner's Signature

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

Tax Collector \_\_\_\_\_ Date \_\_\_\_\_

**OVER ►**

**FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE**

APPROVE \_\_\_\_\_  
DENIED \_\_\_\_\_

ZONING CODE 650-32  
REASON FOR DENIAL Requires SF

[Signature]  
ZONING AGENT

13 July 2020  
DATE

Description of Business: Adult marijuana retail dispensary

Name and Address of all persons involved in proposed Business: see attached

List all major equipment used in this business: n/a

What size vehicle will be involved with the business, if any:

n/a

Where on the premises will business be conducted? suite 100

Will there be any exterior changes to this property including signs? yes, awnings new signage and potentially new windows

Will there be any noise, emissions, noticeable to persons adjacent to this property? no

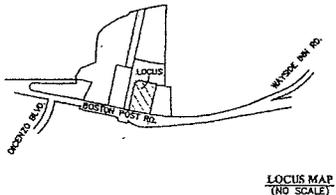
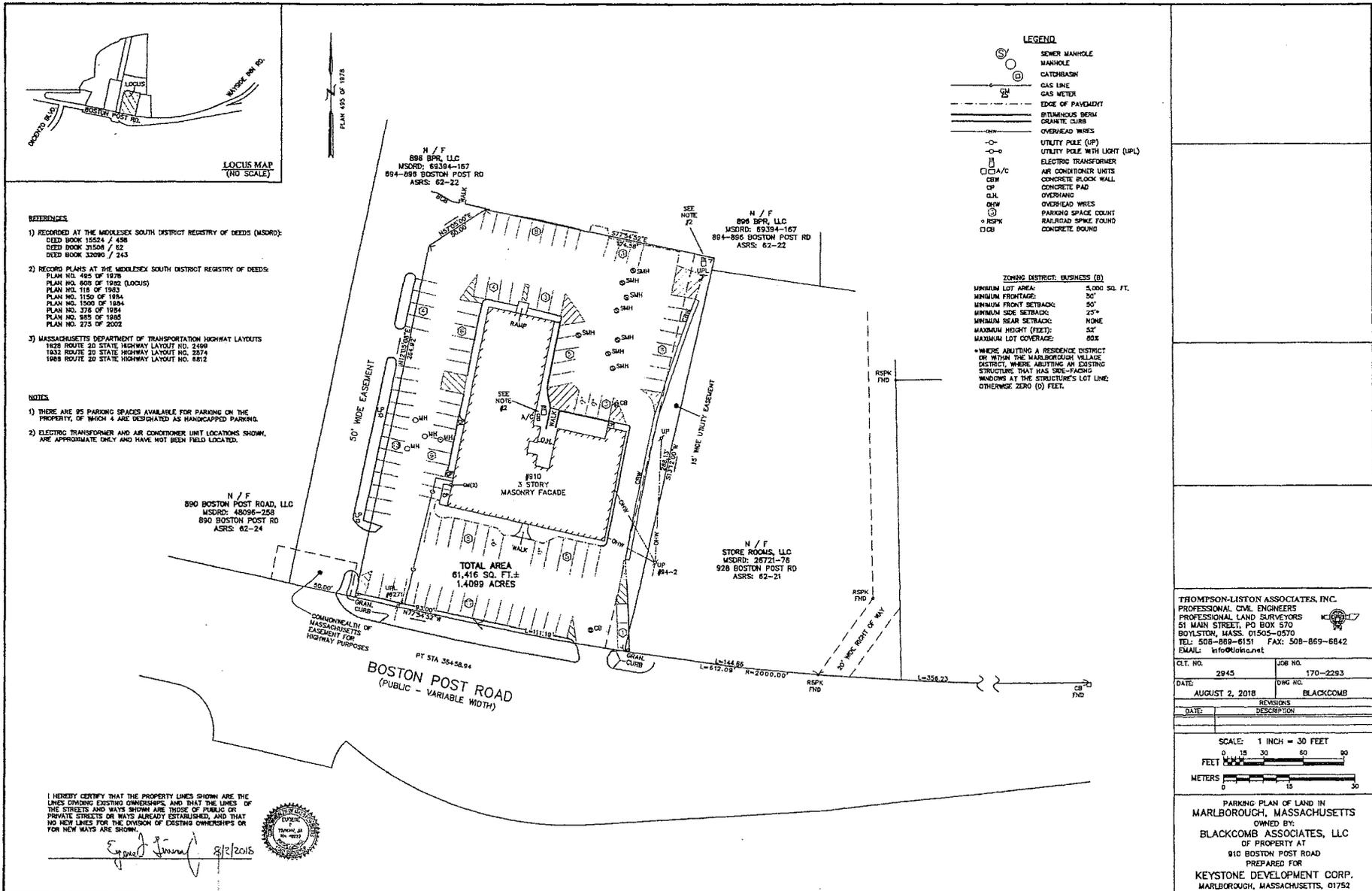
Will customers visit the property? yes If yes, how many people are expected at one time? 9-20

List materials sold or stored at the property: Marijuana products to include flower, edible and pre-rolls and tinctures and oils

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

Please provide any other information that would allow us to understand your proposed business that you feel is important: Michael J Staiti and Richard Olstein, two owners of Local Roots, also own of the building at 910 Boston Post Road, East and have been based in Marlborough for nearly 20 years. They are currently operating their first marijuana retail store in Fitchburg, MA.

Name of Business: Local Roots NE INC



- REFERENCES**
- 1) RECORDED AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS (MSDR):  
DEED BOOK 15524 / 436  
DEED BOOK 31504 / 62  
DEED BOOK 33090 / 243
  - 2) RECORD PLANS AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS:  
PLAN NO. 609 OF 1992 (LOCUS)  
PLAN NO. 718 OF 1993  
PLAN NO. 1150 OF 1994  
PLAN NO. 1500 OF 1994  
PLAN NO. 376 OF 1994  
PLAN NO. 825 OF 1995  
PLAN NO. 275 OF 2002
  - 3) MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY LAYOUTS  
1989 ROUTE 20 STATE HIGHWAY LAYOUT NO. 2499  
1982 ROUTE 20 STATE HIGHWAY LAYOUT NO. 3274  
1989 ROUTE 20 STATE HIGHWAY LAYOUT NO. 6812

- NOTES**
- 1) THERE ARE 25 PARKING SPACES AVAILABLE FOR PARKING ON THE PROPERTY, OF WHICH 4 ARE DESIGNATED AS HANDICAPPED PARKING.
  - 2) ELECTRIC TRANSFORMER AND AIR CONDITIONER UNIT LOCATIONS SHOWN ARE APPROPRIATE ONLY AND HAVE NOT BEEN FIELD LOCATED.

**LEGEND**

- ⊙ SEWER MANHOLE
- MANHOLE
- ⊕ CATCHBASIN
- GAS LINE
- GAS METER
- EDGE OF PAVEMENT
- BITUMINOUS BERM
- GRANITE CURB
- OVERHEAD WIRES
- UTILITY POLE (UP)
- UTILITY POLE WITH LIGHT (UPL)
- ⊠ ELECTRIC TRANSFORMER
- A/C
- AIR CONDITIONER UNITS
- ▭ CONCRETE BLOCK WALL
- ▭ CONCRETE PAD
- OVERSTANG
- OVERHEAD WIRES
- PARKING SPACE COUNT
- RAILROAD SPIKE FOUND
- CONCRETE BOUND

**ZONING DISTRICT: BUSINESS (B)**

MINIMUM LOT AREA:	5,000 SQ. FT.
MINIMUM FRONTAGE:	30'
MINIMUM FRONT SETBACK:	50'
MINIMUM SIDE SETBACK:	25'
MINIMUM REAR SETBACK:	NONE
MAXIMUM HEIGHT (FEET):	32'
MAXIMUM LOT COVERAGE:	80%

\*WHERE ADJUTING A RESIDENCE DISTRICT OR WITHIN THE MARLBOROUGH VILLAGE DISTRICT, WHERE ADJUTING AN EXISTING STRUCTURE THAT HAS SIDE-FACING WINDOWS AT THE STRUCTURE'S LOT LINE OTHERWISE ZERO (0) FEET.

THOMPSON-LISTON ASSOCIATES, INC.  
PROFESSIONAL CIVIL ENGINEERS  
PROFESSIONAL LAND SURVEYORS  
51 MAIN STREET, PO BOX 570  
BOYLSTON, MASS. 01505-0570  
TEL: 508-869-8151 FAX: 508-869-6842  
EMAIL: info@tlninc.net

CLT. NO.	2845	JOB NO.	170-2293
DATE	AUGUST 2, 2018	DWG. NO.	BLACKCOMB

DATE	REVISIONS	DESCRIPTION

SCALE: 1 INCH = 30 FEET

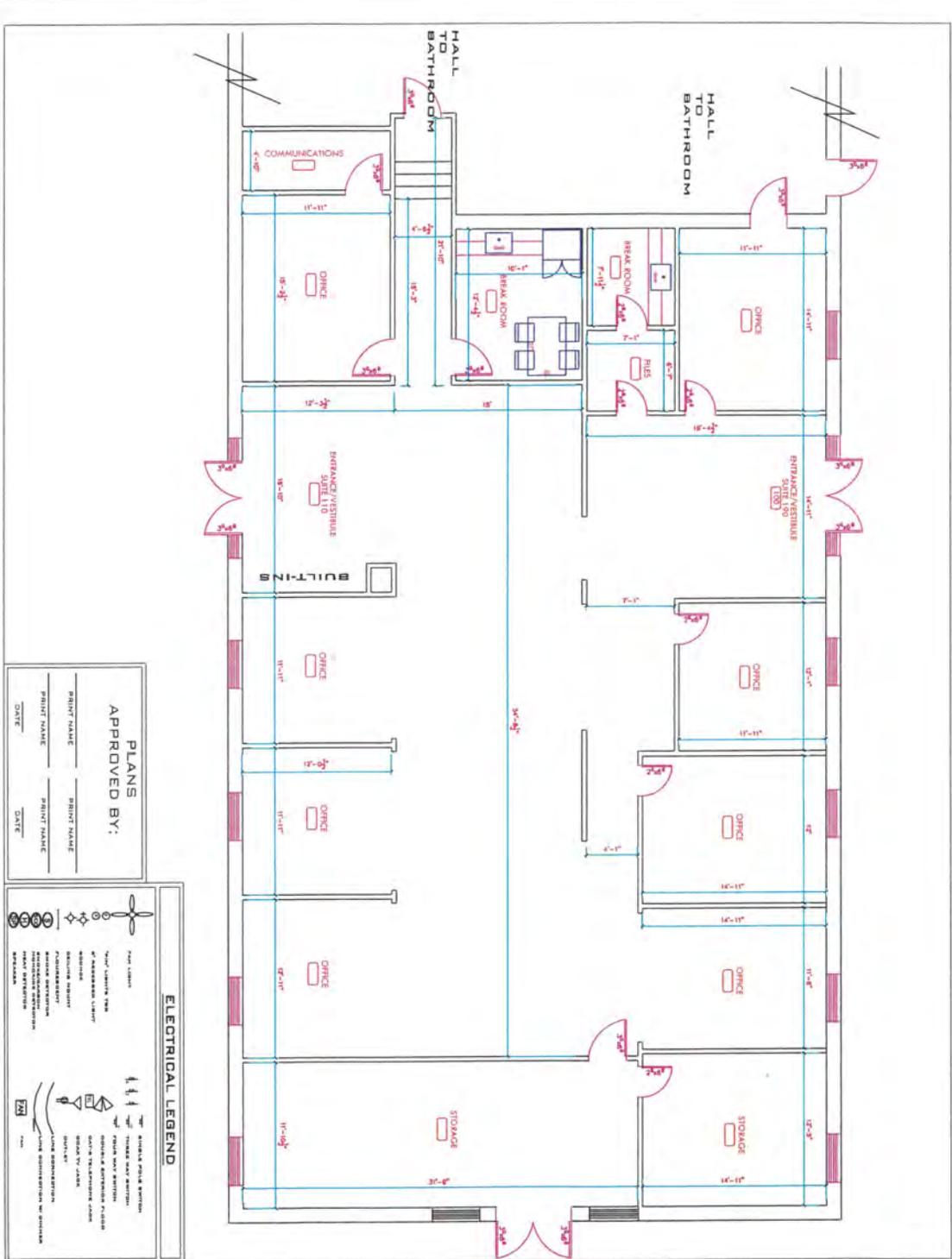
0 15 30 45 60 75 90  
FEET

0 5 10 15 20  
METERS

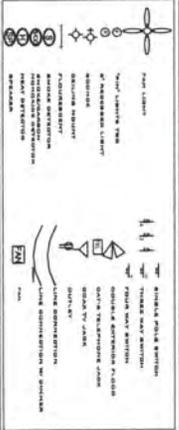
PARKING PLAN OF LAND IN  
MARLBOROUGH, MASSACHUSETTS  
OWNED BY:  
BLACKCOMB ASSOCIATES, LLC  
OF PROPERTY AT  
910 BOSTON POST ROAD  
PREPARED FOR  
KEYSTONE DEVELOPMENT CORP.  
MARLBOROUGH, MASSACHUSETTS, 01752

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THAT THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

*Ernest J. Johnson* 8/2/2018



**PLANS**  
**APPROVED BY:**  
 \_\_\_\_\_  
 PRINT NAME      PRINT NAME  
 \_\_\_\_\_  
 DATE              DATE

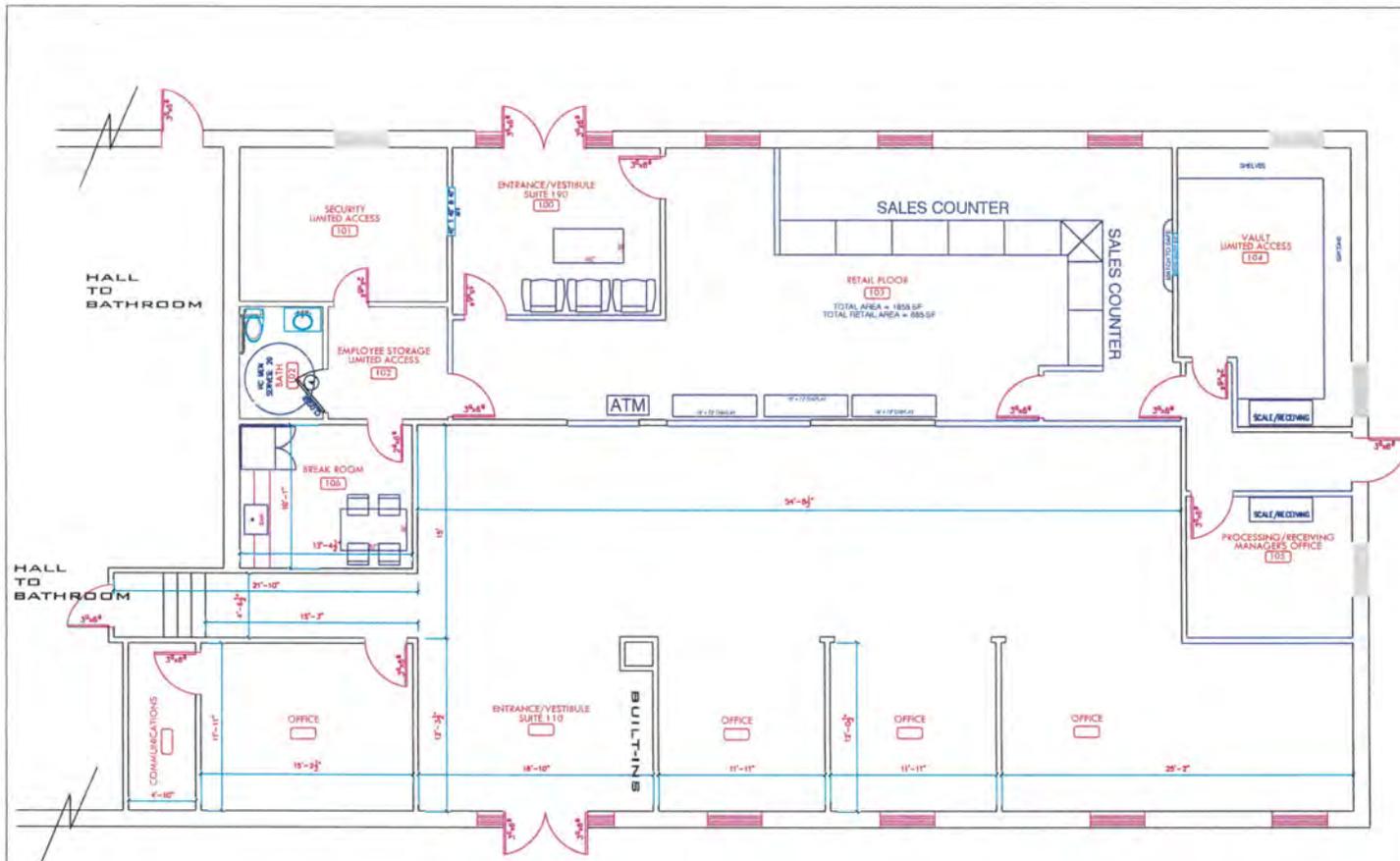


DATE: 1/23/2018  
 SHEET: 1  
 OF: 1

EXISTING CONDITIONS PLAN  
 910 BOSTON POST RD. EAST  
 SUITE 190

**Keystone Development Corporation**  
 Ste 301, 910 Boston Post Rd. Marlboro, Mass. 01752  
 Tel: 508-229-7827      Fax: 508-229-8034

REVISION	DATE	BY



**GENERAL NOTES:**

- VAULT ROOF & WALLS TO HAVE SEISMIC ALARMS
- VAULT ROOF & WALLS TO HAVE SECURITY MESH
- EXISTING EXTERIOR WALLS OF BUILDING ARE CMU BLOCK (EXISTING)
- ALL EXISTING WINDOW GLASS TO HAVE FROSTED FORTIFIED FILM
- WINDOWS IN SECURITY, VAULT AND MANAGERS OFFICE TO BE INFILLED WITH CMU BLOCK

REVISION#	DATE	BY

**Keystone Development Corporation**  
 Site 301, 910 Boston Post Rd. Marlboro, Mass. 01752  
 Tel: 508-229-7827 Fax: 508-229-8034

PROPOSED CONDITIONS PLAN  
 910 BOSTON POST RD. EAST  
 SUITE 190

BY: DV DK

DATE: 1/1/2018

SHEET:  
2

**Caregiver Patient Connection, LLC**

910 Boston Post Road East, 3rd Floor  
Marlboro, MA 01752  
508-229-7827

GFA FCU  
Gardner, MA  
53-8306/2113

7/9/2020

PAY TO THE ORDER OF City of Marlborough

**\$\*\*500.00**

Five Hundred and 00/100 \*\*\*\*\* DOLLARS

PROTECTED AGAINST FRAUD



City of Marlborough  
140 Main Street  
Marlborough, MA 01752



MEMO

special permit filing fee

⑈001579⑈

Caregiver Patient Connection, LLC

1579

City of Marlborough

7/9/2020

500.00

CPC Operating Acct 6 special permit filing fee

500.00

Caregiver Patient Connection, LLC

1579

City of Marlborough

7/9/2020

500.00

PAYMENT RECORD

CPC Operating Acct 6 special permit filing fee

500.00





**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

June 26, 2020

Richard Olstein  
LOCAL ROOTS NE, INC.  
910 Boston Post Road, East – Suite 310  
Marlborough, MA 01752

**RE: Host Community Agreement**

Dear Mr. Olstein:

Enclosed please find an original copy of the fully executed Host Community Agreement by and between Local Roots NE, Inc. and the City of Marlborough.

Sincerely,



Jason M. Piques  
Assistant City Solicitor

Enclosure



## Host Community Agreement Certification Form

### Instructions

Certification of a host community agreement is a requirement of the application to become a Marijuana Establishment (ME) and Medical Marijuana Treatment Center (MTC). Applicants must complete items 1-3. The contracting authority for the municipality must complete items 4-8. Failure to complete a section will result in the application not being deemed complete. This form should be completed and uploaded into your application. Please note that submission of information that is "misleading, incorrect, false, or fraudulent" is grounds for denial of an application for a license pursuant to 935 CMR 500.400(2) and 501.400(2).

### Certification

The parties listed below do certify that the applicant and municipality have executed a host community agreement on the specified date below pursuant to G.L. c. 94G § 3(d):

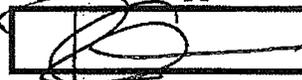
1. Name of applicant:

Local Roots NE LLC

2. Name of applicant's authorized representative:

Richard Ostein

3. Signature of applicant's authorized representative:



4. Name of municipality:

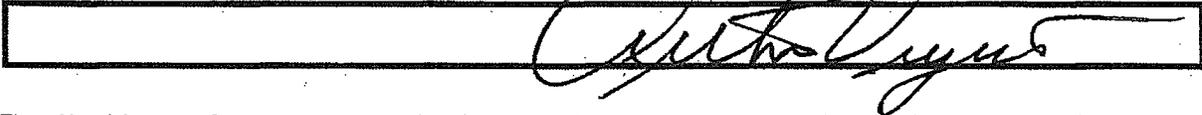
Marlborough

5. Name of municipality's contracting authority or authorized representative:

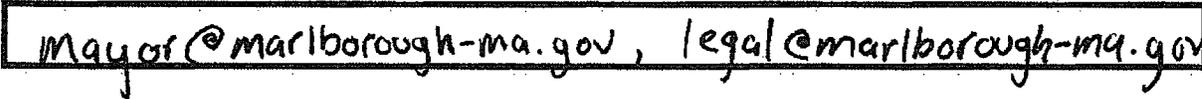
Arthur Viseant, Mayor



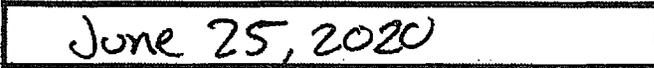
6. Signature of municipality's contracting authority or authorized representative:



7. Email address of contracting authority or authorized representative of the municipality (*this email address may be used to send municipal notices pursuant to 935 CMR 500.102(1) and 501.102(1).*):



8. Host community agreement execution date:







CITY OF MARLBOROUGH AND  
LOCAL ROOTS NE, INC.

**HOST COMMUNITY AGREEMENT**

THIS HOST COMMUNITY AGREEMENT (the "Agreement") is entered into this 25th day of June, 2020 by and between Local Roots NE, Inc. a Massachusetts Corporation, with a principal office address of 910 Boston Post Road, East, Suite 310, Marlborough, Ma 01752 (the "Company"), and the City of Marlborough, a Massachusetts municipal corporation, acting by and through its Mayor, with a principal address of 140 Main Street, Marlborough, Massachusetts 01752 ("the City"), collectively referred to herein as the "Parties."

