

REGULAR MEETING
SEPTEMBER 14, 2020
TIME: 8:00 PM

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

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 SEP 10 P 1:50

This meeting of the City Council will be held virtually on Monday, September 14, 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).

1. Minutes, City Council Meeting, August 24, 2020.
2. PUBLIC HEARING On the Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, Order No. 20-1008062.
 - a) Communication from Barbara & Avraham Nahoumi, 39 Brimsmead Street, re: Opposition to Application for Special Permit for Marijuana Retail Dispensary, 910 Boston Post Road East.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 735 831 157 #. ****
3. Communication from the Mayor, re: Transfer Request in the amount of \$440,000.00 which moves funds from Economic Development to MEDC Funding to fund the purchase of 481 Elm Street as a potential site of the west-side fire station.
4. Communication from the Mayor, re: Proposed Salary Increase for Comptroller/Treasurer position.
5. Communication from the Mayor, re: Proposed Salary Ordinance Amendment and updated Job Descriptions relative to the positions of Director of Veterans Services and Paralegal.
6. Communication from the Mayor, re: Proposed Ordinance Amendment to Chapter 328 §2 "Fire Department Fee Schedule", as recommended by Fire Chief Breen.
7. Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, in proper legal form, Order No. 20-1007948G.
8. Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i).
9. Application for a Livery License from Eduard Zholudev d/b/a Easy Airport Limo Services, to operate at 15 Indian Lane.

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.

10. Minutes of Boards, Commissions and Committees:

- a) School Committee, July 14, 2020, July 28, 2020 & August 11, 2020.
- b) Cultural Council, September 8, 2020.
- c) Commission on Disabilities, March 10, 2020 & July 7, 2020.
- d) Fort Meadow Commission, September 19, 2019, May 21, 2020, June 18, 2020 & July 16, 2020.
- e) Historical Commission, July 23, 2020.
- f) Planning Board, July 20, 2020.
- g) Traffic Commission, July 29, 2020.
- h) Zoning Board of Appeals, August 10, 2020.

11. CLAIMS:

- a) Kevin Shepard, 106 Violetwood Circle, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

- 12. ORDERED: That the City Council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city's downtown district.Submitted by Councilor Perlman.

UNFINISHED BUSINESS:

From Urban Affairs Committee

- 13. **Order No. 20-1007976B – Proposed Rezoning of land off Valley Street, identified as Map 82, Parcel 125.**

Recommendation of the Urban Affairs Committee is to approve (The chair reviewed communications received, the Planning Board had given its unanimous approval of this petition and an email from Tom DiPersio recommending that the remainder of railroad land to north and to south also be included in the rezoning petition so there is no small landlocked parcel and one from Building commission Cooke expressing opposition to rezone the I zoning to RC. There was much discussion on this parcel and our options. Councilor Doucette moved, it was seconded to approve the request to rezone a portion of Map 82, Parcel 125 from Industrial to Residence C. The Chair called the roll. All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved. 5-0).

- 14. **Order No. 20-1007948G – Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street.**

Recommendation of the Urban Affairs Committee is to approve with conditions (The chair reviewed communications received from Melissa Irish, 46 Pleasant Street. stating they are against the granting and one from Mr. Camuso showing the station with the band lighting on canopy turned off. Questions were asked about dimming of this LED sign; there is a sensor so that during day it can be intensified and lowered during night. It was also clarified that the sign's top part showing the Shell logo remains internally illuminated with the change to the 3 price panels which will become 2 smaller LED signs. It was pointed out by Jason Piques, Asst. Solicitor that having a condition related to canopy lighting in the LED Sign Permit would be difficult to enforce. Councilor Doucette moved to approve the LED Sign Special Permit; 2nd by Chair. The 2 conditions were read into the record. The Chair called the Roll. All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0).



**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 SEP -9 A 8:50

AUGUST 24, 2020

Regular meeting of the City Council was held on Monday, August 24, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Robey, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman, & Wagner. Meeting adjourned at 10:18 PM.

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, 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 Proposed Amendment to Chapter 540 “Solid Waste”, making changes to the Resident Drop-Off Facility operations and associated fees, Order No. 20-1008042A, all were heard who wish to be heard, hearing closed at 8:45 PM; adopted.

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

President Ossing called a recess at 8:45 PM and returned to open meeting at 8:47 PM.

ORDERED: That the Communication from Councilor Ossing and Councilor Tunnera, re: Inspire Energy Contract Extension through January 2024, **FILE**; 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 \$2,500,000.00 which moves funds from Undesignated Fund to various Capital Outlay accounts to fund Capital Improvement projects refer to **FINANCE COMMITTEE**; adopted.

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
\$5,580,425.00	\$2,500,000.00	10000	35900	Undesignated Fund	\$65,250.00	19300006	58512	Capital Outlay-Fire	\$0.00
	Reason:	To fund various capital requests				Personal Protective Equipment			
					\$65,000.00	19300006	58467	Capital Outlay-Public Facilities	\$0.00
						Cameras at 2 Fire Stations			
					\$218,000.00	19300006	58593	Capital Outlay-Police	\$0.00
	Reason:					Cruisers and Radios			
					\$1,930,810.00	19300006	58514	Capital Outlay-DPWProjects	\$0.00
	Reason:					Overlay and Mill work various roads			
					\$220,940.00	19300006	58731	Capital Outlay-DPWEquipmer	\$0.00
	Reason:					Freightliner w/lift			
	Reason:								
	\$2,500,000.00	Total			\$2,500,000.00	Total			

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 \$27,775.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back to fund the sick leave buy back for three retirees from the Department of Public Works and Fire Department, **APPROVED**; adopted.

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
\$104,035.00	\$27,775.00	11990006	57820	Reserve for Salaries	\$19,775.00	14001303	51920	Sick Leave BuyBack	\$0.00
	Reason:	Sick Leave Buy Back due to retirements							
					\$3,000.00	60080003	51920	Sick Leave BuyBack	\$0.00
					\$5,000.00	12200003	51920	Sick Leave BuyBack	\$149,045.00
	Reason:								
	Reason:								
	Reason:								
	\$27,775.00	Total			\$27,775.00	Total			

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 Grant Acceptance in the amount of \$27,500.00 from the Executive Office of Administration and Finance for the Human Resources Department to be used for succession planning; 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 Grant Acceptance in the amount of \$17,500.00 from the Executive Office of Administration and Finance to assist the city with identifying areas of inconsistency with our permitting program, Accela; 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 Grant Acceptance in the amount of \$5,000.00 from Baypath Elder Services for the Council on Aging to assist with the transportation needs of Marlborough seniors due to the COVID-19 pandemic; adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested to allow the Mayor to speak – granted.

Yea: 11 – Nay: 0

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

ORDERED: Pursuant to Chapter 125 §10 of the Code of the City of Marlborough, the Mayor is authorized to appoint Michelle Andrade as Public Health Nurse at the Step 2 rate (\$69,793.31), given the extensive experience which Ms. Andrade would bring to this position to the benefit of the City of Marlborough, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointment of Chief David Giorgi as Keeper of the Lockup for a term of one year, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointment of Dr. Joseph Tennyson to the Board of Health for a 3-year term, expiring the first Monday in February 2023 (February 6, 2023), **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointments of Robert Fagone and Alan Slattery to the Historical Commission for 3-year terms respectively to expire from date of Council confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Reappointment of Linda Clark to the Board of Registrars for a 3-year term to expire on April 1, 2023, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Michael Cabral to the Parks & Recreation Commission for a 3-year term to expire from date of Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Appointment of Emily Wilde to the Cultural Council for a 3-year term to expire from date of Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from the Mayor, re: FY 2020 MIIA Rewards Credit, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from the Mayor, re: OPEB Update, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment for Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, in proper legal form, Order No. 20-1007975B, **MOVED TO REPORTS OF COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: Application for Special Permit by Vedi Naturals LLC, to operate an Adult Use Marijuana Retail Establishment, 505 Boston Post Road West (Twin Boro Crossing), in proper legal form, Order No. 19/20-1007881E, **MOVED TO ITEM 29**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from City Clerk, Steven Kerrigan, re: State Primary Election Call, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from City Clerk, Steven Kerrigan, re: Update on Vote by Mail & State Primary Election, **FILE**; 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 SEPTEMBER 21, 2020** as the **DATE FOR PUBLIC HEARING**, on the Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, 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 Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Project Name change from Volaris Marlborough to Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to November 18, 2020 at 10:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, consisting of 188 units in 4 buildings at 339 Boston Post Road East (McGee Farm), **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communications sent to the City Council, re Application for Special Permit by WP Marlborough Owner, LLC, 339 Boston Post Road East (McGee Farm), **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Central MA Mosquito Control Project re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in August & September 2020, **FILE**; 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) Conservation Commission, June 25, 2020 & July 23, 2020.
- b) Historical Commission, June 18, 2020.
- c) OPEB Trust, July 28, 2020.
- d) Planning Board, June 22, 2020.
- e) Traffic Commission, June 24, 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) Sara Bergeron, 63 East Dudley Street, residential mailbox claim (2a).