WHEREAS, the Company wishes to locate a marijuana retailer for the purposes of the sale and distribution of recreational marijuana products (the "Facility" or "Marijuana Retailer") at 910 Boston Post Road East, Marlborough, Massachusetts 01752 (the "Property"), in accordance with the laws, regulations, and policies of the Commonwealth of Massachusetts ("MA Law") and the ordinances, rules, regulations, and policies of the City ("Local Law"); and

WHEREAS, the Company intends to provide certain benefits to the City in the event that it receives the requisite licenses from the Cannabis Control Commission (the "CCC") or such other state licensing or monitoring authority, as the case may be, to operate as a Marijuana Retailer and receives all required local permits and approvals from the City; and

WHEREAS, the parties intend by this Agreement to satisfy the provisions of G.L. c. 94G, Section 3(d), applicable to the operation of a Marijuana Retailer, such activities to be only done in accordance with the applicable MA Law and Local Law.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Company and the City agree as follows:

**1. Annual Payments**

In the event that the Company obtains the requisite licenses and/or approvals as may be required for the operation of the Marijuana Retailer in the City at the Property, and receives any and all necessary and required permits and licenses of the City, and at the expiration of any final appeal period related thereto, said matter not being appealed further, which permits and/or licenses allow the Company to locate, occupy and operate the Marijuana Retailer in the City, then the Company agrees to provide the following Annual Payments, provided, however, that if the Company fails to secure any such other license and/or approval as may be required, or any of the required municipal approvals due to Company's bad faith, negligence or failure to timely or adequately respond to a Request for Response from the CCC or other similar request from the City, the Company shall reimburse the City for its legal fees associated with the negotiation of this Agreement.

20  
9

### A. Community Impact Fee

The Company anticipates that the City will incur additional expenses and impacts on the City's roads and other infrastructure systems, law enforcement, fire protection services, inspectional services, and permitting and consulting services, as well as unforeseen impacts on the City. Accordingly, in order to mitigate the financial impact on the City and use of City resources, the Company agrees to pay an Annual Community Impact Fee to the City, in the amount and under the terms provided herein.

1. Company shall annually pay an Annual Community Impact Fee in an amount equal to three percent (3%) of gross sales at the Facility (the "Annual Payments"). The term "gross sales" shall mean the total of all sales transactions of the Facility to the maximum extent permitted by law, without limitation, whether wholesale or retail, and shall include but not be limited to all sales occurring at the Facility, including the sale of marijuana, marijuana infused products, paraphernalia, and any other products sold at the Facility. Such payments shall be in addition to the 3% Local Option Tax authorized by M.G.L. c. 64N, § 3 and accepted by the City.
2. The Annual Payments shall be made on a quarterly basis in each calendar year on or before the last day of January, April, July and October, beginning on the first of such dates after the execution of this Agreement, which payment shall be for the quarter immediately preceding the payment. By way of example, a payment made on or before January 31 shall be for the immediately preceding October through December, inclusive. The Annual Payments shall continue for the term of this Agreement, payable on a quarterly basis.
3. While the City has the sole discretion for determining how to spend the Annual Payments, the Parties understand and acknowledge that, as required by M.G.L. c. 94G, § 3(d), the Annual Payments are reasonably related to the costs imposed upon the City by the Company's operation of a Marijuana Retailer at the Property.

### B. Additional Costs, Payments and Reimbursements

1. Permit and Connection Fees: To the extent permitted by law, the Company hereby acknowledges and accepts, and waives all rights to challenge, contest or appeal, the City's building permit fee and other permit application fees, sewer and water connection fees, and all other local charges and fees generally applicable to other commercial developments in the City.
2. Facility Consulting Fees and Costs: The Company shall reimburse the City for any and all reasonable consulting costs and fees related to any land use applications concerning the Facility, negotiation of this and any other related agreements, and any review concerning the Facility, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates charged by the above-referenced consultants in relation to the Facility.

3. Other Costs: The Company shall reimburse the City for the actual costs incurred by the City in connection with holding public meetings and forums substantially devoted to discussing the Facility and/or reviewing the Facility and for any and all reasonable consulting costs and fees related to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees.
4. Late Payment Penalty: The Company acknowledges that time is of the essence with respect to their timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made within five (5) days of the date they are due, the City shall provide the Company with written notice of such failure to make a timely payment. The Company shall have a five (5) day period to cure such failure to make timely payment from the date of receipt of such notice., For any payment made after the due date, the Company shall also be required to pay the City a late payment penalty equal to five percent (5%) of such required payments.

#### C. Annual Charitable/Non-Profit Contributions

The Company, in addition to any other payments specified herein, shall annually voluntarily contribute to a non-profit organization(s) in the City an amount no less than \$10,000 for the purpose of marijuana education and prevention programs within the City to promote safe, legal, and responsible use, said charities/non-profit organizations to be determined upon mutual agreement between the City, acting by and through its Mayor or the Mayor's designee, and Company. The first contribution shall be due within 30 days of commencement of operations and then annually beginning on January 1, 2022, and shall continue for the term of this Agreement. In the event that no such organization can offer appropriate programming, the contribution shall be paid to the City to hold in a restricted fund for release upon mutual agreement of the Company and City once an eligible non-profit program is identified.

#### D. Annual Reporting for Host Community Impact Fees and Benefit Payments

- i. The Company shall notify the City when the Company commences sales at the Facility pursuant to laws and regulations.
- ii. The Company shall, at least annually, provide the City with copies of all reports which are required to be submitted to the Commonwealth, regarding the Company's operations at the Facility.
- iii. At the time the Company submits each payment under paragraph 2 to the City, the Company shall submit financial records to the City with a certification of gross sales with respect to such Payment. The report shall specify the Payment(s) as calculated under this section and shall be prepared by a Certified Public Accountant in accordance with generally accepted accounting principles ("GAAP"). The Company shall maintain its books,

financial records, and other compilations of data pertaining to all requirements of this Agreement in accordance with standard GAAP and all applicable state laws and regulations. The Company shall retain such records for a period of at least seven (7) years.

- iv. Upon request by the City, the Company shall provide the City with the same access to its financial records (to be treated as confidential, to the extent allowed by law) as it is required by the CCC and Department of Revenue for purposes of obtaining and maintaining a license for the Facility.
- v. In addition to the above referenced reports, the Company shall also provide to the City such other information as may reasonably be requested by the Mayor of the City of Marlborough.
- vi. Financial Records Compliance with Local Law. The Company shall work cooperatively with all necessary City agencies, departments, boards, committees, and officers to ensure that the Company's operations are compliant with Local Law. The Company shall comply with the conditions of any special permit, licenses or other permits issued by the City, including but not limited to conditions concerning security. This Agreement does not waive, limit, control, or in any way affect the legal authority of any City agency, board, committee, or official to regulate, authorize, restrict, inspect, investigate, enforce against, or issue, deny, suspend, or revoke any permit, license or other approval with respect to, the Company or the Site, nor does it waive, limit, control, or in any way affect the legal authority of the Marlborough Police Department to investigate, prevent, or take action against any criminal activity with respect to the Company or the Site. Nothing in this Agreement presumes, implies, suggests, or otherwise creates any promise either that the Company shall obtain or retain any or all local permits, licenses, and other approvals that are required in order to operate at the Site.
- vii. Independent Audit. During the term of this Agreement and for three years following the termination of this Agreement the Company shall agree, upon request of the City to have its financial records examined, copied and audited by an Independent Financial Auditor, the expense of which shall be borne by the Company. The Independent Financial Auditor shall review the Company's financial records for purposes of determining that the Annual Payments are in compliance with the terms of this Agreement. Such examination shall be made not less than thirty (30) days following written notice from the City and shall occur only during normal business hours and at such place where said books, financial records and accounts are maintained. The Independent Financial Audit shall include those parts of the Company's books and financial records which relate to the payment, and shall include a certification of itemized gross sales for the previous

calendar year, and all other information required to ascertain compliance with the terms of this Agreement. The independent audit of such records shall be conducted in such a manner as not to interfere with the Company's normal business activities.

## **2. Local Vendors and Employment**

To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Company will make every effort in a legal and non-discriminatory manner to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services called for in the construction, maintenance and continued operation of the Facility when such contractors and suppliers are properly qualified and price competitive and shall use good faith efforts to hire City residents.

## **3. Licenses, Permits, and Zoning**

The Company agrees to apply for and comply with the requirements of any applicable City licenses, permits, or zoning relief as required by City ordinance or regulation.

## **4. On-site Consumption Prohibited**

Consistent with 935 CMR 500.050(8)(a)(1) the Company consents to prohibiting on-site consumption.

## **5. Local Taxes**

At all times during the Term of this Agreement, property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by the Company or by its landlord and neither the Company nor its landlord shall object or otherwise challenge the taxability of such property and shall not seek a non-profit or agricultural exemption or reduction with respect to such taxes.

Notwithstanding the foregoing, (i) if real or personal property owned, leased or operated by the Company is determined to be non-taxable or partially non-taxable, or (ii) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at fair cash value as defined in G.L. c. 59, § 38, or (iii) if the Company is determined to be entitled or subject to exemption with the effect of reducing or eliminating the tax which would otherwise be due if not so exempted, then the Company shall pay to the City an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption; this payment shall be in addition to the payment made by the Company under this Agreement.

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## 6. Security

The Company shall maintain security at the Facility and Property in accordance with a security plan approved by any required state and/or City licensing and monitoring authority(ies). In addition, the Company shall at all times comply with MA Laws, Local Law, and any City special permit or other permit/approval regarding security of the Site. Further, the Company shall coordinate with the Marlborough Police Department in the development and implementation of required security measures, including without limitation the determination of the placement of security cameras and the sharing of security information. The Company will maintain a cooperative relationship with the Marlborough Police Department, including but not limited to, periodic meetings to review operational concerns and communication with the Marlborough Police Department of any incidents and suspicious activities at the Facility and Property. To the extent requested by the City's Police Department, and subject to the security and architectural review requirements of the CCC, or such other state licensing or monitoring authority, as the case may be, the Company shall work with the City's Police Department in determining the placement of exterior security cameras. In addition, at the discretion of the City's Police Chief in the interest of public safety, the Police Chief may require the presence of a police detail, and the costs of any such detail shall be the responsibility of the Company.

The Company agrees to cooperate with the Police Department, including but not limited to periodic meetings to review operational concerns, security, delivery schedule and procedures, cooperation in investigations, and communications with the Police Department of any suspicious activities at or in the immediate vicinity of the Facility, and with regard to any anti-diversion procedures.

To the extent requested by the City's Police Department, the Company shall work with the Police Department to implement a comprehensive diversion prevention plan to prevent diversion, such plan to be in place prior to the commencement of operations at the Establishment.

The Company agrees to comply with all the CCC's requirements, regulations, and laws of the Commonwealth, including but not limited to Criminal Offender Record Information (CORI) review for any personnel or employees.

## 7. Community Impacts

The Parties anticipate that, because of the Company's operation of the Facility, the City will incur additional expenses and impacts on its roads, law enforcement, inspectional services, permitting and administrative services, educational and public health services, as well as potential additional unforeseen impacts upon the City. To mitigate the financial impact upon the City and the use of City resources, the Company agrees to provide for the mitigation terms herein.

The Company agrees to employ its best efforts to work collaboratively and cooperatively with its neighboring businesses and residents to establish written policies and procedures to address mitigation of any concerns or issues that may arise through its operation of the Facility; said written policies and procedures, as may be amended from time to time, shall be reviewed and approved by the City and shall be incorporated herein by reference and made a part of this Agreement, the same as if each were fully set forth herein.

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## **8. Support**

The City agrees to submit to the CCC, or such other state licensing or monitoring authority, as the case may be, the required certifications relating to the Company's application for a license to operate the Facility where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request, including, but not limited to any zoning application submitted for the Facility, in any particular way other than by the City normal and regular course of conduct and in accordance with its rules and regulations and any statutory guidelines governing them.

This Agreement does not affect, limit, or control the authority of City boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Ordinances of the City, or applicable regulations of those boards, commissions, and departments or to enforce said statutes, ordinances, and regulations. The City, by entering into this Agreement, is not thereby required or obligated to issue such permits and approvals as may be necessary for a marijuana retailer to operate in the City, or to refrain from enforcement action against the Company and/or its Facility for violation of the terms of said permits and approvals or said statutes, ordinances and regulations.

## **9. Term; Termination of Agreement**

This Agreement shall take effect on the date first set forth above (the "Effective Date"), and shall continue in effect for so long as the Company operates the Facility, or five (5) years from the date upon which the Facility commences operations at the Property, whichever is earlier.

At the conclusion of the term of this Agreement, in the event that the Company wishes to continue to operate at the Site, the Parties shall renegotiate a new Agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced. Thereupon, the City and the Company shall negotiate the amount and calculation of annual payments to the City. To the extent permitted by law, this Agreement shall remain in effect until execution of a new successor agreement.

In the event that the Company no longer does business in the City or loses or has any license(s), approvals, and/or permit(s) to operate the Facility revoked, then this Agreement shall become null and void, and the Company shall pay to the City any payment amounts due upon the termination date, and in no event shall the City be responsible for the return of any funds provided to it by the Company.

## **10. Failure to Locate and/or Relocation.**

In the event that the Company fails to obtain a final license from the CCC and all necessary local permits from the City (including but not limited to a Special Permit from the City which Company acknowledges it is required to obtain) and commence operations at the Facility within one (1) year from the date of the grant of said special permit, the Company shall pay to the City the sum of \$8,000.00 (eight thousand dollars) per month beginning on the one year anniversary from the

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Effective Date until the Company either commences operations or this Agreement is terminated, whichever is earlier.

This Agreement shall terminate and be null and void in the event the Company: (1) fails to obtain a final license from the CCC and all necessary local permits from the City (including but not limited to a Special Permit from the City which Company acknowledges it is required to obtain) and commence operations at the Facility within two (2) years from the Effective Date, or (2) relocates the Facility out of the City.

In the case of relocation of the Facility outside of the City after two (2) years from the Effective Date, an adjustment of payments due to City shall be pro-rated based upon the period of operation within the City. In no event shall City be responsible for the return of any payments made by Company to City.

**11. Successors/Assigns**

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the City, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the City. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the City nor the Company shall assign, sublet, or otherwise transfer any interest in the Agreement without the written consent of the other.

Events deemed an assignment include, without limitation: (i) Company’s final and adjudicated bankruptcy whether voluntary or involuntary; (ii) the Company’s takeover or merger by or with any other entity; (iii) the Company’s outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iv) or any other change in ownership or status of the Company; (v) any assignment for the benefit of creditors; and/or (vi) any other assignment not approved in advance in writing by the City.

**12. Notices**

Any and all notices, consents, demands, requests, approvals or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, and shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service, or, if sent by private overnight or other delivery service, when deposited with such delivery service.

To the City:

Office of the Mayor  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752  
Email: [mayor@marlborough-ma.gov](mailto:mayor@marlborough-ma.gov)

With a copy to: legal@marlborough-ma.gov

To Company:

Richard Olstein  
Local Roots NE, Inc.  
910 Boston Post Road East  
Suite 310  
Marlborough, MA 01752  
Email: [rlo@keystonedev.net](mailto:rlo@keystonedev.net)

**13. Severability**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the City would be substantially or materially prejudiced. Further, the Company agrees that it will not challenge, in any jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by the Company in a court of competent jurisdiction, the Company shall pay for all reasonable fees and costs incurred by the City in enforcing this Agreement.

**14. Governing Law**

This Agreement shall be governed and construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, without regard to the principals of conflicts of law thereof. The Parties expressly waive any defense to enforcement based upon nonconformance with federal law regarding the legality of marijuana. The Company submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

**15. Entire Agreement**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Company and the City with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**16. Amendments/Waiver:**

Amendments, or waivers of any term, condition, covenant, duty or obligation contained in this Agreement may be made only by written amendment executed by authorized representatives of both parties to the original Agreement, prior to the effective date of the amendment.

**17. Headings:**

The article, section, and/or paragraph headings in this Agreement are for convenience of reference only, and shall in no way affect, modify, define or be used in interpreting the text of this Agreement.

**18. Counterparts**

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any party hereto may execute this Agreement by signing one or more counterparts.

**19. Signatures.**

Facsimile signatures affixed to this Agreement shall have the same weight and authority as an original signature.

**20. No Joint Venture:**

The Parties hereto agree that nothing contained in this Agreement or any other documents executed in connection herewith is intended or shall be construed to establish the City, or the City and any other successor, affiliate or corporate entity as joint ventures or partners.

**21. Indemnification**

The Company shall indemnify, defend (with counsel acceptable to City), and hold the City, and its officials, departments, employees, agents, insurers, and representatives harmless from and against any and all claims, demands, liabilities, actions, causes of actions, defenses, proceedings and/or costs and expenses, including attorney's fees, brought against the City, their agents, departments, officials, employees, insurers and/or successors, by any third party arising from or relating to the development or use of the Property and/or Facility; provided, however, the foregoing indemnification shall not apply to any claim, liability, expense, lawsuit, cost, loss or other damage, including reasonable attorneys' fees, which arise from or are caused by willful misconduct of the City, its employees, agents or officers. Such indemnification shall include, but shall not be limited to, all reasonable fees and reasonable costs of attorneys and other reasonable consultant fees and all fees and costs (including but not limited to attorneys and consultant fees and costs) shall be at charged at regular and customary municipal rates, of the City's choosing incurred in defending such claims, actions, proceedings or demands. The Company agrees, within thirty (30) days of written notice by the City, to reimburse the City for any and all costs and fees incurred in defending itself with respect to any such claim, action, proceeding or demand.

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**22. Third-Parties**

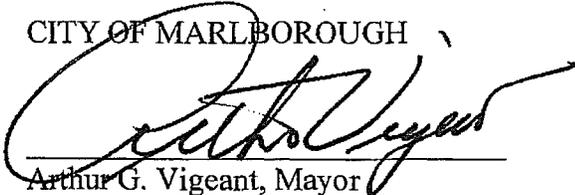
Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the City or the Company.

**23. Re-Opener/Review.**

In the event that the Company enters into a host community agreement for a Marijuana Retailer with another municipality in the Commonwealth of Massachusetts that contains terms that are more beneficial to City than the terms herein, the parties shall reopen this Agreement and negotiate an amendment resulting in benefits to the City equivalent or superior to those provided to the other municipality.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

CITY OF MARLBOROUGH



Arthur G. Vigeant, Mayor

In his official capacity and not personally

LOCAL ROOTS NE, INC.



Richard Olstein



### CERTIFICATE OF VOTE OF AUTHORIZATION

I, Richard Olstein, Clerk-Secretary of Local Roots NE, Inc. hereby certify that, at a meeting of the Board of Directors of said Corporation duly held on June 23, 2020 which date is earlier than the contract to which this certificate is incorporated by reference, at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

RESOLVED that Richard Olstein be and hereby is authorized, directed and empowered on behalf of this Company, to sign, execute, acknowledge and deliver other obligations of this Company including the execution of the Host Community Agreement to be valid and binding upon this Company for all purposes, and that this Certificate of Authority shall be delivered to the City of Marlborough; and that this authorization shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such managers or designated members and a certificate of such later vote is delivered to the City.

I, further certify that Richard Olstein is the duly-elected Secretary of said corporation.

Signed: [Signature]  
CLERK-SECRETARY

Place of Business: 910 Boston Post Rd E, Marlborough MA 01752

Date of Contract: 6/24/20

AFFIX CORPORATE SEAL

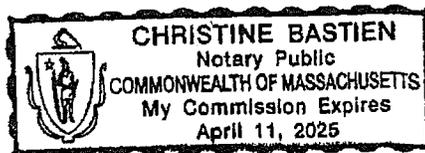
*In the event that the Clerk or Secretary is the same person as the Officer authorized to sign that contract or other instrument for the Corporation, this Certificate must be counter signed by another officer of the Corporation.*

Countersignature: [Signature] CFO, Treasurer, Director  
(Name and Title of Officer)

*If there is no other Officer of the Corporation to attest, then this Certification must be notarized.*

On this 24 day of June 2020, before me, the undersigned Notary Public, personally appeared Richard Olstein, as Secretary of Local Roots NE, Inc. and proved to me through satisfactory evidence of identification, which was Massachusetts drivers license, that h/she is the person whose name is signed on the foregoing document, and acknowledged to me that h/she signed it voluntarily for its stated purpose.

[Signature]  
Notary Public  
My Commission Expires:

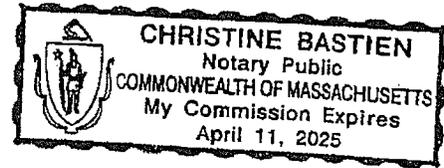


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On this 24 day of June 2020, before me, the undersigned Notary Public, personally appeared Michael J Stait, as Treasurer of **Local Roots NE, Inc.** and proved to me through satisfactory evidence of identification, which was Massachusetts drivers license, that h/she is the person whose name is signed on the foregoing document, and acknowledged to me that h/she signed it voluntarily for its stated purpose.

CBastien  
Notary Public

My Commission Expires:



*[Handwritten mark]*



COMMISSION CHAIRMAN  
RICHARD DAY

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

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



EXECUTIVE DIRECTOR  
TIMOTHY D. DESCHAMPS

June 17, 2020

City of Marlboro  
Health Department  
Marlboro, MA 01752

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

**July 1, 8, 15, 22, 29**

**All dates** are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <https://www.cmmcp.org/pesticide-information>.

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

Per 333CMR13.03(1)(a): "Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." For more information please check: <https://www.cmmcp.org/pesticide-information/pages/pesticide-exclusion>.

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

Sincerely,

*Timothy D. Deschamps*

Executive Director

cc: City/Town Clerk  
Police Department

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 JUL -6 A 8:47



MASSACHUSETTS  
CLEAN WATER TRUST

Public Comment Period for Implementing the Water  
Infrastructure Transfer Act

**Posted:** July 1, 2020  
**Comment Deadline:** August 6, 2020 by 12:00 PM

**Contact Person:**  
Joshua Derouen  
Program Associate  
Massachusetts Clean Water Trust  
[jderouen@tre.state.ma.us](mailto:jderouen@tre.state.ma.us)  
(617) 367-9333 ext. 515

**Introduction.** The Massachusetts Clean Water Trust (the Trust), in partnership with the Massachusetts Department of Environmental Protection (MassDEP), is furthering the Commonwealth of Massachusetts' commitment to providing lead-free drinking water by committing \$30 million for projects that remediate lead in drinking water or planning projects that identify sources of lead for remediation. The funding will be provided as additional subsidy in the form of loan forgiveness to Disadvantaged Committees. The funding source is from a one-time transfer from the Clean Water State Revolving Fund (CWSRF) to the Drinking Water State Revolving Fund (DWSRF).

**Public Comment Period.** The Trust is requesting public comments on the following information by August 6<sup>th</sup>, 2020 at 12:00 PM. Please provide comments by email to Joshua Derouen, at [jderouen@tre.state.ma.us](mailto:jderouen@tre.state.ma.us). Responses to comments received during the comment period will be posted to the Trust's website by August 14<sup>th</sup>, 2020. Once the public comment period has ended, the Trust will finalize the program and present it to the Board of Trustees for approval. If approved, MassDEP will amend the CWSRF and DWSRF Intended Use Plans to include the lead subsidy program.