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:

Meeting Name: City Council Urban Affairs Committee

Date: July 28, 2020

Time: 7:30 PM

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

The Chair opened the meeting.

As a member was participating remotely, Chair Robey called the roll.

Present: Doucette, Navin, Landers, and Robey; Wagner remotely.

Also present: Councilors Dumais, Irish and Ossing; Councilor Perlman (Remote) Tom DiPersio, City Engineer, Jason Grossfield, City, Solicitor and Mark Evangelous.

The Chair read thru the items on agenda and announced she would be reversing the order of items taking Valley Street first.

Order No. 20-1007976: Communication from Attorney Bourbeau on behalf of Marlborough HUB, LLC with Proposed Zoning Change of and off Valley Street being a portion of Map 82, Parcel 125 currently zoned Industrial to Residence C.

Public Hearing: June 22, 2020

Time Expires: September 21, 2020

The chair reviewed communications received, the Planning Board had given its unanimous approval of this petition and an email from Tom DiPersio recommending that the remainder of railroad land to north and to south also be included in the rezoning petition so there is no small landlocked parcel and one from Building commission Cooke expressing opposition to rezone the I zoning to RC.

There was much discussion on this parcel and our options.

Councilor Doucette moved, it was seconded to approve the request to rezone a portion of Map 82, Parcel 125 from Industrial to Residence C.

The Chair called the roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved. 5-0

Order No. 20-1007975: Proposed zoning Amendment to Chapter 650 to add new section 38 to create Large-Scale ground Mounted Solar Photovoltaic Overlay District

Public Hearing: June 8, 2020

Time Expires: Sept. 6, 2020

Planning Board had given its unanimous approval with conditions that appropriate screening from abutting neighbors be included in the installation and the installation be sited to preserve the scenic view from rail trail. All councilors and managers received advance copies and managers have submitted additional comments. The draft zoning changes were reviewed against changes that were made to a new copy that included comments by Tom DiPersio and Priscila Ryder. There was discussion on the properties delineated in Exhibit A with final agreement to keep them both. A question arose on Section I Design Standard, subsection e where it was agreed to remove the last sentence which reads “any topsoil remaining after stabilization shall be stockpiled on site for use during decommissioning” and subsection d where it was agreed to add in “as appropriate” after word screened.

It was moved to refer the order as amended to legal to be placed in proper legal form and postpone the matter to the August 4 Urban Affairs meeting so the committee can review it and take a final vote.

The Chair called the roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved. 5-0

Motion made, seconded, to adjourn. The Chair called the Roll:

All in favor: Landers; Navin; Doucette; Wagner/Remote; Robey – Adjourned at 9:04 PM

Meeting Name: City Council Urban Affairs Committee

Date: August 4, 2020

Time: 7:30 PM

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

The Chair opened the meeting.

As a member was participating remotely, Chair Robey called the roll.

Present: Chair Robey; Councilors Doucette, Navin, Landers and Wagner (Remote).

Also Present: Councilors Irish and Ossing Councilors Perlman & Oram (Remote) William Camuso, Assistant Solicitor Jason Piques

Order No. 20-20-1007948: Application for Electronic Message Board gas pricing sign from William Camuso for Lincoln 431 LLC, Shell Station.

Public Hearing: had been continued from March 23, 2020 and was closed July 20, 2020

The chair reviewed communications received from Melissa Irish, 46 Pleasant St. stating they are against the granting and one from Mr. Camuso showing the station with the band lighting on canopy turned off. Questions were asked about dimming of this LED sign; there is a sensor so that during day it can be intensified and lowered during night. It was also clarified that the sign’s top part showing the Shell logo remains internally illuminated with the change to the 3 price panels which will become 2 smaller LED signs. It was pointed out by Jason Piques, Asst. Solicitor that having a condition related to canopy lighting in the LED Sign Permit would be difficult to enforce.

Councilor Doucette moved to approve the LED Sign Special Permit; 2nd by Chair. The 2 conditions were read into the record.

The Chair called the Roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0

Chair will ask for a Suspension at Aug 24 Council meeting to refer to legal to be put in proper legal form for final vote on Sept. 14.

Order No. 20-1008046: Request from William Camuso on behalf of Camuso Enterprises, LLC to operate a gas station, Shell Station at 431 Lincoln St on a 24-hour basis pursuant to chapter 342, s.2 of the Code of the City of Marlborough

Chair stated she had talked to Commissioner Cooke and he is suggesting that the petitioner provide a current photometric planned provide an updated plan showing less illumination and less light going out past lot line. She also reviewed a condition suggested by legal department because of public safety issues at site: City Council reserves the right to review, modify, suspend, or revoke this permit for failure to comply with any terms and condition of the permit and/or maintain public health, peace or safety including but not limited to any extended hours operation which become a focal point for police attention.

The Chair reviewed the conditions from a 2002 order for Exxon to operate a station on Lakeside Avenue to see if those would be appropriate for this site. It was agreed that items 7 where 2 employees must be on the premises, one would pump gas for disabled/elderly and #8 petitioner shall have appropriate signs directing disabled/elderly customers to designated pump are not necessary for this site.

Councilor Doucette moved to have the petitioner provide a current photometric plan and an updated plan showing less illumination and less bleed, to have the chair create a draft order for discussion at next meeting with all the conditions and postpone in committee to a date to be set when petitioner has the information to finalize an appropriate condition.

The Chair called the Roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0.

Order No. 20-1007975: Proposed Zoning Amendment to Chapter 650 to add new Section 38 to create Large-Scale Ground Mounted Solar Photovoltaic Overlay District

Public Hearing: June 8, 2020

Time Expires: Sept. 6, 2020

The Chair reviewed the document showing 2 items recommended from July 28th meeting and two additional changes made by Solicitor where a new viii was added to Section D, item 4b and a sentence that was at end of vii was moved to be a stand-alone sentence at end of Section.

Councilor Doucette moved to approve as amended the changes to Chapter 650 to insert a new Section 38 titled Large-Scale Ground Mounted Solar Photovoltaic Overlay District.

The Chair called the Roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0

This will be in proper legal form on agenda, **Chair will ask for Suspension to vote on this at August 24 meeting.**

Motion made, seconded, to adjourn. The Chair called the Roll:

All in favor: Landers; Navin; Doucette; Wagner/Remote; Robey – Adjourned at 8:40 PM.

Councilor Navin reported the following out of the Veterans Affairs Committee:

Meeting Name: City Council Veterans Affairs Committee

Date: August 4, 2020

Meeting Convened: 7:00PM Meeting Adjourned: 7:22PM

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

Present: Chairman Navin; Veterans Affairs Committee Members Oram and Perlman(participating remotely); Also Present: Councilors Doucette, Robey, Landers, Irish and Ossing

Order No. 20-1008043A: Communication from Mayor Vigeant re: Additional information regarding naming of a field in honor of Disbursing Clerk 2nd Class Harold Cole

Chair Navin opened the meeting explaining the naming of the baseball field located behind the 1Lt. Charles Whitcomb School after Disbursing Clerk 2nd Class Harold Cole was postponed for additional information after questions were raised by the Veterans Council. The Mayor's letter and further materials from Veterans Director Hennessy were shared with the veterans' organizations. The Chair has since received communications in support from Veterans' Council President John Manning and past VFW and DAV Commander and past Marlboro Veterans Council President, Wayne E. Stanley for the proposed naming of the baseball field located at 25 Union Street after Disbursing Clerk 2nd Class Harold Cole.