**Overview.** On October 4, 2019, the Water Infrastructure Funding Transfer Act (WIFTA)<sup>1</sup> was signed into law. This statute temporarily expands the CWSRF to DWSRF transfer authority specifically to address a threat to public health because of heightened exposure to lead in drinking water. This temporary authority allows the Commonwealth to transfer up to 5% of the cumulative CWSRF federal grants to the DWSRF. The transferred funds may be used to provide financial support in the form of forgiveness of loan principal, negative interest loans or grants (or any combination). This authority is in addition to the existing transfer authority<sup>2</sup> under the Safe Drinking Water Act. The transfer must be completed by October 4, 2020.

**Proposed Program.** The Trust is proposing to transfer \$30 million from the CWSRF to the DWSRF to provide additional subsidy in the form of loan forgiveness. Project activities eligible for this enhanced loan forgiveness include planning and construction for lead removal, corrosion control capital improvements, and full replacement of lead pipes and service lines. The project eligibility will be determined by MassDEP's project engineers following an established ranking system.

The loan forgiveness will be distributed in accordance with the Affordability Calculation and the Disadvantaged Communities designation. The subsidy funds for lead removal projects will be in addition to the annual loan forgiveness provided by the Trust. This means that eligible projects can receive two forms of loan forgiveness. However, projects cannot receive loan forgiveness that would cause the total loan subsidy to be in excess of a 75% subsidy compared to a market rate loan at the time of loan approval.

In accordance with the guidance from the Environmental Protection Agency (EPA), eligible projects must enter into Project Approval Certificates with MassDEP within three years from the

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<sup>1</sup> S.1689 - A bill to permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances, and for other purposes. Pub. L. 116-63

<sup>2</sup> 42 U.S.C. 300j-12 note; Pub. L. 104-182

date of the funds transfer from the CWSRF to the DWSRF. Once the funds are committed to an eligible project, the funds must be drawn within five years.

Based upon the EPA guidance, eligible projects must have applied or will apply to MassDEP on either the 2020, 2021 or 2022 DWSRF Intended Use Plans (IUPs). However, if during this period, the Trust does not receive enough applications from Disadvantaged Communities to account for the \$30 million in additional subsidies, the Trust reserves the right to expand assistance to all eligible projects.

**Considerations.** The DWSRF routinely receives project proposals primarily focusing on lead remediation. On the 2020 IUP, two Disadvantaged Communities applied for \$19.3 million in eligible lead remediation projects (based on an initial review of the applications). One project applicant has decided not to move forward due to the COVID-19 pandemic but will reapply next year. With this consistent level of interest, the Trust is confident that by focusing subsidy to these projects, more communities will decide to take advantage of the unique opportunity to remediate lead at a greatly reduced cost.

In recent years, Congress has increased the percent of the federal DWSRF grant the Trust can provide as additional subsidy each year. The Trust has decided not to provide the largest percentage of additional subsidy allowed because each dollar provided as additional subsidy reduces the annual capacity of the DWSRF. The Trust and MassDEP have successfully increased DWSRF capacity from \$106 million in 2015 to \$166 million in 2020 by strategically utilizing available funds. The increased capacity has allowed the DWSRF to offer financing to the highest priority projects that applied for financing but has not been able to offer financing to all eligible projects like the CWSRF. Transferring funds from the CWSRF to the DWSRF will allow the DWSRF to help move these vital lead remediation projects forward, while continuing to ensure that the program can still offer financing to other vital projects, such as PFAS remediation.

The Trust has evaluated the financial impact that the transfer will have on the CWSRF and determined it will not adversely impact the Trust's ability to finance high priority projects. The annual CWSRF IUP consistently commits to financing all eligible proposals for approximately half a billion dollars of projects and transferring \$30 million will not impact that capacity.

**Conclusion.** The Trust and MassDEP believe this program can offer a unique opportunity to provide additional subsidy to Disadvantaged Communities to ensure the water being provided to the Commonwealth's most susceptible residents is free from lead. It provides the Commonwealth an opportunity to incentivize identifying and removing lead from public drinking water at a greatly reduced cost and to do it sooner than later. Thank you for taking the time to review the proposed program and the Trust and MassDEP welcome your comments to help make it a success.

**Steven Kerrigan**

---

**From:** Pinaud, Maria (DEP)  
**Sent:** Monday, July 6, 2020 8:33 AM  
**To:** Pinaud, Maria (DEP)  
**Subject:** SRF Water Infrastructure Fund Transfer for Public Comment  
**Attachments:** Public Comment Period on WIFTA.pdf

Dear Interested Party:

The Massachusetts Clean Water Trust is accepting public comments on the implementation of the Water Infrastructure Fund Transfer Act (WIFTA) until **August 6, 2020**. WIFTA allows the State Revolving Fund to transfer funds from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund to provide additional subsidy to projects focusing on lead remediation. Please see the attached document for specifics on the proposed transfer and information regarding the public comment period. Also, the information can be found on the Trust's website at <https://www.mass.gov/orgs/the-massachusetts-clean-water-trust>.

Maria E. Pinaud, Director  
Municipal Services Division  
Bureau of Water Resources  
MassDEP, 5<sup>th</sup> Floor  
One Winter Street  
Boston, MA 02108



# Marlborough Public Schools

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CITY OF MARLBOROUGH  
2020 JUN 24 A 11: 11

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

## Call to Order

**May 26, 2020**

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members remotely present included Heidi Matthews, Earl Geary, Michelle Bodin-Hettinger, Denise Ryan, Katherine Hennessy, and Daniel Caruso. The Assistant Superintendent of Teaching and Learning, Mary Murphy, was also remotely present. The only physically present individuals were Chairman Vigeant, Superintendent Michael Bergeron, and the Director of Finance and Operations, Douglas Dias.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.

### 6. Superintendent's Report

Superintendent Bergeron updated the committee on the delivery of meals throughout the City. As of May 19<sup>th</sup>, over 130,000 meals have been prepared and delivered to residents of Marlborough.

On May 18<sup>th</sup>, the New York Times posted a photograph of the MPS senior portraits on the Walker Building lawn on their home page. The picture is attached to the Superintendent's report for anyone who has yet to see it.

Superintendent Bergeron attached the guidelines/infographic for PK-12 schools in Massachusetts that Governor Baker provided the state. As of this report, there is no further guidance on reopening school in September yet. The Superintendent claimed that the district's administration and teachers will soon begin to collaborate on the reopening of schools in the district.

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# Marlborough Public Schools

**School Committee**  
17 Washington Street, Marlborough, MA 01752  
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Superintendent Bergeron plans to pause the Akiruno exchange trip for next year due to the current climate. He has been in contact with Ken Yoshioka and would like to write a letter to colleagues in Akiruno explaining the situation. The district still plans to renew the student exchange program for the 2021-2022 school year. Superintendent Bergeron, Mrs. Hennessy and Mrs. Matthews briefly discussed the potential plans to consider the 2020-2021 candidates for the 2021-2022 trip interviews/process since no students were selected yet for this year's cancelled trip.

## 7. Acceptance of Minutes

### A. Minutes of the May 12, 2020 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes. Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

## 8. Public Participation: None.

It should be noted that members of the public may provide comment by dialing 508-460-3503 extension 10121 during virtual School Committee meetings or via email before the meeting to [superintendent@mps-edu.org](mailto:superintendent@mps-edu.org).

## 9. Action Items/Reports

### A. FY20 Operating Budget Transfers

Mr. Dias recommended specific transfers within the FY20 operating budget, which are detailed in the agenda's attachment.

It was noted by Mrs. Matthews that on the district-wide transfer, the current available balance should not be listed as a negative number but as a positive number. Mr. Dias will make this correction.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these budget transfers.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

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# Marlborough Public Schools

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*School Committee*  
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Motion made by Katherine Hennessy, seconded by Chairman Vigeant to move agenda item 9C before 9B.

## **B. Policies for Acceptance**

### **1. Policy 3.710 Travel Reimbursement**

It was noted that the last sentence of the policy should have been removed, and this change will be made. Some renumbering needs to be done, and one sentence on the second page needs to be restructured as well. Mrs. Bodin-Hettinger suggested to change the policy title to "Staff Travel Reimbursement" for clarification.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

### **2. Policy 4.200 School Cancellation**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

### **3. Policy 5.110 Contracts**

It was noted that a word was missing from part of this policy and renumbering should be done as well. Those changes will be made.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve the policy as amended.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

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# Marlborough Public Schools

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## *School Committee*

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

### **4. Policy 5.200 Closing Facilities**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

### **5. Policy 6.130 Staff Development (NEW)**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

### **6. Policy 6.140 Resignation**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

## **C. Policies for Removal**

### **1. Policy 4.600 Vending Machines**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

### **2. Policy 6.130 Sabbaticals**

Mrs. Hennessy stated that a replacement policy will be voted on for approval by the committee.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

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# Marlborough Public Schools

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*School Committee*  
 17 Washington Street, Marlborough, MA 01752  
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## **10. Reports of School Committee Sub-Committees:**

Mrs. Hennessy reported that there will be a policy meeting held tomorrow morning.

## **11. Members' Forum:**

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

Mrs. Bodin-Hettinger inquired about a name for the new elementary school. Chairman Vigeant presented some names to the Veterans Council and is giving them a few days to get back to him. Mr. Vigeant hopes to bring the top names to the City Council by the middle of June.

## **12. Adjournment:**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 7:59 p.m. Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews and Ryan.

Respectfully submitted,

Heidi Matthews  
 Secretary, Marlborough School Committee

HM/jm

Approved June 23, 2020

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# Marlborough Public Schools

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CITY OF MARLBOROUGH  
2020 JUN 24 A 11: 11

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

## Call to Order

**June 9, 2020**

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members remotely present included Heidi Matthews, Michelle Bodin-Hettinger, Denise Ryan, Katherine Hennessy, and Daniel Caruso. The Assistant Superintendent of Teaching and Learning, Mary Murphy, and MEA Representative Rupal Patel were also remotely present. The only physically present individuals were Chairman Vigeant, Superintendent Michael Bergeron and the Director of Finance and Operations, Douglas Dias.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.

### 6. Superintendent's Report

Superintendent Bergeron attached his self-evaluation to the agenda for the committee to review. The purpose of this self-evaluation is for the Superintendent to consider many of the components of his position and how he can better serve the community.

Superintendent Bergeron asked the committee to consider scheduling meetings in the summer to be updated on reopening and to review financial information from the Commonwealth or Federal Government. He proposed July 14<sup>th</sup>, July 28<sup>th</sup>, and August 11<sup>th</sup> as dates to hold meetings so that the administration can create a plan for Marlborough based on the guidance that the Commissioner of Education may provide by the regularly scheduled June 23<sup>rd</sup> School Committee meeting.

The Superintendent foresees the need for a school census to gauge students' transportation methods for the upcoming school year, as well as whether they have moved during this time period without notice. This information needs to be gathered before school so that any plans or issues can be presented to parents before reopening.

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# Marlborough Public Schools

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Superintendent Bergeron directed his staff to begin working groups to address the fall reopening; it is most likely that some type of hybrid model will be in place for the education of students. A hybrid model will cause significant disruption to families and their schedules as this is not a traditional school day model. The working groups will brainstorm as many solutions for the issues that arise as possible to create the best possible learning environment.

The Superintendent finished his report by speaking out about the murder of George Floyd, institutional racism, and violence against the black community. Mr. Bergeron reaffirmed his commitment to protecting our constitutional right to free speech.

Mrs. Bodin-Hettinger explained to the public that the School Committee members all received a blank evaluation form to fill out regarding the Superintendent, and these evaluations should be sent to her by June 16<sup>th</sup> so they can be compiled and prepared for the next meeting.

Superintendent Bergeron thanked the entire community for coming together this past weekend in supporting the seniors during their graduation ceremonies.

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

Mary Murphy, the Assistant Superintendent of Teaching and Learning, reported on the MCAS graduation requirement to the committee. During the COVID-19 emergency, the Department of Education created a system that enabled seniors, who have not passed one or more of the MCAS tests, to earn the competency determination through successfully completing a relevant high school course.

On May 26<sup>th</sup>, the Board of Elementary and Secondary Education also voted to modify the science and technology/engineering (STE) portion of the competency determination requirement for current high school freshmen, sophomores, and juniors. In order for a student to be awarded the competency determination in STE, that student must have earned credit for a course in the relevant subject matter and demonstrated competency during high school in one of the four tested disciplines: biology, chemistry, introductory physics, technology/engineering.

Mrs. Murphy explained that students in the class of 2024 (currently in 8<sup>th</sup> grade) are expected to participate in STE testing in 2021 and 2022 according to their school or district plan for this testing. During the 2020-2021 school year, members of the class of 2022 (currently sophomores) will take the 10<sup>th</sup> grade English language arts and Math MCAS tests.

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# Marlborough Public Schools

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Mrs. Murphy went on to state that Special Education Extended Year Services will be offered, as well as summer programming for K-8 Title I students, K-12 English Learners, and MHS credit recovery students. All classes will be “live” remote learning instruction and one-on-one tutoring sessions as needed.

Mrs. Murphy spoke about her and Jody O’Brien’s Reopening Working Group which consists of administrators and teachers being regular contributors of the instruction committee. Due to new regulations/guidelines, there has been a transition from a focus on enrichments to remote instruction that is introducing new content and reinforcing targeted curriculum standards. The Reopening Working Group is preparing a flexible plan that could apply to in-person instruction, full-time remote learning or a hybrid model consisting of both methods of learning. The committee meets three times per week and will be requesting groups of teachers and administrators to join throughout the next few weeks.

Mrs. Murphy and Mrs. Hennessy discussed potential priority students: sophomores and juniors.

## **B. Director of Student Services Report**

Jody O’Brien, Director of Student Services, updated the committee on the progression of Special Education while schools are closed. The district has provided consultations to parents on how best to support their special needs child and has maintained communication throughout this time. The MPS Special Education staff collaborated with general education teachers throughout the closure and phases of remote learning to provide support to students and families. Some of the areas they have struggled with the most include Occupational Therapy and Physical Therapy, because those services are very hands on and usually need to be done in-person.

Every week, the Associate Commissioner, Russell Johnston, has held meetings with Special Education administrators to provide additional information and guidance. Once school resumes, Mrs. O’Brien explained that parents could potentially bring forth claims for compensatory services. The process for how to figure out what compensatory services to provide students with has not yet been created by the IEP Team, but it most likely will be based on the impact that the school closure and lack of different services has had on the student.

Mrs. O’Brien went on to explain that Educational Team Leaders have used Microsoft Teams to hold virtual IEP Team meetings with agreement from parents to maintain compliance with IEP timelines at the start of the closure. Initial evaluations or re-evaluations of students have been on hold since they require in person assessments.

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# Marlborough Public Schools

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## **School Committee**

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Mrs. O'Brien is going to see if School Psychologists can come in during the summer, while following safety protocols, to do these assessments via appointments with students to reduce the backlog of assessments when school resumes. DocuSign has been utilized to send out IEPs for parents to view and sign electronically; this procedure will continue moving forward.

Mrs. O'Brien stated that the plan for remote summer programs, based on the guidance from DESE, has changed since submitting her report on Thursday. Originally, as stated in her report, the MPS summer programs would have been remote due to several factors, one being that group transportation is not possible. Parents could have been reimbursed for transportation mileage according to the Commissioner of Education, but many parents in Marlborough are not able to transport their child/children to school. PPE is also in short supply and the district did not want to compete with first responders for such supplies, which is another factor that was considered. It would also have been difficult to maintain safety protocols, such as social distancing, for many students with special needs, who are at a high health risk. The district had come to the decision of remote summer programs due to the lack of guidance from the state on how to service this population in person.

This needed guidance came in stages, beginning on Friday, as DESE strongly recommended that more in-person services should be provided to students if the health and safety guidelines can be followed. Mrs. O'Brien still had believed it would be extremely difficult to meet the standards at the time.

Sunday night, however, more detailed guidance highly encouraging districts to target the most vulnerable and high need students for some in-person instructions was provided.

Today, Mrs. O'Brien, John Fletcher and Patty Brown joined a phone-call with John Garside, from the Board of Health, to discuss the guidance and any concerns with such. From this phone-call it was realized that a summer program with some in-person services, for students with the highest needs, could be possible after some planning, but the in-person portion could not be in effect until mid-way through the program due to time constraints. This new plan/program would also allow for administrators and teachers to potentially solve problems that could arise during the fall.

If parent(s)/guardian(s) have questions they may contact Mrs. O'Brien or John Fletcher.

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# Marlborough Public Schools

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*School Committee*  
 17 Washington Street, Marlborough, MA 01752  
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## C. Director of Finance & Operations Report

Douglas Dias, Director of Finance and Operations, informed the committee that the process of moving teachers to their new FY21 schools finished on June 3<sup>rd</sup>. Before this school year is over, teachers will be able to unpack at the New Elementary School. Commissioner John Ghiloni and his team are now preparing the new District Education Center (DEC) offices at Whitcomb, and the central office staff are anticipated to occupy that space in mid-August.

Mr. Dias updated the committee on the new Transportation Coordinator, Stephen Phalen, and his plans to implement a bus-pass system K-12 for FY21. It is expected that he will have a tangible impact on communication and service improvements in FY21.

Mr. Dias explained that over 170,000 meals have been served to Marlborough residents thus far. The food service program would not be possible without the collaboration between City and District leaders and our NRT and Aramark partners. Jenna Janson, the Food Services Director, is developing a meal continuity plan for the summer. Mr. Dias briefly mentioned the draft plan, and stated that he hopes to utilize the New School as a production site to test the site's systems.

The district has moved to acquire PPE items, especially those that will likely be backordered once the official guidance from the state is released, to maintain safety protocols when schools reopen. Before the order was finalized, administrators met with other departments in the city.

Mr. Dias reported that there is not an update on the state budget yet. However, the approval of the FY21 budget for the City will allow the district to continue operating normally past June 30<sup>th</sup>. The eventual FY21 state budget may impact the district's FY21 budget, however.

**7. Acceptance of Minutes:** None.

**8. Public Participation:** None.

It should be noted that members of the public may provide comment by dialing 508-460-3503 extension 10121 during virtual School Committee meetings or via email before the meeting to [superintendent@mps-edu.org](mailto:superintendent@mps-edu.org).

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# Marlborough Public Schools

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## 9. Action Items/Reports

### A. Approval of Overnight Football Trip

Superintendent Bergeron read the recommendation by the Athletic Director, Jeff Rudzinsky, asking the School Committee to grant approval for the MHS Football team to attend an overnight at Eagle Hill School on Friday, August 21<sup>st</sup> pending guidelines from Governor Baker.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this recommendation on the basis that the Superintendent has the final decision closer to the date of this overnight trip, pending guidelines from Governor Baker's office and MIAA.

Motion passed 6-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Hennessy, Matthews, and Ryan.

### B. FY21 School Calendar (Re-approve)

Superintendent Bergeron recommended that the School Committee vote to approve the FY21 school calendar with the correction that Memorial Day is now listed as May 31, 2021.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the FY21 School Calendar with the amendments.

Motion passed 6-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Hennessy, Matthews, and Ryan.

### C. Policy Removal

#### 1. Policy 6.210 Tutoring

Superintendent Bergeron explained that this policy existed before the conflict of interest training that the state now requires bi-annually for all municipal employees. Since this training clearly explains such, there is no need to have a second policy stating the obvious.

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Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy.

Motion passed 6-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Hennessy, Matthews, and Ryan.

## **D. Policies for First Read**

The following policies were presented to the committee for first read by Mrs. Hennessy. Prior to this meeting, School Committee members provided spelling, grammar, and punctuation feedback to Mrs. Hennessy:

- 1. Policy 3.500 Private School Review**
- 2. Policy 6.160 Substitute Teacher**
- 3. Policy 6.170 Supervision**

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to suspend the rules to add an agenda item.

Motion passed 6-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Hennessy, Matthews, and Ryan.

## **10. Marlborough School Committee Resolution: COVID-19 State Funding**

Mrs. Bodin-Hettinger presented the committee with a document regarding the resolution for COVID-19 unfunded mandates, which was collaborated on by multiple School Committees. The resolution states that there can be no unfunded mandates for COVID-19; states must reimburse every school district for the expenses required to follow state mandates.

This resolution will be sent to Governor Baker as well as the Massachusetts Secretary of Education, Commissioner, Senate President and House Speaker. Senator Jamie Eldridge, Representative Danielle Gregoire and Representative Carmine Gentile are cc-ed on this document.

Chairman Vigeant stated that he could not support this resolution in part due to the state's inability to produce an FY21 budget currently.

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# Marlborough Public Schools

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## *School Committee*

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Mrs. Matthews stated that she supports the intent of the resolution, but she does not believe any action would or could be taken by the state at this time to uphold this resolution.

Mrs. Hennessy vocalized her pride in Marlborough for being prepared thus far, yet she is concerned for other districts that are not. She is also concerned for the state and their inability to create a budget. While she is not against the resolution, Mrs. Hennessy believes it may be to soon to request this from the state.

Mrs. Bodin-Hettinger explained that she still believes it is their responsibility, as local leaders, to communicate this resolution even if action may not be taken by the state. She supports this resolution.

Mr. Caruso noted that many groups are pushing for education funding, and he believes they should wait and work things out together when things become clearer. He is not anxious to support this resolution.

Mrs. Bodin-Hettinger explained that this resolution is probably going to be sent out soon as other School Committees are taking it up at their meetings this week or next week.

Mrs. Hennessy suggested to table this item for voting until the next meeting in case things evolve over the next two weeks with the state and current climate.

Chairman Vigeant stated that this agenda item will be put on next meeting's agenda.

## **11. Reports of School Committee Sub-Committees:** None.

## **12. Members' Forum:**

Mrs. Hennessy expressed her pride in the district and community for how well everyone came together to find a solution to celebrate the Class of 2020.

Mrs. Ryan echoed everything Mrs. Hennessy said as well.

Mrs. Bodin-Hettinger thanked the Chairman for his statement on the state of affairs in the country. She also mentioned the peaceful protests held in Marlborough.

Mrs. Matthews has reviewed the warrant and will sign it tomorrow. She also echoed what the other members said in this forum.

Chairman Vigeant thanked the Superintendent for his leadership during this time.

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# Marlborough Public Schools

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

## **13. Adjournment:**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:42 p.m.  
Motion passed 6-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Hennessy, Matthews and Ryan.

Respectfully submitted,

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

Heidi Matthews  
Secretary, Marlborough School Committee

HM/jm

Approved June 23, 2020

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# Marlborough Public Schools

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2020 JUL 15 A 10:45

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

## Call to Order

**June 23, 2020**

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members remotely present included Heidi Matthews, Earl Geary, Michelle Bodin-Hettinger, Denise Ryan, Katherine Hennessy, and Daniel Caruso. The Assistant Superintendent of Teaching and Learning, Mary Murphy, and MEA Representative Rupal Patel were also remotely present. The only physically present individuals were Chairman Vigeant, Superintendent Michael Bergeron, and the Director of Finance and Operations, Douglas Dias.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.

### 3. Presentation

#### A. ECC 1,000 Books Before Kindergarten

Andy Bernabei, the Director of the Early Childhood Center, acknowledged the students who read 1,000 books before Kindergarten: Luke Cato, Nora Crowley, Alexander Fitchum, Madelyn King, and Rebecca May. The ECC partners with the Marlborough Public Library for this program, and students have about two years to complete this challenge.

Mrs. Hennessy encouraged students to continue reading over the summer for the potential to add their names to this achievement list.

4. **Committee Discussion/Directives:** None

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(508) 460-3509*

### **5. Communications:** None

### **6. Superintendent's Report**

Superintendent Bergeron reminded the committee that the school calendar could change in the future depending on guidance and information from the commissioner. The Superintendent posted July 14<sup>th</sup>, July 28<sup>th</sup>, and August 11<sup>th</sup> as summer meeting dates for the School Committee, and they could potentially start earlier than 7:30pm if necessary.

Superintendent Bergeron congratulated students for their efforts on the National Latin Exam at Whitcomb. The names of said students and the awards they received are specified in his report.

Reopening guidelines from the Commissioner are expected this upcoming week, potentially on Thursday.

The Superintendent included the report on donations, grants, and gifts in his report, and he thanked the citizens and local businesses that have contributed to the district's mission for this past academic year.

Superintendent Bergeron believes that the guidelines the State is creating will focus on the distance between students, and between students and faculty in any space, as opposed to creating specific guidelines for a basic classroom setting.

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

Mary Murphy, the Assistant Superintendent of Teaching and Learning, updated the committee on where the Elementary and Secondary Schools Emergency Relief (ESSER) funds could be allocated to, which is detailed in her report. The priorities for this funding have been identified as LPNs for each K-12 building, various stipends for different tools and programs, instructional technology, and substitutes.

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# Marlborough Public Schools

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## *School Committee*

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

Reports including the amount spent on each project and information about any subgrants or contracts will be provided to the Department of Elementary and Secondary Education (DESE) on a quarterly basis.

Mr. Dias, Chairman Vigeant and Superintendent Bergeron collectively explained how other supplies needed to follow guidelines could be covered by certain acts or funds. Superintendent Bergeron stated that once guidelines are in place, it will be clearer what is needed and how to receive and financially cover these necessities.

## **7. Acceptance of Minutes**

### **A. Minutes of the May 26, 2020 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes. Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

### **B. Minutes of the June 9, 2020 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes. Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

## **8. Public Participation:**

A Marlborough citizen called the public participation phone-line to ask if the new elementary school will be open to the public during the summer for community members to see what their tax dollars have contributed to.

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# Marlborough Public Schools

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**School Committee**  
 17 Washington Street, Marlborough, MA 01752  
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Superintendent Bergeron explained that the new school will be open this summer for tours as restrictions become lifted. There will be guidelines for the school tours, such as smaller groups and only portions of the school shown at a time, but that will be finalized before the tours begin.

It should be noted that members of the public may provide comment by dialing 508-460-3503 Extension 10121 during virtual School Committee meetings or via email before the meeting to [superintendent@mps-edu.org](mailto:superintendent@mps-edu.org)

## 9. Action Items/Reports

### A. MHS Soccer Out of State Day Trip

Jeff Rudzinsky, the Athletic Director, asked the School Committee to grant approval for the MHS Varsity and Junior Varsity Boys Soccer teams to attend an out of state day trip in East Hartford, Connecticut for a scrimmage pending guidelines from Governor Baker.

Motion made by Mr. Caruso, seconded by Chairman Vigeant to approve this recommendation on the basis that the Superintendent has the final decision closer to the date of the out of state trip, pending guidelines from Governor Baker's office.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

### B. Superintendent Evaluation

Mrs. Bodin-Hettinger has not yet received all of the evaluations from each School Committee member.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to table this item until the next meeting.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

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# Marlborough Public Schools

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**School Committee**  
 17 Washington Street, Marlborough, MA 01752  
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## **C. Policy for Removal**

### **1. Policy 6.210 Tutoring**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

## **D. Policies for Acceptance**

### **1. Policy 3.500 Review of Private School Application**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

### **2. Policy 6.160 Substitute Teachers**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

### **3. Policy 6.170 Supervision**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

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# Marlborough Public Schools

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**School Committee**  
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## **E. Acceptance of Donations and Gifts**

**Richer School PTO.** The Richer School PTO made a grant of \$4,817.58 to Richer School Kindergarten classes for the purchase of iPads.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve this donation.

Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

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

Mrs. Hennessy stated that another policy meeting will be held soon and asked the School Committee members to contact her if they would like the Policy Sub-Committee to discuss anything specific.

Mrs. Matthews stated that the Negotiation Sub-Committee will be virtually meeting on Thursday to discuss issues regarding some of their contracts.

## **11. Members' Forum:**

Superintendent Bergeron mentioned that a few calls came in after the public participation period ended, but he reminded the public to email him any questions before the meeting for him to discuss during the meeting.

Mrs. Hennessy thanked John Ghiloni for all his work and dedication to the community and the school system over the years.

Mrs. Matthews also expressed appreciation for Mr. Ghiloni. Additionally, she thanked the faculty and administration for creating this virtual learning method for students, and she also thanked the parents.

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# Marlborough Public Schools

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**School Committee**

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Mrs. Bodin-Hettinger thanked Mr. Ghiloni as well. She congratulated the teachers, students, administrators, bus drivers and food service workers for making it to the last day of school today! A second resolution is being sent out to every School Committee in the State, and Mrs. Bodin-Hettinger is asking for this and the anti-racism resolution she sent to members to be placed on the next meeting's agenda.

Mrs. Hennessy thanked the administration and teachers, especially Mrs. Patel, for her leadership during this time.

Mrs. Matthews will sign the warrant.

## 12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:18 p.m. Motion passed 7-0-0. Yes: Vigeant, Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

Respectfully submitted,

Heidi Matthews  
Secretary, Marlborough School Committee

HM/dm

Approved July 14, 2020

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**Ad-Hoc Municipal Aggregation Committee**

**Meeting Minutes – June 25, 2020**

RECEIVED  
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CITY OF MARLBOROUGH  
2020 JUL 13 P 5:17

The Ad-Hoc Municipal Aggregation Committee met on June 25, 2020 from 11:03 AM to 11:55 AM in Memorial Hall. The meeting was conducted in accordance with the Governor's March 12, 2020 Executive Order. The following individuals were in attendance:

Ad-Hoc Municipal Committee members:

- Chief Procurement Officer Beverly Sleeper
- Mayor Arthur Vigeant
- City Councilor Rob Tunnera
- Assistant DPW Commissioner Ted Scott
- City Councilor Michael Ossing (Chairman of the Ad-Hoc Municipal Aggregation Committee)
- Members absent: None

Additional individuals at the meeting:

- Colonial Power Representatives Mark Cappadona and Denise Allard

The following items were discussed:

**1. Recognize Councilor Rob Tunnera as a member of the Committee**

- The Chairman recognized Councilor Rob Tunnera and Ted Scott as members of the Committee.
- The Chairman reviewed the Municipal Aggregation order 19-1007578B (approved by the City Council on April 8, 2019). The Order is in Attachment 1.
- The Chairman discussed with the Committee that the order allows the Committee to enter into contracts at anytime the pricing appears favorable as well as entering into contracts in durations greater than six months.
- The Chairman discussed with the Committee that the goal is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid (NGrid) Fixed Basic Service Rates during the same period.

**2. Minutes of the August 21, 2019 Ad-Hoc Municipal Aggregation Committee meeting:**

- The Committee approved the August 21, 2019 meeting minutes with a 3 – 0 vote (Roll Call – In favor – Vigeant, Sleeper and Ossing. Abstain – Tunnera and Scott).

**3. Council Update – in accordance with Council Order 19-1007578 item 4:**

- The Committee was informed that the City Council was provided information at the following meetings:
  - Council meeting October 7, 2019 – agenda items 10 and 25
  - Council meeting March 9, 2020 – agenda item 2
  - Council meeting May 18, 2020 – agenda item 8
  - Council meeting June 22, 2020 – agenda item 6

**4. Discuss Fourth Quarter 2019 and First Quarter 2020 municipal aggregation savings with Inspire (Council Order 19-1007578B item 2):**

- The Committee reviewed the June 15, 2020 letter to the City Council (June 22, 2020 city council agenda item #6) that listed the 4<sup>th</sup> quarter 2019 savings and the 1<sup>st</sup> quarter 2020

savings using Inspire Energy. Marlboro residents participating in the program during this time saved over \$1.4 million (over \$1.7 million when including commercial and residential).

- The Chairman provided a projection of anticipated savings in the second quarter 2020 using the second quarter 2019 usage readings (Attachment 2). The projected savings for the second quarter 2020 will be more than \$200,000. The actual savings will be available in the third quarter and will be submitted to the City Council for information.
- The Committee agreed that the first six months of the contract with Inspire Energy is saving a significant amount of money for Marlboro residents when compared to the National Grid Basic service rate.

**5. Review indicative pricing from vendors to extend current contract beyond November 2021:**

- The Committee discussed that the current contract with Inspire Energy (rate of 0.09690 \$/kW-hr) expires at the end of November 2021.
- Colonial Power presented a spreadsheet (Attachment 3) with the six Suppliers who submitted indicative pricing for the period of November 2021 to October 2024. These bids range from 6 months to 36 months and include standard retail pricing, 100% green product, standard plus 5% Massachusetts Class 1 renewables, standard plus 25% Massachusetts renewables, standard plus 50% Massachusetts renewables and 100% Massachusetts renewables.
- Colonial Power presented a “blend and extend” pricing from Inspire Energy (Attachment 4). This offer will lower the current rate Marlboro residents pay from 0.09690 \$/kW-hr to a lower value effective August 2020 depending on the length of the extension. If the contract is extended to December 2022, the rate would be reduced to 0.09490 \$/kW-hr. If the contract is extended to December 2023, the rate would be reduced to 0.09390 \$/kW-hr.
- Colonial Power presented their projections of the National Grid Basic Service Rates dated April 28, 2020 (Attachment 5). Reviewing the projections revealed that the average National Grid Basic Service Rate from November 2021 to April 2024 is projected to be 0.11551 \$/kW-hr.
- The Committee then discussed the indicative pricing from the 6 bidders, the Inspire Energy “blend and extend” offer and the National Grid Residential Basic Service Rate projections out to 2024. A summary of each discussion is below:
- Six indicative pricing (Attachment 3):
  - All bids were higher than the Inspire “blend and extend” offer.
  - The bids increased in pricing from the lowest bid pricing of the Standard Retail Electric supply to the 100% MA Class 1 Renewable Energy Certificates (RECs). The Committee noted that the 100% Green Product (National Wind RECs) was lower than any of the bids that included various MA Class 1 RECs.
- Inspire Energy “blend and extend” offer (Attachment 4):
  - The Inspire “blend and extend” is lower than any of the six indicative pricing bids. Additionally, the offer is for 100% Green Product (lower than any of the six bidders Standard Retail Electric Supply).
  - The “blend” portion of the offer would lower the existing electric rate to 0.09390 \$/kW-hr if the December 2023 extension is chosen. This would equate to an additional \$1.80 in monthly savings per 600 kW (average electric usage per month) starting August 2020. This would continue through the remainder of the current

contract through November 2021. Assuming a monthly usage of 6,000,000 kW, Marlboro residents would save an estimated \$18,000 per month.

- The “extend” portion of the offer would extend the current contract from its current end date of November 2021 to December 2023.
- The Inspire Energy price of 0.09390 \$/kW-hr is projected to be lower than the forecasted National Grid Basic Service Rates through 2023. The National Grid Basic Service rate is projected to average 0.11551 \$/kW-hr from November 2021 to April 2024.
- National Grid Residential Basic Service Rate projections out to 2024 (Attachment 5):
  - The Committee reviewed the projections for the National Grid Residential Basic Service Rate through April 2024 to put in perspective the six indicative bids and the blend and extend offer.
  - The Committee concluded the Inspire Energy “blend and extend” offer was lower than the National Grid summer and winter projected rates through 2024.
  - The Committee acknowledged that the projections can change but the difference in pricing between Inspire Energy and National Grid was substantial.
- After discussing the information above, the Committee voted 5 – 0 to recommend the Mayor accept the Inspire “blend and extend” offer of 0.09390 \$/kW-hr to be effective August 2020 and conclude on December 2023 (Roll call – In favor: Vigeant, Sleeper, Tunnera, Scott and Ossing; Opposed – None).

#### 6. Other Business.

- Colonial Power will provide the information to the Mayor’s office to update the website in August 2020 with the “blend and extend” information once the contract is finalized. **ACTION: Colonial Power**
- The June 25, 2020 Ad-Hoc Municipal Aggregation Committee meeting minutes will be submitted to the City Clerk to be included on the City Council Agenda. **ACTION: M. Ossing**
- The Chairman will prepare a letter to the City Council informing the Council of the actions of the AD-Hoc Municipal Aggregation Committee regarding “blend and extend” offer once the contract is finalized. **ACTION: M. Ossing**
- The Chairman will continue to work with Colonial Power to monitor electric supply rates and reconvene the Committee should conditions warrant.
- The Committee will meet again in the fall 2020 after NGrid sets their winter rates.
- Meeting adjourn 5 – 0 (Roll call – In favor: Vigeant, Sleeper, Tunnera, Scott and Ossing; Opposed – None).

**Attachment 1:** City Council Municipal Aggregation Order 19-1007578B dated April 8, 2019 (one page)

**Attachment 2:** Projected Second Quarter 2020 Savings (one page)

**Attachment 3:** Spreadsheet with summary of the 6 supplier indicative pricing bids submitted to the Committee for review on June 25, 2020 (two pages)

**Attachment 4:** Inspire Energy's "blend and extend" offer (one page)

**Attachment 5:** National Grid Residential Basic Service Rate history and Colonial Power's forecast of future National Grid Basic Service Rates dated April 28, 2020 (one page)

**Attachment 1**

**City Council Municipal Aggregation Order 19-1007578B dated April 8, 2019**



## IN CITY COUNCIL

Marlborough, Mass., APRIL 8, 2019

### ORDERED:

That the Order relative to Municipal Aggregation that was approved by the City Council on April 10, 2017 (Order No. 17-1006881) is hereby replaced and the following adopted in place thereof:

1. This order supersedes Order No. 17-1006881 dated April 10, 2017.
2. The goal of the Ad-Hoc Municipal Aggregation Committee is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.
3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply agreements and make recommendations to the Mayor. The Municipal Aggregation Committee will consist of 5 members including:
  - The Mayor
  - Two City Councilors (appointed by the City Council President)
  - The Chief Procurement Officer
  - The DPW Commissioner (or designee)
  - A quorum shall consist of a minimum of 3 members
4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation implementation.
5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

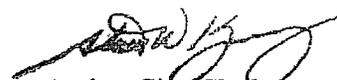
Be and is herewith **APPROVED**.

**Councilor Doucette opposed.**

ADOPTED  
 In City Council  
 Order No. 19-1007578B  
     X 17-1006881  
     X06-1001337A

Approved by Mayor  
 Arthur G. Vigeant  
 Date: April 12, 2019

A TRUE COPY  
 ATTEST

  
 Acting City Clerk

**Attachment 2**

**Projected Second Quarter 2020 Savings (one page)**

Projecting Second Quarter 2020 Residential Savings

The table below uses the 2019 residential usage for the months of April, May and June to attempt to project the anticipated savings to Marlboro residents participating in the Municipal Aggregation Program. This is for illustration purposes only.

2019 Residential Usage (kW)	NGrid Rate (\$/kW-hr)	Inspire Rate (\$/kW-hr)	NGrid Cost (\$)	Inspire Cost (\$)	Savings NGrid - Inspire Cost (\$)
April 4,889,035	.13957	.09690	682,362	473,747	208,615
May 4,629,303	.09898	.09690	458,208	448,579	9,629
June 7,993,028	.09898	.09690	791,149	774,524	16,625
Total Projected Savings					234,869

**Attachment 3**

**Spreadsheet with summary of the 6 supplier indicative pricing bids submitted to the Committee for review on June 25, 2020 (two pages)**

**CITY OF MARLBOROUGH**  
**ALL-REQUIREMENTS RETAIL POWER SUPPLY PRICING MATRIX - Indicative Only**  
**COMBINED RATE COMPARISON**

START TERM	END TERM	TERM LENGTH	FIXED PRICE						BASIC SERVICE
			SUPPLIER #1	SUPPLIER #2	SUPPLIER #3	SUPPLIER #4	SUPPLIER #5*	SUPPLIER #6	5/1/20-10/31/20 NGRID/WCMA
<b>STANDARD RETAIL ELECTRIC SUPPLY - Meets MA Renewable Portfolio Standard (RPS) [28% for 2020]</b>									
11/1/2021	4/30/2022	6	0.11182	0.11828	0.12684	No Bid	0.11644	0.11500	0.09898
11/1/2021	4/30/2022	6	0.11182	0.11828	0.12684	No Bid	0.11644	0.11500	
5/1/2022	10/31/2022	6	0.08805	0.09478	0.09757	No Bid	0.09770	0.08980	
11/1/2021	10/31/2022	12	0.10053	0.10681	0.11082	No Bid	0.10636	0.10250	
11/1/2021	4/30/2023	18	0.10405	0.11054	0.11466	No Bid	0.10864	0.10640	
11/1/2021	10/31/2023	24	0.10006	0.10493	0.10736	No Bid	0.10634	0.10020	
11/1/2021	4/30/2024	30	0.10145	0.10695	0.10874	No Bid	0.10535	0.10190	
11/1/2021	10/31/2024	36	0.09958	0.10382	0.10629	No Bid	0.11219	0.10300	
<b>RETAIL SUPPLY THROUGH PURCHASE OF NATIONAL WIND RECS - 100% Green Product</b>									
11/1/2021	4/30/2022	6	0.11289	0.11946	0.12784	No Bid	0.11808	0.11610	
11/1/2021	4/30/2022	6	0.11289	0.11946	0.12784	No Bid	0.11808	0.11610	
5/1/2022	10/31/2022	6	0.08914	0.09596	0.09857	No Bid	0.09934	0.09090	
11/1/2021	10/31/2022	12	0.10161	0.10799	0.11182	0.09390	0.10799	0.10360	
11/1/2021	4/30/2023	18	0.10516	0.11172	0.11566	No Bid	0.11027	0.10750	
11/1/2021	10/31/2023	24	0.10119	0.10611	0.10836	0.09290	0.10798	0.10130	
11/1/2021	4/30/2024	30	0.10261	0.10813	0.10974	No Bid	0.10698	0.10300	
11/1/2021	10/31/2024	36	0.10076	0.10382	0.10729	No Bid	0.11383	0.10410	
<b>RETAIL SUPPLY THROUGH PURCHASE OF MA CLASS I RECS - RPS + 5% [18% + 5% = 23% for 2021]</b>									
11/1/2021	4/30/2022	6	0.11393	0.12045	0.12934	No Bid	0.11857	0.11640	
11/1/2021	4/30/2022	6	0.11393	0.12045	0.12934	No Bid	0.11853	0.11640	
5/1/2022	10/31/2022	6	0.09010	0.09695	0.10003	No Bid	0.09979	0.09120	
11/1/2021	10/31/2022	12	0.10261	0.10898	0.11330	No Bid	0.10847	0.10390	
11/1/2021	4/30/2023	18	0.10611	0.11265	0.11706	No Bid	0.11075	0.10780	
11/1/2021	10/31/2023	24	0.10212	0.10699	0.10970	No Bid	0.10845	0.10160	
11/1/2021	4/30/2024	30	0.10349	0.10896	0.11104	No Bid	0.10741	0.10330	
11/1/2021	10/31/2024	36	0.10161	0.10579	0.10856	No Bid	0.11420	0.10440	
<b>RETAIL SUPPLY THROUGH PURCHASE OF MA CLASS I RECS - RPS + 25% [18% + 25% = 43% for 2021]</b>									
11/1/2021	4/30/2022	6	0.12236	0.12913	0.13932	No Bid	0.12709	0.12220	*Supp #5 pricing is for optional product only.
11/1/2021	4/30/2022	6	0.12236	0.12913	0.13932	No Bid	0.12688	0.12220	
5/1/2022	10/31/2022	6	0.09830	0.10563	0.10990	No Bid	0.10814	0.09700	
11/1/2021	10/31/2022	12	0.11093	0.11766	0.12322	No Bid	0.11690	0.10970	
11/1/2021	4/30/2023	18	0.11436	0.12108	0.12667	No Bid	0.11917	0.11360	
11/1/2021	10/31/2023	24	0.11034	0.11521	0.11904	No Bid	0.11688	0.10740	
11/1/2021	4/30/2024	30	0.11165	0.11700	0.12025	No Bid	0.11567	0.10910	
11/1/2021	10/31/2024	36	0.10974	0.11369	0.11766	No Bid	0.12225	0.11020	

CITY OF MARLBOROUGH  
 ALL-REQUIREMENTS RETAIL POWER SUPPLY PRICING MATRIX - Indicative Only  
 COMBINED RATE COMPARISON

START TERM	END TERM	TERM LENGTH	FIXED PRICE						BASIC SERVICE
			SUPPLIER #1	SUPPLIER #2	SUPPLIER #3	SUPPLIER #4	SUPPLIER #5*	SUPPLIER #6	5/1/20-10/31/20 NGRID/WCMA
<b>RETAIL SUPPLY THROUGH PURCHASE OF MA CLASS I RECS - RPS + 50% [18% + 50% = 68% for 2021]</b>									
11/1/2021	4/30/2022	6	0.13290	0.13998	0.15180	No Bid	0.13774	0.12950	*Supp #5 pricing is for optional product only.
11/1/2021	4/30/2022	6	0.13290	0.13998	0.15180	No Bid	0.13732	0.12950	
5/1/2022	10/31/2022	6	0.10855	0.11648	0.12223	No Bid	0.11858	0.10430	
11/1/2021	10/31/2022	12	0.12134	0.12851	0.13561	No Bid	0.12742	0.11700	
11/1/2021	4/30/2023	18	0.12466	0.13162	0.13868	No Bid	0.12970	0.12090	
11/1/2021	10/31/2023	24	0.12063	0.12550	0.13072	No Bid	0.12741	0.11470	
11/1/2021	4/30/2024	30	0.12185	0.12704	0.13176	No Bid	0.12595	0.11640	
11/1/2021	10/31/2024	36	0.11990	0.12356	0.12904	No Bid	0.13226	0.11750	

**RETAIL SUPPLY THROUGH PURCHASE OF 100% MA CLASS I RECS**

11/1/2021	4/30/2022	6	0.15398	0.16168	0.17675	No Bid	0.15904	0.13530	*Supp #5 pricing is for optional product only.
11/1/2021	4/30/2022	6	0.15398	0.16168	0.17675	No Bid	0.15819	0.13530	
5/1/2022	10/31/2022	6	0.12906	0.13818	0.14688	No Bid	0.13945	0.10990	
11/1/2021	10/31/2022	12	0.14215	0.15021	0.16041	No Bid	0.14852	0.12270	
11/1/2021	4/30/2023	18	0.14528	0.15270	0.16269	No Bid	0.15077	0.12650	
11/1/2021	10/31/2023	24	0.14120	0.14607	0.15407	No Bid	0.14850	0.12010	
11/1/2021	4/30/2024	30	0.14224	0.14714	0.15478	No Bid	0.14665	0.12180	
11/1/2021	10/31/2024	36	0.14022	0.14329	0.15180	No Bid	0.15241	0.12290	

Compliance Year	MA RPS + APS	MA Class I RECs
2019	24.94%	14%
2020	27.71%	16%
2021	TBD	18%
2022	TBD	20%
2023	TBD	22%

**Attachment 4**

**Inspire Energy's "blend and extend" offer (one page)**

Inspire “blend and extend” pricing -- 4 terms offered

They’re willing to lower the current aggregation rate starting with the August 2020 meter reads.