Chair Navin submitted the communications have been distributed to all councilors and will be made available on the website for public information.

Committee members Oram and Perlman spoke in support of the naming of the baseball field in honor of Harold Cole.

Motion made by Councilor Perlman, seconded by Councilor Oram to recommend approval of the Order as submitted by the Mayor:

The baseball field located at 25 Union Street 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.

The Chair called the Roll: All in favor – Motion carries. 3-0

Roll Call: Oram/Yes; Perlman/Yes; Navin/Yes

Motion made and seconded to adjourn. The Chair called the Roll: All in favor

Roll Call: Perlman/Yes; Oram/Yes; Navin/Yes

Meeting Adjourned at 7:22PM

Suspension of the Rules requested – granted.**Yea: 11 – Nay: 0****Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Application for LED Sign Special Permit, from William Camuso on behalf of Lincoln 431 LLC, (Shell Station) 431 Lincoln Street, refer to the **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE SEPTEMBER 14, 2020 COUNCIL MEETING**; adopted.

Yea: 11 – Nay: 0**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment for Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, in proper legal form, Order No. 20-1007975B, **FILE**; adopted.

Yea: 11 – Nay: 0**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.****Suspension of the Rules requested – granted****Yea: 11 – Nay: 0****Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

Motion by Councilor Robey to amend proposed section 650-38(I)(e) entitled “Top soil. It is the recommendation of the City Engineer that the proposed amendment would clarify top soil in section I Design Standards by striking out the current language in its entirety and replacing it with the following:

“Top soil. No top soil shall be removed from the site. No top soil shall be disturbed from existing areas except as part of an approved plan that is protective of the landfill cap. It is anticipated that the solar facility shall be constructed on the existing grade or on grades that have been built up from the existing grade.”

APPROVED; adopted.**Yea: 11 – Nay: 0****Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

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

1. That a new Section 38 be inserted into Chapter 650, as follows:

ARTICLE VI

§ 650-38 Large-scale Ground-mounted Solar Photovoltaic Overlay District

A. Purpose and Objectives:

- 1) The Large-scale Ground-mounted Solar Photovoltaic Overlay District (herein, also a “LGSPOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The purpose of this section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and which provide adequate financial assurance for the eventual decommissioning of such installations.
- 2) The provisions set forth in this section apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations.
- 3) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

- B. Designation of overlay location; as-of-right use. For the purposes of this Section, the LGSPOD shall be superimposed on the other district(s) existing at the time that any land in any said underlying district is also included in the LGSPOD, as designated by the Marlborough City Council in accordance with M.G.L. c.40A, §5, where ground-mounted large-scale solar photovoltaic installations may be sited as of right. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 relating to the underlying zoning district not otherwise impacted by this Section shall continue to remain in full force and effect. In the event of any conflict between the provisions of this section and any other provisions of the Zoning Ordinance, the provisions of this Section shall govern and control. The LGSPOD overlay zoning district is located on parcels identified in Exhibit A annexed hereto and incorporated by reference herein, and as indicated on the Zoning Map of the City of Marlborough. Said map is hereby made a part of this chapter and is on file in the office of the City Clerk.

- C. Definitions. As used in this section, following terms shall have the meanings indicated: As-of-Right Siting: As-of-Right Siting shall mean that development under this section may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, however said as-of-right development is subject to site plan review as provided under Chapter 270 Code of the City of Marlborough and this section. Projects cannot be prohibited but can be subject to reasonable regulation.

Large-Scale Ground-mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Solar Photovoltaic Installation: A solar photovoltaic array that is constructed at a location where other allowable uses of the underlying property may occur.

Site Plan Review: Review by site plan review conducted administratively in accordance with the procedures as governed by § 270-2 of the Code of the City of Marlborough and this section.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

- D. General Requirements for all large-scale ground-mounted solar photovoltaic installations. The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in designated overlay locations:
1. Compliance with Laws, Ordinances and Regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable security, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.
 2. Building Permit and Building Inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
 3. Fees. The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.
 4. Site Plan Review. Large-scale ground-mounted solar photovoltaic installations shall undergo site plan review prior to construction, installation or modification as provided in § 270-2 of the Code of the City of Marlborough and in this section, as follows:
 - a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
 - b. Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:

- i. A site plan showing:
 1. Property lines and physical features, paved areas, tree lines, monitoring wells existing and proposed, structures, fences, existing and proposed drainage improvements, including roads, for the project site;
 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fences or other screening structures;
 3. Drawings of the large-scale ground-mounted solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 4. One or three-line electrical diagram detailing the large-scale ground-mounted solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 5. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
 6. Name, address, and contact information for proposed system installer;
 7. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 8. The name, contact information and signature of any agents representing the project proponent;
 9. Emergency services access points and through points; and
 10. Stormwater Management. The project proponent shall design a stormwater management plan and provide details and supporting documents as necessary to comply with Massachusetts DEP Stormwater Policy and Marlborough Zoning Ordinance.
- ii. Documentation of actual or prospective access and control of the project site (see also sub-section E herein);
- iii. An operation and maintenance plan (see also sub-section F herein);
- iv. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- v. Proof of liability insurance in an amount, and for a duration, sufficient to cover loss or damage to persons and property;
- vi. Description of financial surety that satisfies sub-section L herein;
- vii. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise informs abutters within 300 feet of the property line of the project site; and
- viii. Copies of all applicable permit applications and final permits, including but not limited to: MassDEP, Electric Utility, Conservation Commission, Site plan review, etc.

Site plan review may waive documentary requirements as it deems appropriate.

- E. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installation.

- F. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water management facilities, vegetation management, as well as general procedures for operational maintenance of the installation.
- G. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to site plan review that the utility company that operates the electrical grid where the installation is to be located has been informed of the large-scale ground-mounted solar photovoltaic installation's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Dimension and Density Requirements.
- a. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - i. Front yard. Front yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site plan review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
 - ii. Side yard. Side yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site plan review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
 - iii. Rear yard. Rear yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site plan review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
 - b. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- I. Design Standards.
- a. Lighting. Lighting of large-scale ground-mounted solar installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large-scale ground-mounted solar installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

- b. **Signage.** Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Chapter 526 of the Code of the City of Marlborough. A sign consistent with the City's sign ordinances shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large-scale ground-mounted solar.
 - c. **Utility Connections.** Reasonable efforts, as determined by site plan review, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - d. **Screening.** To the extent it is reasonably practicable as determined by site plan review, every abutting property, private way, private driveway, recreation area, and public way shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation.
 - e. **Top soil.** No top soil shall be removed from the site. No top soil shall be disturbed from existing areas except as part of an approved plan that is protective of the landfill cap. It is anticipated that the solar facility shall be constructed on the existing grade or on grades that have been built up from the existing grade.
- J. Safety and Environmental Standards.
- a. **Emergency Services.** The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Chief of the Marlborough Fire Department. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. Every means of shutting down the large-scale ground-mounted photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
 - b. **Land Clearing, Soil Erosion and Habitat Impacts.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and ordinances. Land clearing details as well as habitat and pollinator details (which are common for these projects) shall be clearly presented in the site plan application.

K. Monitoring and Maintenance.

- a. Large-scale Ground-mounted Solar Photovoltaic Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access or through road(s). Landscaping and fencing, including vegetation used for screening, shall be maintained in good condition.
- b. Modifications. After the required permits, have been issued, the Building Commissioner may approve minor non-material modifications to a large-sale ground-mounted solar photovoltaic installation. All major material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required permits shall require approval by site plan review.

L. Abandonment or Decommissioning.

- a. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation which has been discontinued by reaching the end of its useful life, reaching the end of a lease term without renewal or extension, or having been abandoned (as provided in paragraph L.b. herein) shall be removed as herein provided. The owner or operator shall physically remove the installation no more than 150 days after the date of said discontinued operations. The owner or operator shall notify site plan review by certified mail of the proposed date of discontinued operations. Within 150 days of discontinued operations, the project proponent shall present Decommissioning Plans, consisting of:
 - i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - iii. Restoration of all disturbed ground areas by loaming and seeding or other means suitable to site plan review. Stabilization or re-vegetation of the site as necessary to minimize erosion. Site plan review may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- b. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Building Commissioner. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.

- c. Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through a cash escrow account with interest retained for escalating decommissioning costs, bond or otherwise, to cover the cost of removal in the event that the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the City, but in no event in excess more than 125% of the cost of removal and compliance with additional requirements set forth herein, as determined by site plan review in consultation with the City Solicitor and Comptroller. Such surety will not be required for municipally owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The minimum financial surety to be provided shall be no less than \$70,000.00 per MW-DC installed. Additional financial surety may be required for appurtenant facilities such as battery storage. The amount shall include a mechanism for calculating increased removal costs due to inflation. Site plan review may request the proponent to provide an update of the fully inclusive estimate of costs associated with removal every five years following the issuance of a building permit. Site plan review may require the proponent to provide additional surety based on the updated cost estimate.

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

EXHIBIT A

The newly established Large-scale Ground-mounted Solar Photovoltaic Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Assessors Map 30, Parcel 4

Assessors Map 30, Parcel 4C.

APPROVED; adopted.

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.

Suspension of the Rules requested – granted**Yea: 11 – Nay: 0****Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED That pursuant to Chapter 551 §1, the City Council hereby approves that 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, **APPROVED**; adopted.

Yea: 11 – Nay: 0**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED That the Communication from Assistant City Solicitor Jason Piques, re: Application for Special Permit by Vedi Naturals LLC, to operate an Adult Use Marijuana Retail Establishment, 505 Boston Post Road West (Twin Boro Crossing), in proper legal form, Order No. 19/20-1007881E, **FILE**; adopted.

Yea: 11 – Nay: 0**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED

IN CITY COUNCIL**DECISION ON A SPECIAL PERMIT
VEDI NATURALS LLC****DECISION ON A SPECIAL PERMIT
ORDER NO. 19/20-1007881F**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Vedi Naturals LLC (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 505 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing limited liability company having a business address of 3 Craig Drive, Clinton, MA 01510.
2. The Applicant is the prospective tenant of a commercial retail unit located at 505 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 88, Parcel 3 (the "Site"). The Site's owner is Sparte II Realty Trust, Eleni Karalis McGrail and Christofile Tsiantoulas, co-Trustees with a business address of 160 Edgell Road, Framingham, MA 01701.
3. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the "Use").

4. The Site is located in the Business Zoning District with frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 87,555.6 +/- square feet.
6. The Use will occupy an existing retail unit at the Site with an area of 2,350 +/- square feet.
7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.
8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior and interior of the unit associated with the Use (collectively the "Plans").
9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on January 27, 2020. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, one member of the public spoke in favor of the Use and one member of the public spoke in opposition to the Use.

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

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

- C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road West) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F and § 650-32.F.1 of the Zoning Ordinance.
- D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:
1. Social, economic, or community needs which are served by the proposal:
Finding: The Use will provide a safe and convenient location adults to obtain marijuana and marijuana-infused products.
 2. Traffic flow and safety, including parking and loading:
Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.
 3. Adequacy of utilities and other public services:
Finding: The Site provides adequate utilities and public services for the Use.
 4. Neighborhood character and social structures:
Finding: The Use is consistent with the established retail area in the vicinity of the Site.
 5. Impacts on the natural environment:
Finding: The Use will have no greater impact than the established retail uses in the area.
 6. Potential fiscal impact, including impact on City services, tax base, and employment:
Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.
 7. Hours of operation:
Finding: The hours of operation of the Use are specifically conditioned below.
 8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:
Finding: The provision of contact information is specifically conditioned below.

9. Requiring payment of a community impact fee:

Finding: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City's Sign Ordinance.

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

Finding: Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
5. Compliance with State Requirements. In accordance with §650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.

6. Security.
 - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby and waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
 - b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up/drop-off area for customers and products.
 - c. The Use shall have opaque exterior windows.
 - d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
 - e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.
7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.
9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to Massachusetts Cannabis Control Commission.
11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.

13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of licensure by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.
14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. Boundary Street Entrance/Exit. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the vegetation located north of the Boundary Street entrance/exit to the Site trimmed to improve sight distances for vehicles.
16. Parking Lot. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the Site's parking lot restriped and parking lot accessibility signage updated, in accordance with the Zoning Ordinance, the City Code, and state regulations. As part of the Site Plan Review process, the Applicant shall review options to convert the former child play area at the Site to additional parking spaces.
17. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 11 – Nay: 0

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

Motion by Councilor Landers to amend the naming of the new elementary school to include the word “elementary” in the name, so it will be called the Goodnow Brothers Elementary School.

APPROVED; adopted.

Yea: 7 – Nay: 4

Yea: Doucette, Tunnera, Irish, Navin, Landers, Oram, & Perlman

Nay: Wagner, Dumais, Ossing, & Robey.

ORDERED That pursuant to Chapter 551 §1, the City Council hereby approves the naming of the following public building and field:

- (i) The new elementary school, located at 441 Bolton Street, Marlborough, shall henceforth be named and known as the Goodnow Brothers Elementary 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.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 10:18 PM; adopted.

Yea: 11 – Nay: 0

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



IN CITY COUNCIL

Marlborough, Mass., JULY 20, 2020

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 14, 2020** as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, 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. 20-1008062

Steven Kerrigan

From: City Council
Sent: Monday, August 3, 2020 5:41 PM
To: Steven Kerrigan; Wilson Chu
Subject: FW: Local Roots.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 AUG -4 A 7:50

From:
Sent: Monday, August 3, 2020 11:26 AM
To: City Council <citycouncil@marlborough-ma.gov>
Subject: Local Roots.

To the Marlborough City Council,

Please let it be known that we are against the opening of any more marijuana dispensaries in the City of Marlborough, because the recreational use of this product causes additional traffic accidents, which result in numerous deaths and serious injuries.

Barbara Nahoumi
39 Brimsmead St.
Marlborough, Ma. 01752

Avraham Nahoumi
39 Brimsmead St.
Marlborough, Ma.01752



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR
Nathan R. Boudreau
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
2020 SEP 10 A 11:48

September 10, 2020

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

Re: Transfer Request –481 Elm Street

Honorable President Ossing and Councilors:

Please find enclosed for your review and approval a transfer in the amount of \$440,000.00 to fund the purchase by the Marlborough Economic Development Corporation of 481 Elm Street, a 1.23 acre +/- parcel of land and house. This piece of property recently came up for sale and a portion of it has been identified as part of a potential site of a west-side fire station project. Prior to final approval there will be a hearing for both the public and the City Council input.

After acquisition and determination of needed lot size, the MEDC will work with the City to sell the existing house and remainder of the lot, and proceeds will be returned to the City. This transfer would move the funds from the Economic Development (Rooms Tax) account into the Marlborough Economic Development Corporation for the purchase of the property.