<i>100% National Wind RECs</i>			
<i>START TERM</i>	<i>END TERM</i>	<i>TERM LENGTH</i>	<i>COMBINED</i>
8/1/2020	10/31/2022	27	0.09490
8/1/2020	12/31/2022	29	0.09490
8/1/2020	10/31/2023	39	0.09390
8/1/2020	12/31/2023	41	0.09390

**Attachment 5**

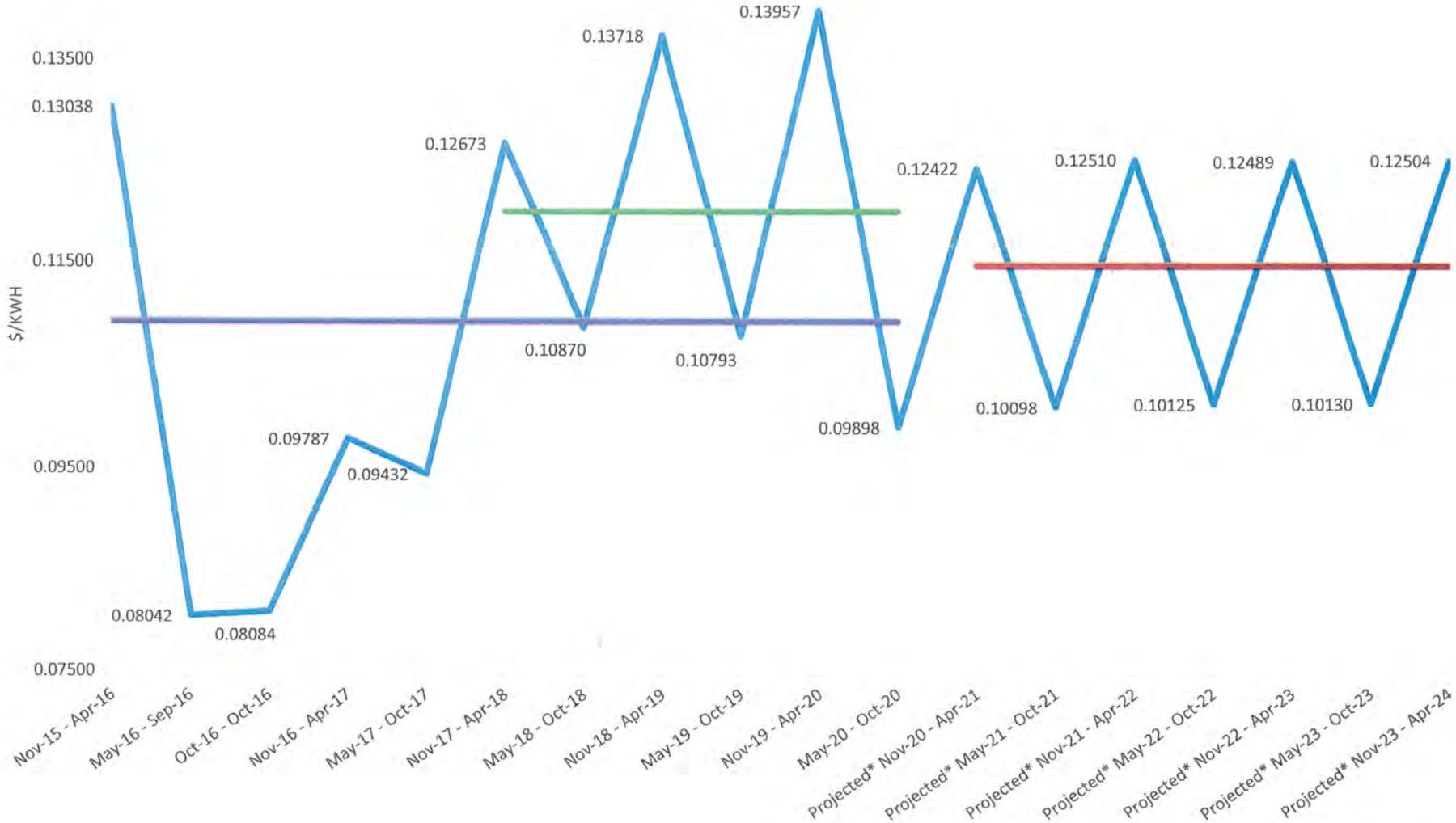
**National Grid Residential Basic Service Rate history and**

**Colonial Power's forecast of future National Grid Basic Service Rates dated April 28, 2020 (one page)**

# National Grid Residential Basic Service

as of 4/28/2020

- Residential
- Projected\* 3 Yr Avg 0.11468
- 5 Year Avg 0.10936
- 3 Year Avg 0.11985



\*Rate projections provided by Colonial Power Group

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
May 7, 2020 (Thursday) 7:00 PM**

RECEIVED  
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CITY OF MARLBOROUGH  
2020 JUN 24 A 11:26

*Virtual meeting using Microsoft Teams meeting platform*

*Chairman Edward Clancy opened the meeting and read the following statement:*

**Participation will be via Virtual Means Only - Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Marlborough Conservation Commission will be conducted via remote participation. The public may participate in this meeting via Remote Participation: A link to the website for the meeting will be provided on the City's website on the City public meeting Calendar and on the Conservation Commission website at least 48 hours prior to the meeting. To access the City web site go to: <https://www.marlbrough-ma.gov/> and choose calendar and click on the May 7, 2020 meeting date. Any questions please call: 508-460-3768.**

**Roll Call by voice vote was as follows: Present:** Edward Clancy -yea; Karin Paquin-yea; Dennis Demers-yea; William Dunbar- yea; and David Williams- yea. Also present was Priscilla Ryder - Conservation Officer.  
**Absent:** John Skarin and Allan White

**Meeting logistics:** Ms. Ryder went over the virtual meeting logistics as this was the third Virtual Meeting that the Commission was holding. She muted all participants and asked that they unmute themselves either using the microphone icon on their screens or the \*6 if on a phone, when it was time to present. Or for abutters, when they were prompted to provide input or ask questions.

**Minutes:** The minutes of March 5<sup>th</sup>, April 9, 2020 and April 16, 2020 were reviewed, there being no changes or comments, on a motion to approve the minutes as written, a roll call vote was as follows: Edward Clancy-yea; Dennis Demers- yea; Bill Dunbar -yea; Karin Paquin-yea; and David Williams-yea. Commission voted unanimously 5-0

**Public Hearings:**

Notice of Intent – Continued

43 Red Spring Rd. - James Morin

Mr. Morin explained that he had made changes to the plan based on the last meeting, these included, grading, plantings, new well location and utility pole relocation. This plan was displayed on the screen. Chairman Clancy asked how far the new well was going to be from the lake and when the well is dug what happens to the tailings? Mr. Morin answered 34' from the lake and they will work to create a forebay/erosion control dewatering structure to capture the silt. He also noted they will be decommissioning both the old well and septic system per Board of Health Rules. They discussed the elevation of the house in relation to the lake and noted that dewatering would probably be needed during construction as the groundwater table is just a few feet below finished floor elevation. Mr. Demers noted that the plans don't have a visible detailed erosion control location. Mr. Morin noted that he did have it on the plan it was just a line. Mr. Demers asked that it be more obviously shown on the plan. He also would like to see the perimeter drain and outfall on the plan as well – it is required per building code and should be shown on this plan too. They asked where the excess material from the foundation was going, Mr. Morin noted it will be used on the septic system, but he anticipates bringing in more soil for the septic system. Mr. Clancy asked that the house dimensions also be added.

After further discussion, the Commission, with the applicant's consent continued the hearing to the May 21<sup>st</sup> meeting.

#### Notice of Intent - Continued

Rte. 20 Reconstruction from Peters Ave to Marlborough/Sudbury town line

Steve Tyler P.E. from Howard Stein Hudson; and Sue McArthur from MDOT were both virtually present.

Mr. Tyler had supplied the Commission with a memo addressing the questions that had been raised at the previous meeting. He went through each item as follows:

1. Drainage conditions at Broadmeadow Brook - yes there are changes to the pre and post design plans for this location. He reviewed these increases and where they were and the supporting documents in the drainage report. The Commission asked that they look more closely at these changes and impacts downstream.
2. Rte. 20 Drainage conditions at Burger King - The design does address the current ponding issues with the design changes.
3. Sediment dredging at Hager Pond - MDOT had determined that they cannot do any of the dredging, and don't believe the deposit in Hager Pond is from highway sand. However, Ms. McArthur indicated she would look into the maintenance records for this area too.
4. New curb cut construction impacts east of Hager St./Wayside Inn Rd. - They checked to see if there was authorized access on Rte. 20 for the farm at the municipal boundary and noted that there is no curb cut access noted. They have forwarded this to the MDOT permitting section.

The Commission discussed invasive plant control at the Broadmeadow Brook section, Mr. Tyler indicated it was outlined more specifically in the document, they will forward that to the Commission. The condition at Hager Pond and the constructed riprap slope was discussed. Chairman Clancy then opened it up to questions. An abutter- Steve Peck residing at Jo-Len park expressed concerns that with more water from Rte 20 there may be additional flooding in their back yards, he was concerned about infrastructure and velocity.

There being no further questions, the meeting was continued to the May 21<sup>st</sup> meeting in order to receive some additional information on questions asked. Ms. Ryder was asked to draft a set of conditions for review.

#### Request for Determination of Applicability

190 Sudbury St. – Susan Gottschlich

Ms. Gottschlich was present and explained that she wanted to replace a deteriorating wooden head wall with new concrete block head wall. Install underlayment fabric and rip/rap stone in culvert pipe approachment area, in order to keep sediment out. She has hired New England Enterprises to do this work. Some of the old railroad ties were removed when they unblocked the culvert to prevent water from flooding over her driveway. The pipe is now open, but the headwall still needs to be replaced. Mr. Demers said that based on the pictures shown the railroad ties need to be removed and a new headwall installed, but this is not a simple replacement, more work is needed and information about grading needs to be provided. He asked questions about stone and riprap etc. Ms. Ryder showed a photo of what it looks like now and asked if stones could be placed where the wetland transitions and falls over the existing wooden "box frame". This will allow the wetland to transition without eroding the bank. There was discussion about the side slopes and how they would be stabilized. After further

discussion, Chairman Clancy noted that this was a Request for Determination of Applicability and because the work involves more than a strict replacement, this work should require the filing of a full

Notice of Intent. On a motion by Mr. Demers, second by the Chair, the Commission voted as follows to issue a Positive Determination requiring the filing of a Notice of Intent: Edward Clancy- yea; Dennis Demers- yea; Bill Dunbar -yea; Karin Paquin-yea; and David Williams-yea. Commission voted unanimously 5-0

Request for Determination of Applicability  
CSX Transportation, Inc.

To obtain confirmation of the boundaries of wetland resource areas adjacent to the CSX railroad right-of-way in Marlborough as part of the railroad's five-year Vegetation Management Plan.

No one from CSX showed. Ms. Ryder indicated she had not had a chance to walk the rail lines to verify the marking but would do so before the next meeting. This item was continued to the May 21<sup>st</sup> meeting.

Notice of Intent - Continued

339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC

Attorney Brian Falk of Mirick, O'Connell, DeMallie & Lougee, LLP, Scott Goddard of Goddard Consulting Inc; David Robinson of Allen and Major were all present. Mr. Goddard noted that they have received comments from DEP with a file number and a long list of items that need to be addressed. They also received comments from our City Engineer Tom DiPersio detailing items that need to be added to the plans or addressed. They will be reviewing both of these and providing their responses to these two documents for the next meeting. He reviewed DEP's comments briefly outlining that, they would be providing an alternatives analysis, they would provide a planting protocol for the replication area in the isolated vegetated wetland and floodplain restoration area. The question regarding the hydrology will be addressed by Allen and Major. He also received copies of the abutters letters that had been submitted via Ms. Ryder. To answer the question about proper notification, he has provided the Commission with the green card regarding notification to the Jo-Len association and believes that is resolved.

Mr. Robinson explained that they have done test pits and have verified high groundwater elevations, so have adjusted the design to have at least 2' vertical separation between the infiltration system and ground water.

Ms. Ryder noted that the Commission has received written comments from several abutters including Mr. J. Brown; Steve Peck, Maureen Letender, Victoria Rule and Margaret McDougal. Ms. Ryder summarized each of these letters.

Chairman Clancy asked how much fill would be needed and what the highest elevation was. He also was concerned about the flooding at Jo-Len homes. Mr. Robinson said he has not yet done the cut fill analysis but can provide that. He explained that there should not be any additional flooding, because they are providing MORE flood storage on the site than already exists.

Mr. Peck, abutter, said he had several concerns and questions: 1) where will snow be disposed of; 2) School bus and traffic issue on Rte. 20, already a problem, will this make it worse; 3) Drainage-how will that be handled; and 4) sewerage-how will that be handled.

Commissioner Dunbar asked if the property ownership has changed, Mr. Falk indicated it has not.

Chairman Clancy explained the permit process and said that the Commission's review is the first stop, then there will be a Zoning Board of Appeals hearing and then a City Council hearing. So, there will be plenty of opportunity for input. As there is much information still to be provided, the hearing was continued to the May 21<sup>st</sup> meeting.

Notice of Intent - Continued

Farm Rd. (Map 73, Parcels 14 & 15A) - Michael Downey - The New England Center for Children, Inc. (NECC) Vito Colonna from Connorstone Engineering, Attorney Bill Pezzoni from Day Pitney and Mike Downey from New England Center for Children (NECC) were all present. Mr. Colonna explained that he had made the changes to the plan as requested at the last meeting including the showing of a 20' and 30' buffer zone line, including infiltration ports on all the units, and a new landscape plan. Chairman Clancy asked about how much material would be removed from the cellar hole and where was it going, should there be a dewatering plan and asked if they had received feedback regarding the walkway from the Fire Dept. Mr. Colonna explained that they do not expect to dewater given that the water table will be well below the bottom of the excavation and the soil is mostly coarse gravel. However, the Commission suggested that some language for dewatering be included in the final permit just in case. As for the Fire department, he has not heard back from the Fire Chief on this. The Commission had no further questions and no questions were raised from the audience. The Commission asked Ms. Ryder to check with the Fire Dept. and also to draft a set of conditions for the next meeting for review. The hearing was continued to the May 21<sup>st</sup> meeting with a roll call vote of Edward Clancy- yea; Dennis Demers- yea; William Dunbar -yea; Karin Paquin-yea; and David Williams-yea. Commission voted unanimously 5-0

Notice of Intent - Continued

Roosevelt St. (Map 55, Parcel 50) - Carlos Marcolino

David Cowell, Jacob Lemeux and Dan Bremser all from Hancock Associates were present. Mr. Cowell explained that based on the last meeting, they have revised the plan to show the new sewer system to be installed and the street profile of that, the erosion control barrier silt fence and straw waddles, invasive removal protocol to have it cut and removed from site, stockpile locations outside the 100' buffer zone where possible. They do not anticipate dewatering, but a dewatering BMP is included. Silt sacks and stone apron will be added at the street. Mr. Clancy noted that no chipping of bittersweet or other invasive are allowed on the site, these plants all need to be removed. Mr. Demers expressed concern about the septic system. He noted that the city policy for any pumped system is to have a 1000-gallon tank, Ms. Ryder will confirm with Engineering. Mr. Lemeux noted that the unit does hold 15 gallons; but adding the 1000-gallon tank would be reasonable and a small change to the plan. He also explained that once the pipe is in the street, the city would own that pipe, but all the pumps and tanks would be privately owned. If they failed, they would be the responsibility of the homeowner. Mr. Clancy expressed concern for the homeowner if the pump fails. Mr. Demers noted that is why the 1000-gallon tank were required to allow for some storage. Mr. Demers asked if the second lot was going to be developed. Mr. Bremser explained that would be filed soon, but wasn't ready when this permit application was filed, there will be a turnaround included in the next lot. The only issue that remains is the 1000-gallon tank, this will be incorporated. The hearing was continued to the May 21<sup>st</sup> meeting with a roll call vote of Edward Clancy- yea; Dennis Demers- yea; William Dunbar -yea; Karin Paquin-yea; and David Williams-yea. Commission voted unanimously 5-0

**DRAFT Order of Conditions:**

- Poirier Dr. - The City of Marlborough DPW - The Commission reviewed the specific conditions that were drafted. On a motion by Ms. Paquin second by Mr. Demers, the roll call vote was as follows: Edward Clancy- yea; Dennis Demers- yea; William Dunbar -yea; Karin Paquin-yea; and David Williams-yea. Commission voted unanimously 5-0.

**Certificate of Compliance:**

DEP 212-1035      41 Boivin Dr. (Lot 12)- Ms. Ryder noted that a fence was still needed, the Commission continued this item until the fence is installed.

**Correspondence/other business**

- 2020-21 Hunting & Fishing Plan Summary-Assabet River National Wildlife Refuge.- There was some discussion on why fox and bear hunting are being permitted, since those populations are not high. This item was accepted and placed on file.

**Next meetings:** May 21<sup>st</sup> and June 4<sup>th</sup>, 2020

**Adjournment**

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
May 21, 2020 (Thursday) 7:00 PM**

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CITY OF MARLBOROUGH

2020 JUN 25 P 3:58

*Chairman Clancy read the following:*

*Participation will be via Virtual Means Only - Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Marlborough Conservation Commission will be conducted via remote participation. The public may participate in this meeting via Remote Participation: A link to the website for the meeting will be provided on the City's website on the City public meeting Calendar and on the Conservation Commission website at least 48 hours prior to the meeting. To access the City web site go to: <https://www.marlbrough-ma.gov/> and choose calendar and click on the May 21, 2020 meeting date.*

Any questions please call: 508-460-3768.

**Present:** By Roll call vote: Edward Clancy-Chairman-yea, David Williams-yea, Allan White-yea, Karin Paquin-yea, John Skarin-yea, and William Dunbar-yea. Also present was Priscilla Ryder-Conservation Officer

**Absent:** Dennis Demers

**Public Hearings:**

**Request for Determination of Applicability**

**150 Cedar Hill St. - Ken's Foods**

David Crossman from B & C Associates was present and explained that Ken's Foods proposes to add a new concrete pad on existing paved area, add and move equipment and piping associated with adding two biological scrubbers to provide H<sub>2</sub>S removal for gas conditioning upgrades near wetlands.

All work is outside the 20' wetland buffer zone, but within 50' of the wetland. There is no increase of impervious areas, however one section of pavement will be removed to add a concrete pad.

Questions were asked about overhead lines which was noted will remain. Ms. Ryder noted she has visited the site, and all looks fine, the company recently finished the previous work that was approved.

There being no further questions or comments from the Commission or the public the hearing was closed. On a motion from Mr. Skarin, second by Mr. Dunbar, the Commission voted to issue a Negative Determination with standard conditions. The roll call vote was as follows: Edward Clancy- Yea; William Dunbar-Yea; Karin Paquin-Yea; John Skarin- Yea; Allan White-Yea; and David Williams-Yea. Passes 6-0.

**Request for Determination of Applicability**

**368 Stow Rd. - Ed Wiles**

Mr. Wiles was present and explained that he wanted to clear some of the vegetation behind his house. He proposes to clear overgrowth in and near wetlands and create a lawn area behind

his house. He noted he knows there are wetlands there and he just wanted to create a small area for a swing set. Ms. Ryder noted that she had been on site and there is about 5-10' that is outside the 20' buffer zone that might be able to be removed, the rest of the property is wet as shown on the as-built plans which was displayed. Mr. Dunbar asked how much loam is needed to level the yard. Mr. Wiles said just enough to make a flat pad, won't be too much. The area to be cut was shown on a plan and will connect the existing stone wall to the rear property corner. A string can be used to create this line which can be done before work starts.

There being no further discussion or questions from the Commission or the public the hearing was closed. On a motion from Mr. Skarin, second by the Chairman, the Commission voted to issue a Negative Determination with standard conditions and the condition to install the string boundary before work begins. The roll call vote was as follows: Edward Clancy-Yea; William Dunbar-Yea; Karin Paquin-Yea; John Skarin- Yea; Allan White- Yea; and David Williams-Yea. Passes 6-0.

#### **Request for Determination of Applicability - (Continued) CSX Transportation, Inc.**

Steve Herzog from Wood Co. was present. He explained that every 5 years CSX must obtain confirmation of the boundaries of wetland resource areas adjacent to the CSX railroad right-of-way in Marlborough as part of the railroad's five-year Vegetation Management Plan. He explained that the wetlands have not changed in the past 5 years and that the railroad ties have been remarked to reflect the designation. CSX does apply an herbicide 1x per year to keep the weeds down and part of their management plan. However, beside the wetland areas as shown on the plan these areas are NO spray zones. Ms. Ryder indicated that she'd walked the tracks and verified the boundaries as shown on the plans.

The Commission had no questions and there were no questions from the public. On a motion by Mr. Williams second by the Chair, the Commission voted to issue a Negative Determination not requiring an NOI and the acceptance of the boundaries as shown. The roll call vote was as follows: Edward Clancy-Yea; William Dunbar-Yea; Karin Paquin- Yea; John Skarin- Yea; Allan White- Yea; and David Williams-Yea. Passes 6-0.

#### **Notice of Intent - 212-1218 (Continued)**

##### **339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC**

Attorney Brian Falk from Merick O'Connell, David Robinson, Carlton Quinn from Allen and Major Assoc. Inc, Scott Goddard of Goddard Consulting and Tom Moran of Waypoint were all present.