If you have any questions or concerns, please do not hesitate to reach out.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ECONOMIC DEVELOPMENT FUNDING

9/30/2011 State Aid	\$165,166.12
12/31/2011 State Aid	\$190,224.55
3/31/2012 State Aid	\$132,447.82
6/29/2012 State Aid	\$146,495.56
9/30/2012 State Aid	\$185,400.20
12/31/2012 State Aid	\$182,736.99
3/31/2013 State Aid	\$123,837.95
6/28/2013 State Aid	\$152,429.69
9/20/2013 State Aid	\$196,053.08
12/30/2013 State Aid	\$204,331.94
3/31/2014 State Aid	\$134,171.82
6/30/2014 State Aid	\$165,392.81
9/30/2014 State Aid	\$225,891.57
12/31/2014 State Aid	\$215,368.61
3/31/2015 State Aid	\$139,754.81
6/30/2015 State Aid	\$181,957.00
9/30/2015 State Aid	\$246,477.46
12/31/2015 State Aid	\$243,518.11
3/31/2016 State Aid	\$147,152.99
6/30/2016 State Aid	\$188,289.73
9/30/2016 State Aid	\$250,636.64
12/31/2016 State Aid	\$261,571.54
3/31/2017 State Aid	\$144,194.44
6/30/2017 State Aid	\$199,405.00
9/30/2017 State Aid	\$260,640.83
12/31/2017 State Aid	\$280,764.79
3/31/2018 State Aid	\$158,551.10
6/30/2018 State Aid	\$213,203.36
9/28/2018 State Aid	\$263,084.77
12/31/2018 State Aid	\$290,454.60
3/29/2019 State Aid	\$205,890.60
6/28/2019 State Aid	\$186,235.82
9/30/2019 State Aid	\$279,841.59
12/31/2019 State Aid	\$276,743.06
3/31/2020 State Aid	\$176,712.01
6/30/2020 State Aid	\$67,841.56

Total Funding	\$7,082,870.52
---------------	----------------

12/5/2011 CO# 11-1003048	-\$146,837.00
12/19/2011 CO# 11-1004004	-\$3,163.00
5/21/2012 CO# 12-1005008	-\$200,000.00
12/17/2012 CO# 12-1005205	-\$277,099.00
6/3/2013 CO# 13-1005418A	-\$499,000.00
6/30/2014 CO# 14-1005840	-\$513,915.00
6/1/2015 CO# 15-1006198A	-\$731,875.00
6/20/2016 CO# 16-1006569A	-\$647,580.00
6/20/2016 CO# 16-1006569B	-\$75,000.00
6/5/2017 CO# 17-1006923A	-\$660,077.00
6/18/2018 CO# 18-1007280A	-\$679,841.00
5/6/2019 CO# 19-1007624A	-\$699,088.00
8/26/2019 CO# 19-1007732A	-\$200,000.00
6/8/2020 CO# 20-1008019	-\$485,133.00

Total Transfers	-\$5,818,608.00
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Available for future transfers	\$1,264,262.52
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City of Marlborough
Office of the Mayor

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

2020 SEP 10
Nathan B. Boudreau
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2020

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

Re: Salary Increase for Comptroller/Treasurer

Dear President Ossing and Councilors:

The City has been attempting to fill the Comptroller-Treasurer position for quite some time, and we continue struggling without success. After nine months of efforts, changing direction, and being unsuccessful at both Comptroller and Finance Director, based on recommendations from our interim Comptroller and outside consultants, we are recommending a salary increase for the Comptroller position effective September 28. We intend to have someone in place before the department's busiest timeframe.

I am available to discuss this with you further. If you have any questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. 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
Comptroller - Treasurer	\$130,531.79	\$133,142.43	\$135,805.27	\$138,521.38	\$141,291.81	\$144,117.64	\$147,000.00

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

ADOPTED
In City Council
Order No. 20-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH

Nathan R. Boudreau
EXECUTIVE AIDE

140 Main Street

2020 SEP 10 A 11:48

Marlborough, Massachusetts 01752

Patricia Bernard
EXECUTIVE SECRETARY

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

September 10, 2020

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

Re: Salary Ordinance Amendment – Director of Veterans Services and Paralegal

Honorable President Ossing and Councilors:

I have attached for your review two amendments to the City's salary ordinance and a job description regarding two positions that have been identified through salary surveys to be in need of increase per their job description, the experience of the incumbents, and services rendered.

The Veterans Director is tasked with leading the Veterans Service operations in Marlborough and Sudbury. The Veterans Director administers the City of Marlborough's Chapter 115 Veterans Subsidies and coordinates the administrative, service, and information systems necessary for the department to function per state and local guidance. We are still in a contract with the Town of Sudbury, which is scheduled to be re-negotiated in January, this increase will be taken into consideration at that time and an increase will be requested.

The position of Paralegal serves as the legal aide in the Office of the City Solicitor. This position handles a variety of complex administrative and legal matters. Additionally, the Paralegal is the City employee that administers most of the Freedom of Information Request from the media and the general public. The new salary structure returns to the former practice of tying the Paralegal to the salary of the Mayor's Executive Secretary.

Municipal salaries need to be updated and studied continuously to stay competitive, and we will continue to update on an as needed basis. If approved, these increases would take place on September 28, 2020. I have attached the most recent job descriptions for both positions.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. 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
Veterans Director	\$63,933.94	\$65,212.62	\$66,516.87	\$67,847.21	\$69,204.15	\$70,588.24	\$72,000.00

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

ADOPTED
In City Council
Order No. 20-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

CITY OF MARLBOROUGH

Marlborough, MA 01752

#AA19-31

POSITION AVAILABLE Director of Veterans' Services

The City of Marlborough is seeking to fill the full time position (40 hours) of Director of Veterans Services.

Position assists and advises veterans, their dependents and beneficiaries regarding their entitled benefits under state and federal law, ensuring that accurate records are maintained, applicants receive valid information and sound advice. Position is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her control. Responsible for outreach to veterans and dependents, assisting with finding employment for unemployed veterans and easing transition of veterans into civilian life.

Performs varied and responsible duties requiring a high level of initiative and independent judgment in the administration and execution of department services and the administration of benefits and other assistance services to veterans and their dependents. Duties require strict adherence to state and federal laws and for completing administrative requirements monthly to ensure state reimbursement to the City.

Position requires interaction with City departments, federal, state and private agencies, community groups, the general public, and veterans' organizations; responsible for coordinating parades and ceremonies with veterans' organizations.

As the Director of Veterans Services for the City of Marlborough, this position oversees the Marlborough-Sudbury Veterans District, which includes working for the Town of Sudbury one day each week.

Ideal candidate will be an energetic self-starter with a passion for helping fellow veterans. Attention to detail and excellent customer service, communication, and computer skills required.

Education, Training and Experience:

Bachelor's degree in business administration or social services; five years of experience in social welfare or related work; experience in veterans' benefits administration highly desirable; or any equivalent combination of education and experience.

Special Requirements:

Incumbent must be an honorably discharged United States veteran (with wartime service as defined by M.G.L. Chapter 4, §7, Clause 43). Possession of a valid motor vehicle operator's license is required.

Step Salary: \$49,937.77 – \$56,173.20

Please forward cover letter and resume to:

Human Resources Department

City of Marlborough

140 Main Street

Marlborough, MA 01752

humanresources@marlborough-ma.gov

Position will remain open until filled.

Position:	<input type="checkbox"/>	Union	<input checked="" type="checkbox"/>	Non-Union	<input type="checkbox"/>	Contract
Class:	<input checked="" type="checkbox"/>	Full-Time	<input type="checkbox"/>	Part-Time	<input type="checkbox"/>	Intermittent
	<input type="checkbox"/>	Provisional	<input checked="" type="checkbox"/>	Permanent	<input type="checkbox"/>	Temporary

TOWN OR CITY	VETERAN'S AGENT	COMMENTS
Town of Arlington	\$58,518 – \$77,235	
Beverly	\$59,662 – \$67,765	
Billerica	\$78,153.83 – \$83,753.83	7 Steps
Everett	\$73,389	
Fitchburg	\$68,697	
Holyoke	\$52,565.15 - \$72,249.33	3 Steps (2nd Step \$62,417.32)
Leominster	\$69,926 - \$90,246	8 Steps
Salem	\$100,287	
Town of Shrewsbury	Left message for info.	Part of a District
City of Westfield	\$53,170	
City of Woburn	\$80,511.26	Base pay \$77,661.26 (Longevity \$2850.00 & Education \$2,000) Additional

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 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. 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
Paralegal	\$51,200.33	\$52,224.34	\$53,268.82	\$54,334.20	\$55,420.88	\$56,529.30	\$57,659.89

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule. The mayor is authorized to waive a maximum of two (2) steps on the salary schedule for this position, subject to available appropriation.