Mr. Falk explained that yesterday the Commission received a packet of supplemental material which will be reviewed by the consultants tonight to briefly acquaint the Commission of its contents. In quick summary, the project is proposing 188-unit high end apartments at what is known as the McGee farm. The project has 26 acres of land that will NOT be developed; therefore, they are preserving 70% of the land as open

space and only developing the area where the farm and horses have been using. They are proposing to use the riding track as a walking trail as an amenity to the future residents. The drainage and flood control design for this project used conservative assumptions and will be an improvement over existing conditions and should reduce flooding downstream as currently designed. They will be cleaning existing culverts as well. In addition to Conservation Commission approval, they do need to get a Special Permit from the Zoning Board of Appeals, A Special Permit from City Council and finally a Site Plan Review Committee permit.

Mr. Robinson introduced himself and briefly explained the changes to the drainage that is in the supplemental packet of information. This information is to answer questions raised by DEP and City Engineer. The first question related to the reducing in the development of the site. The total site is 25.7 acres, 15.5 of this area is developable, however only 4.6 acres are proposed for this project, which is only 30% of the developable land.

The next question related to the flooding on the property. In this case they have provided more than enough compensatory storage and have shown the five study points that were used to make this calculation. The onsite stormwater storage infiltration systems and the compensatory storage amount to 60,000 cubic feet of storage. The wetland replication area as well as the flood storage compensation will reduce the downstream flow, so there should be less flooding downstream than exists now. They did perform some test pits on the site which has allowed them to reduce the import of fill and re-examine the drainage study points. Reduced peak flows They will clean all the culverts. A DEP question regarding improving water quality at the remote parking area has been addressed (lot K) added some additional drainage there. The plans show better erosion control and stormwater improvements during construction. The flooding issues have been addressed the plan shows the decrease in downstream flooding from existing conditions. The overall changes are minor tweaks to meet some of the questions raised. Just increasing natural storage on site. 14,000 cubic feet of increased storage, so there should be no impact downstream.

Mr. Godard noted that the supplemental package should address all the questions that were raised by DEP, City Engineer and questions raised at the meetings. Reviewed the various attachments in the packet and what was included in each. They didn't expect the Commission to have reviewed these documents, yet, so tonight is just an overview of what is in the package.

Chairman Clancy asked about the Rte. 20 drainage and the increase of the pipe. Will the old track culverts be able to handle the changes in velocity that is anticipated with this MDOT changes? Mr. Quinn noted that MDOT is responsible for addressing this.

Ms. Ryder noted that MDOT will be looking into this. Mr. Clancy noted that the sidewalk may not be constructed on Rte. 20 until 2022, therefore, the satellite parking may need a sidewalk connection. Mr. Falk and Mr. Moran both noted that if MDOT doesn't get to the sidewalk before they need it, it will be constructed by this project.

No questions from the Commission.

Questions from the public:

- Mary Bovaconti – concerned about endangered species on the property, she noted she has seen spotted salamanders and blue spotted salamanders. She was concerned with how these species can/will be protected. Mr. Goddard noted that rare species are mapped by the state, this site is not mapped, so there is no presumption that this exists. And he hasn't seen anything on his and his staffs site visits. Ms. Bovaconti noted she has seen blue spotted salamanders and coyotes, where will those animals move to? She has boarded her horse at the property and is familiar with the property. She is an ecological science major and will take pictures. Ms. Ryder asked if she could identify the area on the site. Ms. Bovaconti notes that the pond is to the left of entrance. We will arrange to have a meeting on site to identify this area with the applicant's permission.
- Steve Peck, a direct abutter at the Jo-Len development asked if the information shown tonight can be shared. Ms. Ryder indicated it will be provided. He also asked about snow removal and where that would happen. Mr. Robinson explained that they will show that on a plan and any excess snow beyond that which fits in these areas will be removed from site. All snow storage will be on the pavement not on landscaped area. Will provide on a plan for next meeting. Ms. Ryder noted that a letter was received by Victoria Rule which was summarized. Ms. Rule wanted to be sure site is protected, concerned with fill on site. Copies of the letter will be shared with Commission. There was then a discussion about clean fill on the site and making sure the sub surface fill is clean for infiltration system.

Mr. Peck also asked about the map showing the property and whether the back portion not developed would be protected. Ms. Ryder noted that it has been discussed, Mr. Falk noted that this is being looked into. Mr. Peck also asked about emergency exists and school bus entrance. Mr. Clancy noted this would be reviewed by another board not a wetlands issue.

This hearing was continued to the June 4<sup>th</sup> Commission meeting.

**Notice of Intent – (Continued)****43 Red Spring Rd. – Derek Agahigian**

The owner Derek Agahigian was present on the phone. He noted that a revised plan had been submitted by his consultant Mr. Morin and he was here to answer any questions. Mr. Clancy asked if the dimensions of the building were included, Mr. Agahigian noted that they were shown on the plan. They were found. The Commission noted that the plant forsythia should be swapped out with a more native plant. Sweet Pepperbush and Willow shrubs were suggested. Mr. Dunbar asked about stabilizing the place where the building was to be removed and moving the erosion controls closer to the work area. Mr. Agahigian agreed this will be done.

There were no further comments from the Commission or the public, so the hearing was closed. Mr. Clancy asked Ms. Ryder to draft conditions for review at the next meeting.

**Notice of Intent – (Continued)****Rte. 20 reconstruction from Peters Ave. to Marlborough/Sudbury town line - MassDOT**

The applicant received questions from DEP on this project and prior to the meeting had asked for the hearing to be continued to the June 4<sup>th</sup> agenda in order to have time to address these comments. The hearing was continued to June 4, 2020.

**Notice of Intent – (Continued)****Farm Rd. (Map 73, Parcels 14 & 15A) - Michael Downey - The New England Center for Children, Inc.**

Vito Calonna from Conorstone Engineering and William Pezzoni of Day Pitney LLP were present. Mr. Calonna noted that he had received comments from DEP with the DEP# and has made some changes to the plans to address it. The plans provided this evening were submitted today and are dated 5-20-20. He reviewed the comments which included: dates of soil testing, which was December 2019; rain gardens per the stormwater standards require more pre-treatment than he had provided. Since he could not meet these standards, they have switched the drainage to eliminate the rain garden and adjusted the infiltration system, so it will hold the whole 100-year storm event. In his calculations given the porosity of the soil, no water should ever discharge through the overflow pipe.

The meeting was opened to questions. Mr. White asked about the fire road and if the path around the back needed to be adjusted to include that area for fire apparatus. They will check with fire department. Steven Peck, as resident of Jo-Len development asked what the school was for and the age range. The response was that it was for 27 students and their staff and will serve severely autistic children.

There being no further questions, the hearing was continued to the June 4, 2020 meeting. Ms. Ryder was asked to draft a set of conditions for review at that meeting.

### **Notice of Intent – 212-1217 (Continued)**

#### **Roosevelt St. (Map 55, Parcel 50) - Carlos Marcolino**

Mr. Jason Lemeaux was present and explained that they have made changes to the plan to include the 1,500-gallon holding tank to the plan. It was the only change to the plans. He also shared his comments provided to City Engineer. He also provided information about the sewer line in the street. Mr. Clancy noted this was a new system and asked for confirmation from the City Engineer. A letter responding to the comments has been submitted to the City Engineer, Ms. Ryder will confirm approval by Engineering. Mr. Clancy also noted that without this sewer system, they would not be able to install a septic system. So, there was discussion about the sewer pump system and how it works.

Mr. White noted that this area is an important wildlife corridor for Millham Brook. He had no objections to this lot but wanted to be sure no further development occurs. There being no further questions the hearing was continued to the June 4, 2020 meeting. Ms. Ryder was asked to draft a set of conditions for review at that meeting.

### **Discussion:**

- Dept. of Conservation and Recreation - 2020 Forest Management Proposals - Ms. Ryder noted that she has reviewed the plans. Ms. Paquin noted there are vernal pools on the site that should be noted on the plan. Ms. Ryder will contact Mike Waterman regarding dates of proposed forestry work.
- Commonwealth Heights – revised subdivision plans – comments due June 8<sup>th</sup>. Ms. Ryder reviewed the subdivision plan that is before the Planning Board, as is procedure, the Planning Board is looking for the Commission's input. Although there are no wetlands within 100' of this property, the land was an old apple orchard and the applicant has submitted a soils management plan for review. Ms. Ryder will draft some comments for the next meeting.

### **Correspondence/other business:**

The following documents were reviewed and placed on file:

- CSX Yearly Vegetation Management Operational Plan
- 2020 - City of Marlborough yearly Vegetation Management Operational Plan
- Letter from Nationalgrid to City Council – dated April 27, 2020 RE: Vegetation Management Plan and approved 2020 YOP
- E-mail to Mark Wambolt, Rte. 20 – Wambolt Farm, dated May 1, 2020 - Ms. Ryder noted that she had met Mr. Wambolt on the property and required him to file with the Commission as outlined in the e-mail. Mr. Clancy noted that there should be no further work on this until the Commission has reviewed it. Ms. Ryder noted that she is behind on her enforcement notices but will send this out shortly.

- o 178 Simpson Rd. – Mr. Williams requested an update on this property. He has observed that the piles behind the house have been leveled off and that work is continuing. He was under the impression that there was a cease and desist order on this and Mr. Biazza was supposed to come before the Commission. Ms. Ryder indicated that there is a cease and desist order, she will follow up with the homeowner and remind him that he is obligated to file for a permit. The Commission asked that a daily fine be issued. Ms. Ryder will follow up with the homeowner.

**Next meetings:** June 4<sup>th</sup> and June 18<sup>th</sup>, 2020.

### **Adjournment**

There being no further business the meeting was adjourned on a roll call vote: The roll call vote was as follows: Edward Clancy- Yea; William Dunbar-Yea; Karin Paquin-Yea; John Skarin- Yea; Allan White- Yea; and David Williams-Yea. Passes 6-0. Meeting was adjourned at 8:53 PM.

Respectfully submitted

  
Priscilla Ryder  
Conservation Officer

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
June 4, 2020 (Thursday) 7:00 PM**

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Chairman Clancy read the following:*

*Participation will be via Virtual Means Only - Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Marlborough Conservation Commission will be conducted via remote participation. The public may participate in this meeting via Remote Participation: A link to the website for the meeting will be provided on the City's website on the City public meeting Calendar and on the Conservation Commission website at least 48 hours prior to the meeting. To access the City web site go to: <https://www.marlborough-ma.gov/> and choose calendar and click on the June 4, 2020 meeting date.*

Any questions please call: 508-460-3768.

**Present:** By roll call vote: Edward Clancy-yea; Dennis Demers-yea; Karin Paquin-yea; John Skarin-yea; and Allan White-Yea. Also present was Priscilla Ryder-Conservation Officer.

**Absent:** David Williams and William Dunbar

**Acceptance of Minutes:** May 21, 2020

**Public Hearings:**

Request for Determination of Applicability

191 Bolton St. - Keith Wheeler

Maureen Brennan was present on video representing Mr. Wheeler. She explained that they are proposing to install an above ground pool within their existing fenced yard. They only need to do a little work to level the area with sand before installing the pool. There will be minimal disturbance. Ms. Ryder noted that she has been out to the site and identified the wetland location with about 20' from their existing fence. Ms. Paquin asked if the shed was in fact on this property or if it extended into the neighbor's property as shown on the GIS map. Ms. Ryder noted that sometimes the GIS maps can be off 5' so it's possible it is within this property. Ms. Brennan believes it is within this property. The public was asked if there were any questions. Mr. Steve Peck a resident of Jo-Len Park asked what type of filter was being used and where the backwash would be directed. Chairman Clancy asked Ms. Brennan if she knew what type of filter was to be used. She wasn't certain but could let the Commission know. Ms. Ryder noted that this could be covered in the conditions. On a motion by Mr. White, second by the chairman, the Commission unanimously 5-voted to issue a negative determination with conditions. The roll call vote was as follows: Ed Clancy-yea; Dennis Demers-yea; Karin Paquin-yea; John Skarin-yea; and Allan White-Yea

## Notice of Intent (212-1221)

190 Sudbury St. - Susan Gottschlich

Ms. Gottschlich was present and explained that she is proposing to replace an existing headwall and restore a section of stream that had been under the wooden structure they removed. She explained that when her driveway was flooded, she got permission to unclog the pipe, in doing so they removed a wooden box structure across the brook over the culvert. Their contractor will remove all the wooden structure, reinforce the driveway with 30' length of cement blocks once the wood is removed. The wood along the bank of the channel will also be removed and the slopes regraded and revegetated with native plants to restore this bank. The wooden box also created a drop in the stream so when these wooden supports are removed stones will be added to this area to create slope transition for the stream channel. Ms. Paquin noted that she, Mr. Dunbar and Mr. Williams all met on site to review the site and had discussed having this work done during low flow/no flow times, this was agreed. Mr. Clancy noted that a dewatering system should be available if it is needed, this can be added as a condition. Mr. White noted that he would like to see the foundation footings for the retaining wall too, this is important for the integrity of the wall. Ms. Ryder noted this could be included as a condition of the order too. Chairman Clancy opened discussion to the public, Mr. Steve Peck asked if the contractor needs to be licensed by the city, Ms. Ryder noted that she believes so.

There being no further discussion the Commission closed the hearing and asked Ms. Ryder to draft some conditions for the next meeting on July 18<sup>th</sup>.

## Notice of Intent

447 Boston Post Rd. (known as Harrison Arms) - Wayside Apartments LLC

Katie Enright from Howard, Stein, Hudson Engineering firm was present, as was Jeff Bruce of Wayside Apartments LLC, the property owner. She explained that new owners have just purchased the property which contains 109 apartment units and want to upgrade it and address some of the parking and safety issues that exist on the site. They will add some parking, restripe some areas, add landscaping and improve the existing drainage on the site. The work proposed in the buffer zone includes drainage improvements which meet the maximum extent practical. It includes two forebays prior to discharge into the existing wetland, where it dumps now without any controls. Catchbasins will be equipped with hoods, forebays will reduce velocity and will have riprap weirs. Although they are adding parking, they will remove the pavement that is on the adjacent parcel and move the dumpsters to a new location which will be better for water quality. She walked the Commission through the plans.

Chairman Clancy asked about the work on the northern side and how it would be stabilized and where the erosion controls were and what was the sequence of construction proposed. Ms. Enright noted they will add erosion controls, and filter bags in the catch basins. Chairman Clancy also noted that work would be right up against the wetland. Ms. Enright explained that work will be done to restore this area back to a more natural area and the

pavement would be removed. The Commission asked about snow removal and adding signs and a guardrail at the end of the parking area at the low area to prevent snow plowing into the wetland. They also asked if salt would be stored on site. Mr. Bruce (owner) indicated this could be accommodated and only salt for steps would be on site. Mr. White asked whether the fire chief has seen the plans. Ms. Enright noted that there has been a preliminary review and some changes are anticipated and will be ready for the June 16<sup>th</sup> site plan review meeting.

Questions from the audience were as follows, Steve Peck asked if the Rte. 20 upgrades would affect this project. Ms. Enright indicated this work would be done prior to that work starting. Ms. Victoria Rule noted that this property is next to the McGee property, she was concerned with the snow/salt issue and impacts to wetland and wanted to be sure the Commission was working to protect the wetlands. Mr. Clancy noted that in fact this project is improving the wetland situation by removing pavement and replacing it with vegetation in the 20' buffer zone and improving water quality. Councilor Robey and Mr. Peck asked about the dumpster location and it was confirmed that they are being moved uphill away from the adjacent parking lot and will include three 10-yard dumpsters.

As there are some items to be added to the plans, the Commission continued the hearing to the June 18<sup>th</sup> meeting.

#### Notice of Intent

##### I-495 and I-290 - Mass Dept. of Transportation (MDOT)

David Goldstein of MDOT. And Michael Turgeon, Chris Naylor, and Alexandra Siu of HNTBN from were present. Mr. Goldstein explained the proposed improvements to the existing interchange at I-495 and I-290 are needed in order to improve the traffic operation at I-495 southbound Exit 25B. A portion of this roadway widening, and reconfiguration falls within the 100' buffer zone. Work includes roadway widening, resurfacing, restriping and drainage upgrades. Mr. Naylor explained that the new stormwater improvement will meet the standards as best as possible. All catchbasins will be equipped with deep sump catchbasins, infiltration trenches to meet standard #3 for recharge. The plans were shown to expand from one lane to two lanes. Ms. Siu noted that the area is constrained, but the proposed project should help to solve the traffic problem and will require restriping and will improve traffic and safety operation once it is completed. There will be longer deceleration lane and a breakdown lane. Mr. Clancy noted this is a solution that's been long overdue, as he's experienced the huge traffic jams the current situation creates. Ms. Siu explained that work has already been done over the river, so no work is proposed there. After some discussion it was determined that a site visit was needed so it was set for Tuesday June 9, at 5:30 PM

Questions from the audience, Mr. Peck asked about snow removal on the off ramp. Mr. Naylor said it would be put in the breakdown lane, questions of when this would start, Mr. Goldstein indicated sometime spring 2021 is anticipated, Ms. Siu explained that the modeling shows this solution will help the problem in answer to Mr. Pecks concerns and about accidents. Councilor Ossing of 43 Berlin Rd. noted that he has travelled this exit for 35 years and knows this needs

to be upgraded to solve the traffic problem, he noted it was long overdue and was glad the solution is near at hand and hoped the Commission would look favorably on this application. The hearing was continued to June 18<sup>th</sup>.

#### Notice of Intent (212-1220) Continued

Rte. 20 reconstruction from Peters Ave. to Marlborough/Sudbury town line – Mass DOT

At the applicants request this hearing was continued to June 18, 2020 to allow more time for MDOT to address some issues raised at the last meeting.

#### Notice of Intent (212-1219) Continued

Farm Rd. (Map 73, Parcels 14 & 15A) - Michael Downey - The New England Center for Children, Inc. – At the applicants' request, this hearing be continued to the June 18, 2020 meeting to allow time for the applicant to revise the plans. Notice of Intent (212-1218)

Continued

#### Notice of Intent

339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC

At the applicants request this hearing was continued to the June 18, 2020 meeting to allow the Commission time to review all the information sent at the previous meeting.

Paper copies of the documents need to be delivered to the Commission for this review to occur.

#### **Certificate of Compliance:**

212-1035 41 Boivin Dr. (Lot 12) - Ms. Ryder noted that she has done a site visit and confirmed, now that the fence has been installed that all conditions of the Order of Conditions have been met. She recommended approval of a Full Certificate of Compliance. On a motion by John Skarin, second by Chair, the Commission approve a full certificate of Compliance for this project 5-0 roll call vote: Edward Clancy-yea; Dennis Demers-yea; Karin Paquin-yea; John Skarin-yea; and Allan White-Yea

#### **Discussion:**

Commonwealth Heights revised subdivision plans – draft comments to Planning Board. Ms. Ryder showed the subdivision plan that is before the Planning Board. Although there are no wetlands, the site was an old apple orchard, therefore the soils must be treated carefully to protect public health. The Commission reviewed a draft letter to the Planning Board and agreed unanimously to issue the letter as written. The roll call vote was Edward Clancy-yea; Dennis Demers-yea; Karin Paquin-yea; John Skarin-yea; and Allan White-Yea. A vote of 5-0

#### **Correspondence/other business:**

- **Violation notices:**

- 178 Simpson Rd. – Mr. Joseph Bisazza, owner was present. The Commission reviewed the violation notice and explained to Mr. Bisazza that he must present an engineered plan

to the Commission to show what the grades will be. The Commission noted that the materials near the wetlands will need to be removed. The Commission asked who's dump truck is on site; as it looks like dumping is continuing. Mr. Bisazza explained that he will hire an engineer and have him design a proper slope, so they can finish the back yard. He did remove some of the sediment in the wetland and will continue to do that. He owns one dump truck that is parked in the back, but he hasn't brought any materials in. Mr. Demers stated that this has been pending a long time and that the Commission just wants to see the site stabilized and a site plan is required to do this. He asked that it just get done. The Commission then set a deadline of June 19<sup>th</sup> to file a plan or a letter on where things stand.

- o 72 Hager St. On Rte. 20 side – Mark Wambolt, owner was present. The Commission reviewed the violation letter and asked Mr. Wambolt to explain what he has done. To which he replied, his cows were getting out onto Rte. 20 and he needed to create this berm above the stone wall to create a barrier and he will be installing a new gate. Mr. Clancy noted that he doesn't have a curb cut on Rte. 20. Mr. Wambolt indicated that the gate has been there for 100 years. He has also installed a trench across the lower field to allow it to drain better into the wetland. Before the bottom field was just always damp. He stated that he has talked to the farm bureau and has an agricultural exemption for this work and does not need to file for a wetland permit since it's an existing farm. He believes he can maintain the field edges if he doesn't extend into the wetland. Ms. Ryder noted that she will need to read those regulations and talk to DEP to determine if this activity is exempt. She will report back to the Commission and Mr. Wambolt.
  
- o 1017 Hemenway St. Ext. – Ms. Ryder noted that she has not issued this violation notice. The work is done, the permit will be after the fact. She will get it out soon.

#### **Draft Order of Conditions:**

- 43 Red Spring Rd. – single family house - The Commission reviewed the draft Order of Conditions and discussed the conditions. It would be good on #38 to add the location of the test pit markers; #39 check with legal department regarding deed language.

Ms. Paquin made a motion to issue the Order of Conditions as written and amended, second by chair and it was unanimously approved 5-0 by roll call vote: Edward Clancy-yea; Dennis Demers-yea; Karin Paquin-yea; John Skarin-yea; and Allan White-Yea.

78 Roosevelt St. – single family house - The Commission reviewed the draft Order of Conditions and noted changes in #36 and #37, Ms. Ryder recommended some changes in the Certificate of Compliance section to fill in the blanks. Ms. Robey asked for clarification if this was "0" Roosevelt St. Ms. Ryder indicated it had just been given a street number, so is now #78 Roosevelt. On a motion to accept the draft Order of Conditions as written and amended, by Mr. Skarin second by Ms. Paquin, the roll call vote was as follows: Edward Clancy-yea; Dennis Demers-yea; Karin

Paquin-yea; John Skarin-yea; and Allan White- Abstained So the vote was 4 yea so it was approved.

**Next meetings:** June 18<sup>th</sup>, 2020 and July 2<sup>nd</sup>, 2020

**Adjournment:** There being no further business, on a motion to adjourn the meeting by Mr. White and second by chair, the Commission voted unanimously as follows: Edward Clancy-yea; Dennis Demers-yea; Karin Paquin-yea; John Skarin-yea; and Allan White-Yea. 5-0 in favor, the meeting was adjourned at 9:06 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Priscilla Ryder". To the right of the signature, there are two small, stylized initials "PR".

Priscilla Ryder  
Conservation Officer

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
June 18, 2020 (Thursday) 7:00 PM**

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CITY OF MARLBOROUGH  
2020 JUN 18 11 3 48

Ms. Ryder explained that everyone would be muted to begin with except Mr. Clancy and Mr. Demers. To unmute please click on the microphone or if on a phone \*6. When comments are requested, people who want to speak can unmute themselves.