III. The effective date of these amendments shall be September 28, 2020.

ADOPTED
In City Council
Order No. 20-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

CITY OF MARLBOROUGH

Marlborough, MA 01752

AA#19-13

POSITION AVAILABLE LEGAL DEPARTMENT PARALEGAL

The City of Marlborough's Legal Department is seeking a full-time paralegal to provide legal support, and perform clerical and administrative functions, for the Legal Department.

The successful candidate will serve as a key member of the City's in-house law department working with the City Solicitor and Assistant City Solicitor. The position requires a motivated, highly organized individual, who is proficient in Microsoft Office and Adobe products, able to maintain confidential information, and can multi-task while managing their own responsibilities and assigned priorities. This position also requires the ability to provide accurate and courteous customer service to the public and city departments. Position is non-union and reports directly to the City Solicitor.

ESSENTIAL FUNCTIONS:

- Prepare a variety of legal documents including: briefs, discovery, pre-trial/trial documents, pleadings, motions, correspondence, agreements, and memoranda
- Coordinating and preparing responses to public records requests
- Processing claims and settlements for all legal claims and suits
- Act as a liaison with other departments and the public
- Assist with researching specific questions of law for precedence, related case law, and/or citations
- Maintain office files in paper and electronic form
- Maintain a master calendar of critical dates, including court appearances, court filings, pre-trial dates, and discovery response dates
- Serve as initial office point of contact to the public; answer phone and take messages;
- Manage department mail, accounts, purchases, and related functions associated with office administration

QUALIFICATIONS:

- Preferred: Paralegal certificate and/or municipal law or litigation experience
- Minimum: Two (2) years of legal experience and/or Associate's degree with paralegal certification, or an equivalent combination of education and experience

Updated

<u>TOWN OR CITY</u>	<u>PARALEGAL</u>	<u>COMMENTS</u>
Arlington	\$57,095 - \$73,877	Step 4 is \$63,761 –8 Steps Total
Beverly	\$51,250.00	
Billerica	N/A	Outsourced
Everett	\$57,120.00	
Fitchburg	\$54,000.00	Title is Legal Assistant
Leominster	Waiting on return call	
Holyoke	\$38,000.00	
Salem	\$50,870.00	
Shrewsbury	N/A	Outsourced
Westfield	\$48,674.36	
Woburn	\$69,820.00	Title is Legal Secretary



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
ARTHUR G. VIGEANT
MAYOR

2020 SEP 10 A 11:48

Nathan R. Boudreau
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2020

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

Re: Adjustments to Marlborough Fire Department Permit Fees

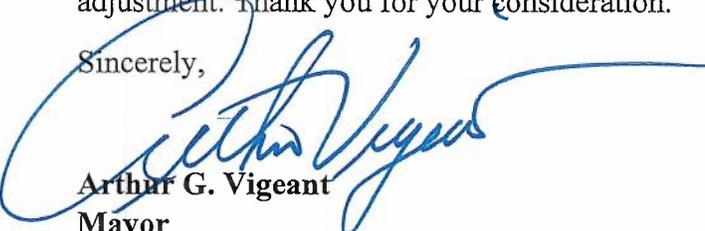
Honorable President Ossing and City Councilors:

I have attached for your review an order to adjust the Marlborough Fire Department Permit Fees per the recommendation of Fire Chief Kevin Breen, as well as, a comparative fee schedule study of surrounding communities.

As overviewed in the attached letter, the proposed order would make considerable adjustments to several permitting fees while remaining cost-effective for our residents. Raising prices is something I try to avoid; however, the last review and adjustment of these rates were completed in 2004. Since that time, the costs to provide these services have increased exponentially. I feel this is a cost-effective strategy to increase the price for these mainly commercial permits in order to leave most citizens unaffected. In addition to the changes recommended by the Chief, I would like to make Burning Permits and the receipt of Insurance Reports free for residents.

This is the first section of a comprehensive fee adjustment that I hope to take place on January 1, 2021. Throughout the fall, I will be sending down several more adjustments for review and approval. Fire Chief Kevin Breen will be available to answer any specific questions relative to this adjustment. Thank you for your consideration.

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 BY AMENDING CHAPTER 328, ENTITLED "FEES," AS FOLLOWS:

A. Chapter 328, Section 328-2 entitled "Fire Department Fee Schedule" is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Type	Fee
Home fire/smoke	\$100
Sprinkler	\$50
Blasting	\$100
Alarm installation/replacement	\$50
Home occupancy	\$50
Insurance reports	\$0
LPG storage	\$100
Reinspections	\$50
Oil burners	\$100
Temporary permits	\$50
Wet systems	\$50
Site assessment	\$250
Underground tank storage	\$100
Tank truck inspections	\$50
Underground tank removal	\$100
Cutting/welding	\$100
Aboveground tank storage	\$50
Flammable liquid storage	\$100
Miscellaneous	\$50
Black powder storage	\$25
Smokeless powder storage	\$25
Burning permits	\$0
Installation and maintenance of Fire Department and Police Department Communications system	\$50

B. Effective Date. These amendments shall take effect on January 1, 2021.

ADOPTED
In City Council
Order No. 20-
Adopted



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

KEVIN J. BREEN
FIRE CHIEF

PHONE: (508) 624-6986
FAX: (508) 460-3795

August 14, 2020

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

REF: Recommendation to Adjust Permit Fees

Dear Mayor Vigeant,

Please accept this letter seeking your support to initiate fee increases for listed services and/or permits here at Marlborough Fire Department. I have enclosed several items concerning our department's existing fee schedule along with other supporting documents. Specifically, I have included, for comparison, a spreadsheet identifying various fees charged by the following communities: Marlborough; Hudson; Northborough; Shrewsbury and Berlin.

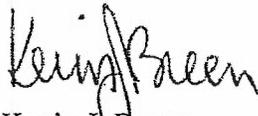
It is important to emphasize a couple of points related to this subject matter. First, Marlborough Fire Department has an existing fee schedule as included in this packet and collects approximately \$50,000 per year in revenue. However, I have learned the last rate increase occurred sixteen (16) years ago in 2004. We think it is time to raise certain permit fees, not simply to increase revenue, but because our cost to provide these services exceed what we are charging consumers. For example, the fee for conducting an inspection when removing an underground storage tank (UST) is currently fifty dollars (\$50.00). This hardly covers costs associated with time required to complete any such review/inspection including processing paperwork, driving to and from any site and time spent on scene during the actual tank removal and/or soil collection/sampling. The same can be said about 26F inspections. These inspections cost \$50 for every residence being sold/purchased. A typical 26F inspection requires paperwork be completed before and after an inspection, along with coordination and scheduling, and an on-site inspection of the subject property often carried out by three on-duty persons arriving in a department vehicle.

Therefore, I propose the following rate increases:

<u>SERVICE/PERMIT</u>	<u>CURRENT FEE</u>	<u>PROPOSED NEW FEE</u>
Home Fire/Smoke (26F Inspections)	\$50	\$100
Insurance/Fire Reports	\$5	\$5
Blasting Permit	\$50	\$100
LPG Storage Permit	\$50	\$100
Oil Burner Permit	\$50	\$100
Environmental Site Assessments	\$50	\$250
Underground Storage Tank Installation	\$50	\$100
Underground Storage Tank Removal	\$50	\$100
Flammable Liquid Storage Permit	\$50	\$100
Cutting/Welding Permit	\$50	\$100
Burning Permit	\$10	\$10

Please let me know if you require any additional information or explanation.