*Chairman Clancy read the following:*

*Participation will be via Virtual Means Only - Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Marlborough Conservation Commission will be conducted via remote participation. The public may participate in this meeting via Remote Participation: A link to the website for the meeting will be provided on the City's website on the City public meeting Calendar and on the Conservation Commission website at least 48 hours prior to the meeting. To access the City web site go to: <https://www.marlborough-ma.gov/> and choose calendar and click on the June 18, 2020 meeting date. Any questions please call: 508-460-3768.*

**Present:** By Roll call vote: William Dunbar, Edward Clancy-yea, David Williams-yea, Dennis Demers-yea; Karin Paquin-yea, John Skarin-yea, and Bill Dunbar- yea. Also present was Priscilla Ryder Conservation Officer.

**Absent:** Allan White (he came on briefly, but had technical difficulties and could not participate)

**Public Hearings:**

Request for Determination of Applicability  
26 Flint Dr. - Kelly & Paul Spitzer

Both Mr. & Mrs. Spitzer were present and explained that they propose to add a patio and fire pit next to wetlands behind their property. A marked-up GIS map was presented showing the location of these items. They will need to remove the grass to make the cobblestone patio and dig for the stairs going to the fire pit. Ms. Ryder noted that she had marked the wetlands and hung 7 flags. She then had identified the 20' wetland buffer zone, which is shown approximately on the plans. Ms. Paquin asked if they would be doing some planting. Ms. Spitzer noted that the area that is woodchipped in the 20' buffer zone would be replanted with native plants per Ms. Ryders suggestion. Mr. Dunbar asked how much digging was required for the steps, Mr. Spitzer replied not much just to get them in and level. There being no further questions from the Commission or the audience the hearing was closed. On a motion for a negative determination with standard conditions and a planting plan by Mr. Skarin second by the chair, the Commission voted as follows:

Edward Clancy-yea; Dennis Demers-yea; Bill Dunbar-yea; Karin Paquin-yea; John Skarin-Yea; David Williams-Yea; Allan White was no longer on the call. Motion carries 6-0

**Notice of Intent (Continuation)**

I-495 and I-290 - Mass Dept. of Transportation (MDOT)

David Goldstein, Mike Turgeon and Chris Naylor were all present. Chairman Clancy noted that the Commission had done a site walk on Tuesday, June 9<sup>th</sup> and one wetland flag was changed. Mr. Turgeon noted that the plans have been revised to show this change, he also noted that they added a note about the channel being cleaned of any debris to allow flow to pass. Mr. Clancy asked about slope construction and trash removal. The response was that it is a 2:1 slope which will be cleared and then filled and stabilized, the sequence of events can be reviewed with the contractor at the preconstruction meeting, to ensure the stream channel at the bottom of the slope is properly protected.

There was a discussion about the flow rate changes. Mr. Naylor explained that the changes are negligible in this location and other portions of the project are doing more retention and water quality improvements especially the bridge over Donald Lynch Blvd. He believes this addresses the comments for DEP as well. There being no further questions or comments from the Commission or the audience the hearing was closed. The Order of Conditions will be drafted for the next meeting next week on June 25, 2020.

Notice of Intent (212-1220) (Continuation)

Rte. 20 reconstruction from Peters Ave. to Marlborough/Sudbury town line - Mass DOT

Steve Tyler from Howard Stein Hudson, and Corinna Beckwith Of MDOT were present. Mr. Tyler explained that at the last meeting the Commission had received the DEP# with a list of questions from DEP. He has provided a response to each of these questions. Mr. Clancy read each of the questions and Mr. Tyler provided the summary of the response in his letter dated June 5, 2020 to the Commission. For the most part because this is a reconstruction of a roadway with added sidewalk, they have made the best improvements that they could “feasibly” make as is required in the regulations. After the review Mr. Dunbar asked how the live twig slope stabilization worked and how they stay alive. Mr. Tyler reviewed the diagram and showed how live twigs were inserted into the slope to create vegetation within the riprap. Mr. Clancy noted he’s seen this at the MWRA site and other areas where steep slopes were proposed. There being no further questions from the Commission or the audience, the hearing was closed. Ms. Ryder was asked to draft conditions for the next meeting for review and approval.

Notice of Intent (212-1219) (Continuation)

Farm Rd. (Map 73, Parcels 14 & 15A) - Michael Downey - The New England Center for Children, Inc.

Vito Colonna of Connorstone and Bill Pezzoni from Day Pitney, were present representing the owner. Mr. Colonna reviewed the latest revised plans. He had received feedback from the Fire Chief just before the last meeting and revised the plan to show an emergency access around the back of the building, this required some slight changes to the drainage design as well to accommodate the additional pavement. The plans also show snow storage locations, as requested at the previous hearing. The Commission asked that guardrails also be added in locations next to the wetlands with signage to ensure the snow is not dumped over the and down the slope to the wetland. This can be conditioned in the order and added to the O&M plan for the site as well. Ms. Ryder noted that final engineering review is still needed as well. There being no further comment from the Commission or the public the hearing was closed. Ms. Ryder was asked to draft conditions for review at the next meeting.

Notice of Intent (Continuation)

447 Boston Post Rd. (known as Harrison Arms) - Wayside Apartments LLC

Katie Enright from Howard, Stein, Hudson explained that after the last meeting they have made some changes to the plans which were ballooned out on the presentation plans. Each of these changes was reviewed. The guardrail in the location closest to the wetland has been included as well as notes about the dumpster. “No snow dumping” signage is also included as requested at the previous meeting. There being no further questions or discussion from the Commission or the audience the hearing was closed. Ms. Ryder was asked to draft conditions for review at the next meeting.

## Notice of Intent (212-1218) (Continuation)

339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC

Brian Falk of Mirick, O'Connell, DeMallie & Lougee, LLP, David Robinson of Allen and Major, Scott Goddard of Goddard Consulting were all present. Mr. Falk provided an overview of where the project stands with the various permits and noted that the Supplemental information provided to the Commission several weeks ago would be reviewed tonight.

Mr. Robinson noted that he'd focus on the flood storage issue first. They have made some changes to the plans which are dated May 18, 2020. As a result of the comments made by DEP and City Engineer, they have adjusted the plans and increased the flood storage. He went over the flood storage design and the fill that was proposed. The regulations require that the flood storage volume match that of the flood storage fill at each foot elevation. The plans now reflect these changes and meet the regulations. He also noted that they have made changes to the infiltration systems based on the test pits done and have three infiltration systems proposed. Ms. Ryder noted that the City Engineer Tom DiPersio, has not yet provided official comments, but had noted that in concept the floodplain calculation and drainage information seem on target, however he'd like more time to provide a more detailed review.

Mr. Goddard noted that the supplemental information includes floodplain compensation areas which will be restored with vegetation. The plans shown on the reviewed documents suggest plantings that mimic the surrounding woodlands. He asked the Commission if they have a preference between a woodland or a meadow and asked the Commission to think about that. The Isolated Wetland replication area would be within an existing open meadow area and could have an ephemeral water component as an added feature. The planting alternatives are shown on the plan. Chairman Clancy noted that a meadow would be of interest, as this is a disappearing habitat type. Ms. Ryder asked what the management plan for the area within the track would be. If it was to remain a meadow, what and how would it be maintained. These items need to be flushed out so that current and future owners know what is expected of them.

Mr. Goddard also reviewed the alternatives analysis which was provided in the supplemental documents which showed more than six alternative designs that were contemplated for this location. The final design presented tonight dated May 18, 2020 is by far the least impacting of all the proposals as far as floodplain and wetland. Ms. Ryder noted that she has reviewed these but needs to compare the analysis provided with the regulatory requirements for what the analysis needs to provide. She will make comments for the next meeting.

There was discussion about the floodplain calculations and floodplain compensatory storage. The ZBA will be reviewing this on June 30<sup>th</sup>, if everyone was OK with this, the Commission could weigh in on this with a letter to the ZBA noting that the calculations provided meet the state WPA standards which is what the local Floodplain and Wetland Protection District requires.

Councilor Robey asked about the land swap that had been mentioned in the past, protecting the remaining open space. Ms. Ryder noted that what had been suggested was that the open

spaces remaining would either have a Conservation Restriction placed on it, and that this would be best addressed during the City Council Special permit process. Mr. Falk agreed that his client was willing to protect the property and that this would be presented at the city council.

There being no further questions or discussion this hearing was continued to the July 23<sup>rd</sup> meeting.

Notice of Intents (3 separate filings as noted below)

Hayes Memorial Dr. - The Gutierrez Company

Israel Lopez from the Gutierrez Co. and David Robinson from Allan and Major were present. Mr. Robinson explained that each of these lots is being filed separately and they are seeking a separate Order of Conditions on each one. However, since they are contiguous for this evening presentation, they will be discussed together. He reviewed each parcel and pointed out the following on each: Drainage, grading, and the 20' buffer zone which is not disturbed on any of the lots and overview of the plans.

- Lot K - Construct a 29,540  $\pm$  s.f. warehouse distribution center with associated parking, drainage, utilities and landscaping. Plans show grading and location of wetlands.
- Lot L - Construct an 80,880 s.f. warehouse distribution center with associated parking, drainage, utilities and landscaping. They did do some test pits on lot L and determined location of groundwater.
- Lot M - Construct a 24,020  $\pm$  s.f. warehouse distribution center with associated parking, drainage, utilities and landscaping.

Chairman Clancy asked why they had not done an ARAD to verify the wetland. He noted that given Ms. Ryder's inability to check the line, that he would request the applicant pay for a consultant to work on the Commission's behalf to verify the wetland delineation. Ms. Ryder noted that she and Mr. Dunbar had checked a small section earlier in the day but were not able to review the entire line. Mr. Dunbar noted that the test pits done on Lot L do appear to be in or near wetland based on the darker soils encountered in this area. Mr. Robinson assured him that the wetlands were further away based on the delineation. Ms. Ryder noted it appeared to be a low area that drains down to the wetland, this will need to be investigated.

Ms. Paquin asked about the size disturbance on each lot. Mr. Robinson noted Lot L=7.8 Acres; Lot K= 3.4 acres and Lot M=2.67 acres.

Ms. Ryder was asked to provide suggested consultant names who could do the wetland delineation peer review for this project and see if this could be done before the next meeting on July 23<sup>rd</sup>.

The hearing was continued to July 23, 2020.

**Certificates of Compliance**

- 212-1207 95 Lakeshore Dr. Ms. Ryder noted she has inspected the site as has Mr. Dunbar, all work was done according to the Order of Conditions, she recommends a full Certificate of Compliance be issued. On a motion by Mr. Demers second by Chair, the Commission voted unanimously to issue a full Certificate of Compliance with a roll call vote: Mr. Demers-yea; Mr. Dunbar-yea, Ms. Paquin-yea; Mr. Skarin-yea; Mr. Williams-yea; and Mr. Clancy- yea. Vote carries 6-0 in favor.
- 212-1195 228 Littlefield Ln. Ms. Ryder noted she has inspected the site; all work was done according to the Order of Conditions. She recommends a full Certificate of Compliance be issued. On a motion by Mr. Skarin second by the Chair, the Commission voted unanimously to issue a full Certificate of Compliance with a roll call vote: Mr. Demers-yea; Mr. Dunbar-yea, Ms. Paquin-yea; Mr. Skarin-yea; Mr. Williams-yea; and Mr. Clancy- yea. Vote carries 6-0 in favor.

**Draft Orders of Conditions**

- 190 Sudbury St. (212-1221) - Ms. Ryder noted that she has just finished the draft conditions. Mr. Clancy noted that since no one has read them, this should be tabled to the next meeting for review and approval.

**Violation Updates:**

- 72 Hager St. - Ms. Ryder noted that she had a discussion with DEP regarding the agricultural exemption that Mr. Wambolt had noted at the last meeting. The exemption does allow farmers to make changes to their existing fields, but they are not allowed to extend their fields into resource areas. Checking aerial photos from 1990 and 2000 they all show the field to the stone wall. The large earthen barrier he has built is all within his existing field. The same goes for the drainage channel he has dug, as long as it's in the existing field and not altering wetland it is permissible. However, she suggested the Commission require that he file an RDA to verify the wetland line so that it can be established. The Commission agreed that this was the best route. Ms. Ryder will draft a letter for review at the next meeting.
- 178 Simpson Rd. Ms. Ryder noted that she has not heard from Mr. Biaszza. The Commission gave him until June 19<sup>th</sup> to file, which is tomorrow. The Commission noted that if nothing is filed, a violation notices and fines should be issued on Monday.

**Correspondence/Other Business**

- Letter from CSX Transportation, Inc. RE: 2020 Vegetation Management Railroad Right of Way. This was reviewed and placed on file.

**Discussion**

- Ft. Meadow Lake Survey and Treatment Plan - Ms. Ryder noted that the survey revealed milfoil in much of the lake edges. Treatment is scheduled for June 29, 2020 and notices were mailed today and a press release and posting at all beaches will be done early next week as required in the Order of Conditions for this Lake management.

**Next Conservation Commission meetings** – Ms. Ryder noted she'll be out on medical leave, so there will not be a meeting on July 2<sup>nd</sup>. However, to issue permits for all closed hearings she suggested a public

meeting be held on June 25<sup>th</sup> to get this work done. And the following meeting of the Commission will be held on July 23<sup>rd</sup>, 2020

**Adjournment:** There being no further business, on a motion by Mr. Demers second by the Chair, the meeting was adjourned by a roll call vote: Mr. Demers-yea; Mr. Dunbar-yea; Ms. Paquin-yea; Mr. Skarin-yea; Mr. Williams-yea; and Mr. Clancy- yea. Vote carries 6-0 in favor. Meeting was adjourned at 9:13 PM.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer



**CITY OF MARLBOROUGH**  
Marlborough, Massachusetts 01752

# Fort Meadow Commission

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2020 JUN 29 A 7:33



**TOWN OF HUDSON**  
Hudson, Massachusetts 01749

## September 19, 2019 Fort Meadow Commission Meeting Minutes

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

### In attendance:

- Marlborough Commissioners Thomson and DelGenio, and Agents Gould and Blatchley
- Hudson Commissioner Kaczmarek, and Agent Pelletier
- No Hudson and Marlborough Residents were in attendance

### Minutes:

- Minutes from August 15, 2019 meeting were reviewed and approved by Commissioners Thomson Kaczmarek and DelGenio as written
- Recreation Department
  - No discussion
- Incidents
  - No incidents were reported
- Plourde update
  - The boat operating trainer has approved the Plourde's as operators
- Algae and Weeds
  - The contractor has completed a map designating where treatment is need for Phragmites
  - Commissioner Thomson has reviewed the map
  - Letters will be sent to the owners by October 1, 2019
  - Commissioner Thomson and the contractor will agree on a date for the treatment
- Drawdown
  - The Marlborough and Hudson Conservation Committees have approved a drawdown date of November 1, 2019
- Marker buoy
  - The committee voted to purchase two 5 inch buoy's to replace two of the damaged buoys
- Fisherman Registration
  - Paperwork and keys were exchanged
- Meeting Minutes
  - Commissioner DelGenio is taking a leave of absence from the committee
  - Agent Blatchley will serve as secretary for future meetings, thanks was expressed for Commissioner DelGenio previous work in this area

7:27 PM - Meeting adjourned

2019 Remaining Meeting Schedule – this was the last meeting of the 2019 season.



**CITY OF MARLBOROUGH**  
Marlborough, Massachusetts 01752

# Fort Meadow Commission

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2020 JUN 29 A 7 33



**TOWN OF HUDSON**  
Hudson, Massachusetts 01749

May 21, 2020

## Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order via Zoom teleconferencing

### In attendance:

- Marlborough Commissioners Lee Thomson, Paul Gould, and Agent Carl Blatchley
- Hudson Commissioner Gary Pelletier
- Hudson and Marlborough Residents were in attendance

### 2020 Commission Staffing

- Commissioner Joe DelGenio is on work assignment out of the country and has been replaced by Paul Gould
- Commissioner Mike Kaczmarek has retired and been replaced by Gary Pelletier

### Minutes:

- Minutes from the September 19, 2019 meeting were reviewed and approved by Commissioners Lee Thomson, Gary Pelletier and Paul Gould as written

### Recreation Department

- Fisherman registration and keys are now being handled by the Marlborough Recreation Department
- Information on the opening of the gate, fisherman registration, keys and related requests should be directed to Charles Thebado, Marlborough Recreation Department Director, at 508-624-6925

### Incidents

- No incidents to be reported

### Plourde update

- All Commission based items are complete

### Algae and Weeds

- A \$400 invoice for filing a MassDEP permit application was submitted by the weed control contractor Solitude Lake Management and is in the process of being paid per their contract. A Marlborough City purchase order has been issued for the projected weed control cost for fiscal 2020 starting July 1, 2020

### Marker buoys

- Buoys have been placed in all critical locations
- It was agreed Gary Pelletier and Paul Gould will submit a list of needed equipment to Lee Thomson by 6/6/2020. The commission will vote on approval of the expenditures at the June meeting and orders will be placed before June 30, 2020
- Lee Thomson will review the list against the budget and place orders before 6/30/2020

### 2020 Remaining Meeting Schedule

- Meetings will be on the 3rd Thursday of the months of June, July, August and September via Zoom teleconferencing until further notice as defined by the towns of Marlborough and Hudson

7:19 PM - Meeting adjourned

## Marlborough Historical Commission Meeting Minutes May 21, 2020

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CITY OF MARLBOROUGH

Location: Virtual meeting via Microsoft Teams due to COVID-19 emergency orders

Board Attendees: Robert Fagone, Brendan Downey, Cpt. Nicholas Evans, Andrea Bell Bergeron, Pamela Wilderman, Melanie Whapham.

2020 JUN 23 A 8:43

Absent: Alan Slattery

Additional Attendees (All remote): Councilor Samantha Perlman (At-large), Councilor Laura Wagner (Ward 1), Steven Kerrigan (City Clerk), Mark Gibbs (IT support), Michael Sayce (IT support).

Meeting called to order 7:02 PM

1. The following board members are participating remotely: Robert Fagone, Brendan Downey, Cpt. Nicholas Evans, Andrea Bell Bergeron, Pamela Wilderman, & Melanie Whapham.

2. Motion to approve April 2020 minutes:

Bell Bergeron AYE  
Downey AYE  
Evans AYE  
Fagone AYE  
Whapham AYE  
Wilderman AYE

The motion passed.

3. Correspondence & Communications.

982 Boston Post Road East (Amos/Jonas Darling House & Jones Tavern-Ephraim Hager House). The chair was contacted by James Dwyer, Six Point Builders LLC about the potential need to demolish the house due to damage suffered during a kitchen fire on March 2, 2020. (Commission member Pam Wilderman was present at the property with the Fire Department on the evening of the fire damage.) Mr. Dwyer was representing the prospective buyer of the property. Dating from the 1720's and located on the eastern "gateway" of the city, this house is of significant interest to the MHC, and efforts should be made to preserve the historicity of the property.

- i. The committee will contact Mr. Dwyer for clarification and to offer potential resources for preservation of the structure and/or any potential historically significant items within the property. Specific questions the Commission raised were:
  1. Who made the determination that the fire damage represents a "total loss"?
  2. Does the prospective buyer have long-term plans for developing the entire parcel of property, not just the residence home?
  3. Would conserving "parts of" the historical building be viable?

- ii. Councilor Wagner agreed that the property is significant and that all state and local regulations need to be uncovered and presented to the prospective buyer.

4. Preservation by Education.

- a. Historic Preservation Review Period Ordinance & Historic House Marker Signs:
  - i. The MACRIS list of historic properties in Marlborough has been re-processed to segment the data by ward/precinct and cross referenced with the list of “Carpenter Paintings” located in the MPL.
  - ii. The new data has been distributed to the board and the intent is to discuss the defining MHC’s official list of “properties of interest” so that we can better define the Historic Preservation Review Period Ordinance and, at the same time, begin to move forward with producing the historic signage initiative at the June board meeting.
  - iii. The new “List” will act as a common reference point for both the MHC and the Building Department, especially in reference to projects requiring partial or total demolition of historical properties.

5. Councilor Wagner left the call at 7:48 PM to attend the Conservation Committee meeting, already in progress.

6. New Business

Marlborough Cemeteries Souvenir Book. The mayor has requested that the MHC consider producing a Souvenir Book of historic figures buried in Marlborough cemeteries. Proceeds of the sale of the book will be used to supplement the New Library Reconstruction Project. The mayor and DPW have already spent about \$200 – \$250,000 on cemetery renovations in the last 2 years. Bob Fagone agreed to start the initial research into producing such a souvenir book incorporating historic figures within all the cemeteries in the City.

7. Motion made to adjourn meeting at 8:10 PM:

Bell Bergeron AYE  
 Downey AYE  
 Evans AYE  
 Fagone AYE  
 Whapham AYE  
 Wilderman AYE

The motion passed.

Respectfully submitted,  
 Brendan Downey

**MINUTES**  
**MARLBOROUGH PLANNING BOARD**  
**MARLBOROUGH, MA 01752**

RECEIVED  
 CITY CLERK'S OFFICE  
 June 08, 2020  
 CITY OF MARLBOROUGH

**Call to Order**

The **Remote Meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, also participated in the remote meeting.

**1. Meeting Minutes**

A. May 18, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the minutes of May 18, 2020 as amended- 5A (revised *blasting to jack hammering*). Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

**2. Chair's Business**

A. Set public hearing date: Request to remove and reconstruct a stone wall along a scenic roadway. 684 Stow Rd. Bob Gentry.

With no objections and approval of the resident, Chair Fenby set the hearing date for July 20, 2020.

**3. Approval Not Required**

A. 26, 34 MacQuarrie Drive – Applicant: Jon Sowa, 26 MacQuarrie Drive, Marlborough, MA 01752; Land Surveyor: Hancock Associates, 315 Elm Street, Marlborough, MA 01752; Description of Property: Middlesex South Registry of Deeds Book 19272 Page 170. J. Dan Bremser, Hancock Associates. Mr. LaVenture read the June 1, 2020 review letter by Assistant City Engineer Collins into the record. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept, file and endorse the above referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

B. Simarano Drive at Cedar Hill, Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Engineer, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group – Presenter.

Mr. Shipe joined the remote meeting briefly and requested that item 3B be addressed later due to a timing conflict. With no objections, the Board proceeded to the next item.

**4. Public Hearings**

A. Continued: Commonwealth Heights Definitive Subdivision – Revised plan

Applicant - The Gutierrez Company; Project Engineer - Connorstone Engineering, Inc.

Location – 10.55 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14). Scott Weiss, The Gutierrez Company, presenter.

Chair Fenby reopened 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) Comments from the public 3) Comments and questions from Board members.

**Presentation:**

Mr. Weiss shared that the subdivision plan was revised to include a new shorter cul-de-sac roadway, which will increase the buffering between the Commonwealth Heights project and the abutting neighborhood. The revised project also includes additional screening and eliminates two lots at the end of the cul-de-sac for a total of 21 lots. Two waiver requests remain: 1) To allow a dead-end roadway longer than 500 feet and 2) To allow a typical roadway cross-section similar to the cross-section utilized at Mauro Farm.

## 5. Subdivision Progress Reports

### A. Goodale Estates - Request for bond reduction and extension of approval.

Mr. Kevin Gillis of Northborough Capital Partners was present to discuss the project with the Board. Site progress has been demonstrated, and a request for bond reduction reflecting the progress is included in the packet. Proof of taxes paid, acknowledgement that the site is free from blight and proof that the bond is in place through year end was presented along with a new construction schedule. An additional 6-month extension until December 31, 2020 is requested. The project completion is delayed, since the gas line cannot be installed by Eversource until late in the year (or next). (The note in Mr. Gillis's 5-20-20 letter requesting a waiver of the requirement to install the gas line may be disregarded.)

Mr. Gillis would welcome an opportunity to walk the site to review the placement of trees and shrubs, as he states it appears to be impractical to plant trees the entire length of the south side of Jenks lane due to space considerations.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to refer the matter of bond reduction and extension schedule to Engineering for report back on June 22. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

Mr. Shipe rejoined the meeting, and Ms. Fenby announced a return to ANR item 3B.

## 3. Approval Not Required

### B. Simarano Drive at Cedar Hill, Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Engineer, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group – Presenter.

Mr. Shipe represents Post Road Residential. He has a long-term relationship with Andy Montelli, the project developer. The ANR before the Board facilitates the financing of the project by breaking the large 45 to 50-acre parcel into 5 smaller development lots. (4 lots in Marlborough, 1 lot in Southborough) The current owner, Boston Properties had a previous site plan approval for approximately 650,000 sq. ft of office space. The real estate market did not support that project. With the passage of the Executive Residential Overlay District (EROD), this residential development progressed. The purpose of the plan is to divide the large property into four approximately 10-acre chunks. (in Marlborough) Each resulting lot meets the required area, lot shape and frontage for properties in the EROD. Mr. Shipe thanked Assistant City Engineer Collins for his assistance. On a motion by Mr. Russ, seconded by Mr. Elder, the Board referred the plan to Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

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

## 7. Informal Discussion

### A. 68-123 Broad Street – 4 Lot Subdivision Presentation Plan. Robert DiBenedetto-Hancock Assoc.

Mr. DiBenedetto indicates that Mr. White, the owner of the property at 76 Broad Street, intends to create a four-lot subdivision and a new dead-end right-of-way connecting to Broad Street. The 76 Broad St. property would be demolished to make room for the roadway. Abutting properties at #70-72 (to the south), and #84 (to the north), have agreed to land swaps to create the 50 ft. wide right-of-way. The proposed right-of-way requires 30-foot roundings. The intent is to create a plan without waivers. Two easements will be required to create the roundings. The proposed development is in the Residence C zone. Abutting properties are also zoned Residence C and are existing non-conforming lots. None of the proposed changes will increase the nonconformance of the lots.

Mr. Fay addressed Mr. DiBenedetto and suggested that the owner's attorney establish his rights to build the road with the two easements. Mr. Fay said the Board cannot give an answer on the easement issue until an official filing but said the matter should be researched by the applicant, not the City.

**11. Calendar Updates**

- A. 7-20-20- Public Hearing: Request to remove and reconstruct a stone wall along a scenic roadway. 684 Stow Rd. Bob Gentry.

**12. Public Notices of other Cities & Towns**

- A. City of Framingham 4 Notices

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

Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

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

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Respectfully submitted,



George LaVenture/Clerk

/kih

TRAFFIC COMMISSION

I

May 27, 2020

RECEIVED  
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CITY OF MARLBOROUGH

2020 JUN 24 P 12:15



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

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held as a **virtual meeting** on Wednesday, May 27, 2020 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins, Assistant Commissioner of Operations Ted Scott, Officer Andy Larose from the MPD Traffic Services Unit, City Councilor Laura Wagner and City Councilor Katie Robey. Also present: local residents Jan and Keith Verricho.

Minutes taken by Karen Lambert, MPD Records Clerk.

John Burke from the IT Dept. started recording the meeting at 10:04 am. Chief Giorgi welcomed everyone and made introductions.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, February 26, 2020.

Steve Kerrigan advised as to a typo on page 4, second to last paragraph, says "Bigelow" Street but should be "Brigham" Street.

MOTION was made, seconded, duly VOTED:

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

**2 - New Business –**

**2a) Public Safety Concerns – Wilson Street.**

Chief Giorgi advised that this started with conversations he had with Councilor Wagner and emails going back and forth regarding speed concerns, lack of stop signs and the

request for speed bumps. Councilor Wagner also included several letters and emails from concerned residents in her email to the Chief. (Copies of which are attached.)

Chief Giorgi turned the meeting over to Councilor Wagner to present the concerns directly as relayed by her constituents. She began by explaining how a local resident advised that back in April of 2016 they had requested a stop sign at the corner of Hemenway before turning left onto Wilson Street in order to slow traffic. This request was denied, and repairs were done instead which included widening the intersection and installing a rumble strip. She said the rumble strip is even with the pavement and simply added a new problem of noise. The rumble strip has not solved the problem. Cars are not going around it but rather over it and it is very loud.

She said that speed alone is not actually the primary concern. The main concern is the danger to residents created when vehicles fail to negotiate the turn and the subsequent accidents that result especially for those who live on the west side of Wilson Street. She feels that the addition of speed monitoring equipment and assessing the number of vehicles does not address the main issue. The speed of one vehicle can cause a tragic accident. There are many elderly people from New Horizons that walk in the area and it is extremely dangerous. She said that there used to be a fire hydrant near the intersection that was hit six times and noted that the City finally gave up trying to fix it and removed it instead. She feels this is evidence of a flawed design and clearly sends a message that this is dangerous. She noted another serious accident on 4/6 where the Tivnan's property at 274 Wilson Street was damaged again.

She went on to discuss possible solutions that she would like to present. She said that adding a stop sign on Hemenway wouldn't help either. She doesn't think that drivers would honor it, therefore, making it ineffective. A more effective remedy would be to install several speed bumps at the end of Hemenway where it approaches Wilson Street which would force cars to slow down prior to negotiating the turn onto Wilson Street. She said that considering the lawsuits that would occur if there was a fatality here, the cost of speed bumps is a much cheaper option.

She said that the residents on Wilson Street are terrified to get their mail or be outside shoveling or doing yard work. Residents of Hemenway are afraid to take a walk from their homes. She has received more calls on this issue than any other issue in the City. She wants to see the issue understood from a public safety standpoint not simply from a data collection standpoint. An effective solution is desperately needed. Residents have described fighting for a solution for the past twenty years.

Mr. Verricho spoke next and talked again about the terrible crash on April 6<sup>th</sup>. Fortunately, he was inside but he is one of the people who can't even safely get his mail from his mailbox or put out his trash. He also said that the buzzing sound from the rumble strip is annoying. It is just very unsafe. It gets worse when all the college kids are home and now is worse than ever with everyone being home. He also mentioned the number of octogenarians who walk here and one in particular who does not stay walk safely. Mrs. Verricho mentioned that there have always been issues with people not stopping at Wilson to turn onto Hemenway but now with the wider turn from Hemenway cars swing out so far to make the turn that they almost come into her driveway. She's always yelling at people to slow down. Mr. Verricho said the traffic has increased

everywhere and it reflects with the amount of traffic on Wilson and Hemenway. It got quieter for a few weeks but it's not quiet anymore.

Chief Giorgi advised that Officer Larose put the electronic speed monitoring signs out at several locations and dates. The speed limit for this area is 25 mph. Officer Larose pulled up an interactive map he created showing icons for accidents over the last 10 years and the times that the speed sign has been out. You can click on the icon and it will bring up the speed summary data at that location for the specific date. He clicked on the one for 3/2019 and it showed an average speed of 29mph. He then clicked on the next icon which showed an average speed of 28mph on 3/2020. It also shows the speed of the 85<sup>th</sup> percentile of vehicles, which is one of the warrants the State uses to calculate speed limits. He noted that obviously there are people that go over the speed limit, but the speed signs show that the majority of cars are actually not speeding.

Councilor Wagner said that even though it shows that the majority of cars aren't speeding then why was the hydrant not replaced? Officer Larose said that he looked over all the accidents in the last 10 years and he only found 1 that involved the hydrant. Chief Giorgi said that he is not denying that there is speeding but just trying to show what the data reveals. The data shows that the 85<sup>th</sup> percentile is not speeding. He asked if Tim Collins could speak to the history with the hydrants. Mr. Collins advised that the main reason for not replacing the hydrant was because there is another one located 40 feet from that one. The City didn't need to have two so close together. Also, several of the accidents involved impaired drivers rather a speeding issue. Chief Giorgi commented that the recent accident on 4/6 was also an OUI accident. The Chief asked if Engineering could speak to the interim reconstruction.

City Engineer, Tom DiPersio, said that he is well aware of all the issues and how cars speed from Hemenway onto Wilson Street. He has spoken to Mr. Tivnan, of 274 Wilson St., many times. The theory behind the new design was to tighten up the intersection. There was a big radius curve that cars would roll through. The City looked into a raised island, but it didn't fit properly. The new rumble strip was a way to visually show that it is a turn and not just an area to roll through. Officer Larose said that more than half did turn properly but the other half went right over it. Now the design is getting some feedback. He also talked about moving the existing stop sign to create a stop at Hemenway before turning left onto Wilson Street. He thinks that a stop here plus the rumble strip, will help.

Tim Collins went on to explain that this intersection does not meet the warrants for an all-way stop. In 2002 a stop sign was installed on the dead-end section of Hemenway. That portion did meet the warrants at that time. For an all way stop, the major approach needs to have 300 cars per hour with the minor approach having 200 cars per hour. If we simply eliminate the stop sign on the dead-end side and move it to the East bound approach, so when cars are traveling up from Hemenway to Wilson they would need to stop at the stop sign before making the left turn onto Wilson Street. Even if they didn't come to a complete stop it would cause them to slow going through the turn. A warning sign could then be placed on the dead-end side indicating that there is a stop situation ahead. Initially there would also need to be signage indicating that the traffic pattern has changed in both directions.

Tom DiPersio went on to discuss speed bumps in “general terms.” He said that:

- 1) They are not placed at intersections.
- 2) Vehicles tend to accelerate between speed bumps, which causes even more of a noise issue. Speed bumps may be effective to slow on the approach but then cars speed up.
- 3) It would set a precedent to place speed bumps on a side road to slow traffic.

He mentioned that he lives on Concord Road and has the same issue with speed in front of his house. Mrs. Verricho asked if the City does move the stop sign what sign would be put up to demonstrate the change? She said that current signs are obscured by brush growth.

Tim Collins advised the signs would be yellow and black and would indicate something to the effect of “Traffic Pattern Changed Ahead”. This is similar to what was done on Bigelow Street when several of the stop signs were removed. Also, the sign indicating that there is a turn ahead would come down and the new sign would be placed here. Mrs. Verricho said again that drivers can’t see this sign because it is obscured by brush. Mr. Collins said that he would have the Street Division come out and cut back the brush. He also advised about the “SeeClickFix” website where residents can request things like this.

In summary, Chief Giorgi said that the Traffic Commission would recommend moving the existing stop sign from the dead-end side of Hemenway to other side and cut back the brush. The hope is that the stop sign will cause cars to slow at the turn onto Wilson St. Councilor Wagner noted again that it’s the issue of speed in combination with the 90 degree turn that creates the problem.

Another local resident from 285 Hemenway also joined the call. She lives 3 houses down from the stop sign and has lived there for 53 years. She said that cars go past her house at 45 mph. She has two dogs and can’t even use the sidewalk. She also had 2 accidents at her property. One was a very bad accident more then ten years ago where a car went up and over her stone wall and dragged her mailbox. She noted that drinking was involved in this accident. She said that construction trucks and many cars do speed up. She said they need volunteers to watch the traffic and get the plate numbers. The speeding has gotten worse and worse over the years. She doesn’t agree that 85% of cars are traveling the speed limit. Chief Giorgi advised that he doesn’t want to see residents watching the traffic, however, he can send the Traffic Unit down to step up enforcement here.

Chief Giorgi does agree that as the City has developed over the years, many areas have changed. He said that he grew up on West Hill Road and has seen the same thing here. The resident asked about the possibility of a blinking speed sign. There is no speed limit sign in the area of Wilson Street and Hemenway. She said there is an empty spot out in front of her house (#285) that they could use.

MOTION was made, seconded, duly VOTED to REFER to Engineering to move the existing stop sign from the dead-end side of Hemenway to the other side to create a stop condition before the left turn onto Wilson Street.

And

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

### **3-Old Business**

**3a) Poor Streetlight Conditions – West Main St./Winthrop St.**

**3b) Request for Crosswalk Warning Signage – West Main St. @ Winthrop.**

#### **Update on 3a) and 3b)**

Tim Collins advised that the request has been made to the Street Division to repaint the crosswalk and install the advance warning signs. They are both on the list but have not been done yet.

**Clarification:** On 5/28 I received an email from Tim Collins advising that he spoke with Jim Dascoli – Streets Division General Foreman. The crosswalk signs have not been installed yet because the crosswalk on West Main Street at Winthrop Street and Orchard Street are not ADA complaint. Handicap access ramps need to be built. This is a DPW – Streets Division scheduled project and the signs will be installed as part of this project.

**3c) Parking Issues on Lakeside Ave.**

**Update:** The Fix Restaurant has been closed during the Covid 19 Pandemic. The parking issue was due to overflow/employee parking on Lakeside Ave.

MOTION was made, seconded, duly VOTED to TABLE for now. Chief Giorgi will be talking to the Owner now that the restaurant is reopening.

**3d) Crosswalk Request from Meadowbrook Child Garden– Concord R. @ Mosher Ln.**

**Update:** Tim Collins provided an aerial view of the intersection of Concord Road and Mosher Lane near Meadowbrook Child Garden. Parents are using Mosher Lane to park and then cross their children over to the school for drop off. The big issue is at the north westerly sideline of Concord Road at the corner at Hemenway Extension. He showed photos of a row of arborvitaes that are large and overgrown and causing a sight distance problem. He advised that it might be appropriate to have Code Enforcement get in touch with the Owner to have them cut back. He said that the trees are considered a “living fence” and are subject to the requirements of the City’s fence ordinance. This ordinance includes a height limitation of 3 feet.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to reach out to Pam Wilderman of Code Enforcement for assistance.

**3e) Brigham Street Concerns.**

**Update:** Tim Collins advised that he had been holding off on doing the traffic count until he received the new equipment. The old traffic count program was on it's last leg. The new equipment has come in but now he was holding off during the Covid 19 pandemic to get realistic counts. With Covid and people trying to stay home he would not get a true picture. He does have counts done from 2016 so he can use this information for comparison.

MOTION was made, seconded, duly VOTED to TABLE until accurate traffic counts have been completed.

*Councilor Robey asked for a follow up on an item that was no longer on the agenda.*

**Crosswalk warning signs at the crosswalk on Stevens Street and Lodi Road.**

Councilor Robey said that there were no signs there yet. Tim Collins advised that this was put on the Street Division's "To Do" List over the winter. There is a new person, however, working in this department. He will check to make sure it's still on the schedule.

**Further Update:** On 5/28/20 I received an email from Tim Collins. As he suspected, there was an oversight with the change in personnel in the Sign Shop. He advised that the "double-backed crosswalk sign at the crosswalk on Stevens Street at Lodi Road is up – the downward arrows were not installed and the advance warning signs (with the AHEAD plaques) are missing." They will go up tomorrow.

*Steve Kerrigan asked for a follow up on an item that was no longer on the agenda.*

**Request for "No Right on Red" sign at the intersection of Farm Rd./Boston Post Road East/Mustang Avenue.**

Mr. Kerrigan recalled that we were waiting to hear back on the response from the State. Tim Collins had sent an email but had received a message back that his contact was on vacation. Chief Giorgi said that he had asked that this item be removed from the agenda as there were plans to reconstruct the roadway. Mr. Collins pulled up a diagram of the proposed changes to the intersection. The changes would eliminate the confusion. He did, however, receive a reply from the State.

Mr. Collins pulled up a memo he prepared outlining the guidelines from the Federal Highway Administration (FHWA) on Intersection Safety and additional information from the FHWA Transportation Engineer – Operations Technical Service Team. He then presented his observations and comments and his response. See the attached memo for specifics.

His conclusion was that "there is a definite need to determine how traffic movements through this intersection should be allowed and how this information should be presented to the public". In the interim, prior to the reconstruction, it is his recommendation that "the eastbound traffic on Farm Road should not be allowed to proceed through this

intersection against the red light. A sign should be erected at the STOP line of Farm Road which states "NO MOVEMENT ON RED." He also provided a photo of the proposed sign. Since this intersection is controlled by MassDOT, State approval would be needed to modify the signage and operation of this intersection. He also advised that the DPW would be willing to install the proposed sign. Chief Giorgi agreed that it would be the appropriate action to install this signage in the interim.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to obtain approval from the MassDOT and install the signage as proposed.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:57 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

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

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, May 27, 2020 including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, February 26, 2020.
- Email chain between Councilor Wagner to Chief Giorgi, dated 3/10/20 through 4/22/20, re: Public Safety Concern, Wilson St.
- Follow-up email from Officer Larose to Chief Giorgi, dated 3/12/20, re: Public Safety Concern, Wilson St.
- Email from Councilor Wagner to Chief Giorgi, dated 5/27/20, re: May 27 Traffic Commission Mtg. which included letters and emails from constituents.
  - o Letter from Meagan McLean, dated 5/21/20
  - o Letter from Andrew and Nancy Tivnan, dated 3/14/20
  - o Letter from Catherine LaJeunese, dated 5/13/20
  - o Letter from Jeremiah Encarnacion, dated 5/13/20
  - o Letter form Jan Leefleman, dated 5/13/20
  - o Letter form Mary Uyleman, dated 5/13/20
  - o Letter from Jane and George O'Brien, dated 5/13/20

**Additional Handouts:**

- Follow up information from Tim Collins re: New Business Item 2d) Request for "No Right on Red" sign at intersection of Farm Road – East/Mustang Ave.", includes guidelines and response form Federal Highway Administration (FHWA).
- Aerial graphic and photos form Mosher Lane and Concord Road Area near Meadowbrook Child Garden.
- Diagram of proposed intersection realignment at intersection of Boston Post Road East, Farm Road and Wilson Street.

TRAFFIC COMMISSION

8

May 27, 2020



**City of Marlborough**  
**Zoning Board of Appeals**  
**140 Main Street**  
**Marlborough, Massachusetts 01752**

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2020 JUL 14 P 4:35

**Tel. (508) 460-3768**

**Minutes**

**July 7, 2020 7:00 PM**

**THIS MEETING WAS HELD VIRTUALLY THRU MICROSOFT TEAMS**

**Locaton:** 339 Boston Post Rd. East (former McGee Farm) - Continuation  
**Zoning Board Case #** 1464-2020  
**Applicant:** WP Marlborough MA Owner, LLC  
**Date of Appeal –** 3/2/2020

**Zoning relief requested:** Petition: Applicant seeks a Special Permit under Section 650, Article VI, Section 23(D) Floodplain and Wetland Protection District of the City of Marlborough Zoning Ordinance to conduct certain filling and excavation work in a floodplain area, all in connection with its proposed 188-unit multifamily apartment project. Property is located at 339 Boston Post Rd. East, Map 72-35, 73-28, 24, 26.

Board Members attending virtually: Ralph Loftin-acting chairman, Robert Levine, and Thomas Pope.

Board Member attending in City Hall-3<sup>rd</sup> Flood, Memorial Hall – Thomas Golden and secretary, Susan Brown

Roll call: Ralph Loftin-yea, Robert Levine-yea, Thomas Golden-yea, Thomas Pope-yea. (4 members present)

Atty. Brian Falk of Mirick O'Connell, representing applicant – attended virtually.

**Finding/Record**

1. The hearing was continued from June 30, 2020. It was informed thru our IT Department that this meeting was being recorded.
2. Acting Chairman, Ralph Loftin informed Atty. Falk that it was recommended thru our City Solicitor that a decision/vote of the Board should be postponed until such time as an Order of Conditions is issued by the Conservation Commission and submitted to the Zoning Board of Appeals.

3. Atty. Falk did speak with the City Solicitor, Jason Grossfield, about the Zoning Board of Appeals voting this evening, with a vote contingent upon acquiring the Order of Conditions from the Conservation Commission. But, Atty. Falk understood the position of the Board to take the advice of their legal council.
4. It was mentioned that the next Conservation Commission meeting will be held on July 23, 2020 with the hope of closing their hearing. And maybe “draft” conditions will be finalized on the Commission’s August 6, 2020 meeting.

In hopes of the above, with the Order of Conditions in hand, the Zoning Board of Appeals will meet on August 10<sup>th</sup> (Monday) at 7:00 PM.

5. The Board read into the file, an e-mail from the Board of Health providing their comments on the petition, dated July 7, 2020, stating in part: “within the spirit and purpose of the Floodplain and Wetland Protection District Ordinance, we do not object to the issuance of a special permit if the ZBA deems it appropriate”.
6. The Planning Board has not submitted comments as of this date.
7. A motion was made by Robert Levine and seconded by Thomas Pope to continue the public hearing to August 10, 2020 at 7:00 PM. Roll call vote: Thomas Golden-yea, Thomas Pope-yea, Robert Levine-yea and Ralph Loftin-yea. A vote of 4-0 carries. The public hearing is continued to August 10, 2020 at 7:00 PM.

#### Other Business:

- **30 Maple St.** - To ratify two Time Limit Extension Agreements
  - Extension to expire May 8, 2020 and June 16,2020

A motion made by Robert Levine and seconded by Thomas Pope to ratify the two Time Limit Extension Agreements. Roll call vote: Robert Levine-yea, Thomas Pope-yea, Paul Giunta-yea, Thomas Golden-yea and Ralph Lofin-yea. A vote of 5-0 carries.

- **30 Maple St.** - Clarify vote

A motion was made by Paul Giunta, seconded by Thomas Golden to deny all requested variances and/or the administrative appeal in this petition, consistent with the Board’s vote on June 9, 2020 to deny the applicant’s revised plan dated Feb. 26, 2020. Roll call vote: Paul Giunta-yes to deny, Thomas Golden-yes to

deny, Ralph Loftin-yes to deny, Thomas Pope-yes to deny and Robert Levine-yes to deny.

**Adjournment** - With no other business, a motion was made by Ralph Loftin and seconded by Thomas Pope to adjourn. Roll call vote: Ralph Loftin-yea, Thomas Pope-yea, Thomas Golden-yea, Paul Giunta-yea, and Robert Levine-yea. A vote of 5-0 carries.

Respectfully Submitted,

  
Ralph Loftin  
Acting Chairman