Sincerely,



Kevin J. Breen
Fire Chief

W/Attachments

Cc: Stephen Cirillo, Acting Comptroller
Diane Smith, Auditor
Jeffrey Cooke, Building Commissioner

FIRE DEPARTMENT COMPARATIVE FEE SCHEDULE

TYPE	MARLBOROUGH	HUDSON	NORTHBOROUGH	SHREWSBURY	BERLIN
Home Fire/Smoke (26F) per unit	\$ 50	\$ 35	\$ 50	\$ 50	\$ 75
Sprinkler	\$ 50	see schedule	\$50 - \$200	\$ 50	\$100+
Blasting	\$ 50	\$ 50	\$ 25	\$ 50	\$ 75
Alarm Installation	\$ 50	\$ 50	\$ 40	\$ 50	\$75 - \$100+
Home Occupancy	\$ 50	\$ 50	?	\$ -	\$20 per 1,000 s. ft.
Insurance/Fire Reports	\$ 5	?	\$ 5	\$ 5	\$ 10
LPG Storage	\$ 50	\$ 50	\$15 - \$25	\$50 - \$75	\$ 50
Re-Inspection Fee	\$ 50	?	\$10 - \$25	\$ 25	same as original
Oil Burner	\$ 50	\$ 50	\$ 30	\$ 50	\$ 50
Temporary Permits	\$ 50	?	?	?	?
Wet Systems	\$ 50	\$ 50	?	?	?

FIRE DEPARTMENT COMPARATIVE FEE SCHEDULE

TYPE	MARLBOROUGH	HUDSON	NORTHBOROUGH	SHREWSBURY	BERLIN
Site Assessment	\$ 50	?	\$ 200	?	\$ 200
Underground Storage Tank	\$ 50	\$ 50	\$ 30	\$ 50	\$ 100
Tank Truck Inspection	\$ 50	\$ 50	\$ 25	\$ 50	\$ 50
Underground Storage Tank Removal	\$ 50	\$ 50	\$ 30	\$ 25 - \$50	\$ 100
Cutting/Welding	\$ 50	\$ 50	\$ 25	\$ 50	\$ 50
Above Ground Tank Storage	\$ 50	\$ 50	\$ 30	\$ 15 - \$30	\$ 100
Flammable Liquid Storage	\$ 50	\$ 50	\$ 30	\$ 25	\$ 100
Miscellaneous	\$ 50	\$ 50	\$ 40	\$ 100	\$ 100
Black Powder Storage	\$ 50	?	\$ 10 - \$25	\$ 25	\$ 25/\$100
Smokeless Powder Storage	\$ 50	?	\$ 10 - \$25	\$ 25	\$ 25/\$100
Burning Permits	\$ 10	FREE	\$ -	\$ 25	?
Ammunition		\$ 10	\$ 25	?	?

FIRE DEPARTMENT COMPARATIVE FEE SCHEDULE

TYPE	MARLBOROUGH	HUDSON	NORTHBOROUGH	SHREWSBURY	BERLIN
Fireworks Display	\$ -	?	\$ 100	\$ 50	\$ 100
Hood Suppression System	\$ 50	\$ 50	\$50 - \$100	?	\$ 100
Gas-fired Space Heaters	\$ -	\$ -	\$ 40	?	\$ 100
Fire Alarm System Commercial Install		\$10 p 1000 sq. ft			Min \$100
Sprinkler Install after Fess					
1-9 Heads		\$ 50			
10-50 Heads		\$ 50			
51-100 Heads		\$ 100			
101-200 Heads		\$ 150			
201+ Heads		\$ 250			
Rubbish Containers/Dumpsters	\$ -	\$ -	\$ -	\$ 50	\$ 25
Public Gathering	\$ -	\$ -	\$ -	\$ -	\$ 150



IN CITY COUNCIL

Marlborough, Mass ~~JULY 26, 2004~~ 19

ORDERED:

At a regular meeting of the Marlborough City Council held on Monday, July 26, 2004, the following amendments to the Fire Department Fee Schedule, be and are herewith APPROVED.

FIRE DEPARTMENT FEES

TYPE	NEW FEE
Home Fire/Smoke (26F)	\$50.00 PER UNIT
Sprinkler	\$50.00
Blasting	\$50.00
Alarm Installation/Replace	\$50.00
Home Occupancy	\$50.00
<u>Insurance Reports</u>	\$50.00
LPG Storage	\$50.00
Re-Inspections	\$50.00
Oil Burners	\$50.00
Temporary Permits	\$50.00
Wet Systems	\$50.00
Site Assessment	\$50.00
Underground Tank Storage	\$50.00
Tank Truck Inspections	\$50.00
Underground Tank Removal	\$50.00
Cutting/Welding	\$50.00
Aboveground Tank Storage	\$50.00
Flammable Liquid Storage	\$50.00
Miscellaneous	\$50.00
Black Powder Storage	\$25.00
Smokeless Powder Storage	\$25.00
Burning Permits	\$10.00

*per chief Kyle
verbal 3/16/05
go back to \$5.00
for insurance
reports.*

ADOPTED

In City Council

Order No. 04-100475A

Adopted

(Councilor Ferro opposed)

Approved by Mayor

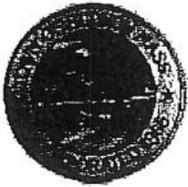
Dennis C. Hunt

Date: July 30, 2004

A TRUE COPY

ATTEST:

Jonathan E. Reynolds
City Clerk



HUDSON

MASSACHUSETTS

Published on *Hudson MA* (<https://www.townofhudson.org>)

[Home](#) > [Departments](#) > [Fire Department](#) > Permit Fees

Permit Fees

Fees	
Smoke Detector/CO Inspection per dwelling unit:	\$35.00
Tank Truck	\$50.00
Tank Installation	\$50.00
Tank Removal	\$50.00
Tank Registration	\$50.00
Torches for Roofing	\$50.00
Welding	\$50.00
Hotworks	\$50.00
General Permit	\$50.00
Fire Alarm System Commercial New Installation	\$10 per 1000 sf (\$50 min ~ \$500 max)
Repair of Existing System	\$50.00

Fees	
Hood Suppression System	\$50.00
Open Burning: Jan 15 - May 1	No charge for 2020
Ammunition	\$10.00
Sprinkler Install / Alter Fees:	
1 - 9 heads	\$50.00
10 - 50 heads	\$50.00
51 - 100 heads	\$100.00
101 - 200 heads	\$150.00
201 + heads	\$250.00

Source URL: <https://www.townofhudson.org/fire-department/pages/permit-fees>

Northborough

MASSACHUSETTS

Published on Northborough MA (<https://www.town.northborough.ma.us>)

[Home](#) > [Departments](#) > [Fire](#) > Fee Schedule

Fee Schedule

May 18, 2015

Blasting Will need a Detail Request Form for Blasting	\$25.00	<u>Detail Request Form</u>
Brush Burning Permits (per season)	No Fee Charged	
Detail Rate: <i>Per Man, Per Hour (four hour minimum)</i>	\$55.00 per hour (\$220.00)	<u>Detail Request Form</u>
Fire Alarm Alteration/Plan Review	20.00	
Fire Alarm Installation/Plan Review	40.00	
Fireworks Display <i>plus two-man detail and one engine</i>	100.00	
Gas-Fired Space Heaters – Unvented	40.00	
Oil Burner (not including tank)	20.00	Reinspection \$10.00
Oil Burner AST Installation/Form 1	30.00	
Oil Burner AST Removal/Form 10A	30.00	
Public Records, per copy	5.00	
Smoke Detector – New or Resale (per unit)	20.00	Reinspection \$10.00
Smoke Detector/Carbon Monoxide Detector <i>New or Resale (per unit)</i>	50.00	Reinspection \$25.00
Sprinkler Replacement and New System Installation: 1 - 50 Heads per riser 51 - 100 Heads per riser 101 - 200 Heads per riser Over 200 Heads per riser *Alteration/work on sprinkler system per riser (Fittings, Valves, Flow Switch, Compressor)	50.00 100.00 150.00 200.00 25.00	

Suppression System (Ansul, cooking)	50.00	
Suppression System (Gas station/other)	100.00	
Alteration/work on suppression system	25.00	
Tank Installation/Removal-UST/AST	30.00	
Tanker Inspection	25.00	Reinspection \$10.00
Welding Permit	25.00	
Ambulance Fees		
BLS Base Fee	\$594.00	
ALS I Base Fee	705.00	
ALS II Base Fee	1,020.00	
Per Mile	23.34	
Intubation/Advanced Airway	216.00	
Defibrillation/Cardioversion	190.00	
Epi-Pen	170.00	
Intravenous (per insertion)/Drug Therapy	190.00	
Oxygen	89.00	
Cardiac Monitor/12 Lead EKG	267.00	
Third EMT	121.00	
Hazardous Material Fees		
Ammunition – Non-Residential	25.00	
Black Powder - Residential	10.00	
Black Powder - Non-Residential*	25.00	
Smokeless Powder - Residential	10.00	
Smokeless Powder - Non-Residential*	25.00	
Haz Mat Storage Permit (per substance)	25.00	
Propane Storage - Residential	15.00	Hazmat/Flammable Reinspection
Propane Storage - Non-Residential*	25.00	\$10.00
SARA/LEPC (per substance)	125.00	Reinspection
Site Assessment	200.00	\$10.00
*Hazardous Materials Storage Permit Required		
**Plus Hazardous Materials Storage Permit Required per Substance		

Source URL: <https://www.town.northborough.ma.us/fire-rescue-emergency-management/pages/fee-schedule>



Shrewsbury Fire Department
11 Church Road, Shrewsbury, MA
Fee Schedule
 Effective January 1, 2015

Section 104

The first paragraph of section 10A of Chapter 148 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: A fee of \$25.00, unless otherwise set in a town by the board of selectmen or town council, and in a city by the mayor, may be charged by the head of the fire department for any permit granted under authority of this section, and any such permit may be revoked by him or by the marshal, but in no event shall any such fee be greater than \$50.00.....

527 CMR Board of Fire Prevention Regulations, 1.04: Permits

(Following is a list of permits authorized by Chapter 148, and 527 CMR)

(8) Where Required The head of the fire department or his designee shall have the authority to issue the following permit types, as described in 527 CMR and M.G.L. c. 148.

<u>Permit Type</u>	<u>Form/Legal Reference</u>	<u>Fee</u>
Above Ground Storage Tank Inspection and Material Storage		
1 tank over 10,000 gallons	FP-102	\$30
2 tanks each over 10,000 gallons	FP-102	\$20ea
3 or more tanks each over 10,000 gallons but less than 1 million gallons total	FP-102	\$15ea
3 or more tanks each over 10,000 gallons equal to or more than 1 million gals	FP-102	\$25ea
Below Ground Storage Tank Inspection	FP-289 (filed w/DEP)	\$50
Below Ground Storage – Permit to Maintain	FP290 (file w/DEP & FD)	\$50
Blasting	FP-006 / 527CMR13.04(2), 13.04(11)	\$50
Carbon Monoxide Detectors & Installation	Technical Option - FP 70	\$50
Copies of Documents		\$5
Cutting and Welding	FP-006 / 39.04	\$50
Explosives and Black Powder	FP-006 / 13.04	\$25
Fire Protection Equipment	FP-006 / 10.03(15), MGLc148.27A	\$50
Fire Protection System	FP-006 / 10.03(15)	\$50
Fireworks Display	FP-27 / 2.05, MGLc148.39A	\$50
Flammable & Combustible Liquids	FP-006 / 14.03, 15.04, MGLc148.23	\$25
Flammable Gasses and Solids	FP-006 / 14.03	\$25
Fuel Transfer Operations	FP-44E / 5.08	\$50
Hazmat Materials Process Permit	FP-300 / 527 CMR 33	\$50
LP-Gas Above Ground Storage	FP-2 / 6.08	\$25
LP-Gas Installation AND Above Ground Storage	FP-006	\$50
LP-Gas Installation AND Under Ground Storage	FP-006	\$75
Oil Burning Equipment - Burner Related	FP-56 / 4.03	\$50
Oil Burning Equipment - Tank Related	FP-56 / 4.03	\$50
Open Air Fires	10.02	\$25
Plans Review and Inspection Fees	MGL40.22F / 780 CMR 107.1.2	\$50 (25+25)
Rubbish Containers (Dumpsters)	Internal Form / 34.03	\$50
Salamanders	FP-006 / 20.01	\$25
Smoke Detectors	26F Card / MGL148.26F	\$50
Smoke Detectors / CO Detectors	26F Card / MGL148.26F	\$50
Special Seasonal Decorations	FP-006 / 21.02	\$25
Sprinkler Systems	FP-006	\$50
Tank Testing	Fire Marshal	\$50
Tank Removal > 1,000 gals	FP-292	\$50
Tank Removal < 1,000 gals	FP-292	\$25
Tank Removal that has held gasoline (any tank of any size)	FP-291	\$50
Tank Vehicles Parked Overnight	FP-006 / 8.04, 14.03	\$25
Torches and Heat Producing Devices	FP-006 / 10.24	\$50
Transportation of Combustible Liquids	44E / 8.04	\$50
Re-Inspection Fee (for any failed inspection)		\$25



BERLIN FIRE & EMS DEPARTMENT

23 Linden Street Berlin, Massachusetts 01503

Office: (978) 838-2444

FAX: (978) 838-2739

FirePrevention@TownOfBerlin.com

FEE SCHEDULE FOR PERMITS AND INSPECTIONS

Blasting	\$75.00
Cannon Fire	\$25.00
Certificate of Occupancy/Life Safety Commercial (Final)	\$20.00 per 1,000 square foot
Detail Rate -Four hour minimum (After the first 4 hours the charge will be 8 hours. After 8 hours, charge will be time and one half hourly rate.) Engine, Per Detail	\$45.00 per hour (\$180.00) \$250.00
Dumpster Storage	\$25.00
Fire Alarm Installation/Review/Final Inspection Residential	\$75.00
Fire Alarm Installation/Review/Final Inspection Commercial Minimum fee \$100.00	\$20.00 per 1,000 square foot
Fireworks Display Plus detail	\$100.00
Flammable/Combustible Storage (liquids/solids/gasses)	\$100.00
Gas-Fired Space Heaters	\$100.00
Hood Suppression System (cooking)	\$100.00
Liquefied Petroleum Installation Over 500 gallon	\$50.00 \$50.00 per tank
Miscellaneous Permits/Inspections	\$100.00
Oil Burner Burner -New Burner -Alteration Tank - Install Tank Removal	\$50.00 \$50.00 \$25.00 \$25.00
Plans Review Residential	\$25.00 per unit
Plans Review Commercial	\$20.00 per 1,000 square foot
Powder Storage Permit Residential (not to exceed 5 pounds)	\$25.00



BERLIN FIRE & EMS DEPARTMENT

23 Linden Street Berlin, Massachusetts 01503

Office: (978) 838-2444

FAX: (978) 838-2739

FirePrevention@TownOfBerlin.com

Powder Storage Permit Commercial	\$100.00
Public Gathering	\$150.00
Public Records/Reports	\$10.00
Site Assessment (21E)	\$200.00
Smoke Detector/Carbon Monoxide (26 F, 26 F ½)	\$75.00 per unit
Sprinkler System Review/Final Inspection Residential	\$150.00
Sprinkler System Review/Install/Inspection Commercial	\$20.00 per 1,000 square foot
Minimum fee \$100.00	
Sprinkler Systems Fire Pump/Cistern	\$350.00
Sprinkler System Repair/Shutdown	\$50.00 (plus detail if applicable)
Sub Division/Multi Unit Plan Review	\$15.00 per unit
Sub Division Cistern/Water Supply	\$350.00
Suppression System (Gas station/other)	\$150.00
Alteration/work on suppression system	\$50.00
Transfer Tank Inspection	\$50.00
Under Ground Storage Tank Installation/Removal	\$100.00 per tank
Water Flow Witness	see detail rate
Welding Permit	\$50.00
Plus detail if applicable	

Re inspection fees will be the price of the original fee. Any work performed without proper permitting will result in fee of double the original permit. Check or money orders only, made out to the Town of Berlin. Cash not accepted



City of Marlborough
Legal Department

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

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

September 9, 2020

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

Re: City Council Order No. 20-1007948: LED Sign Special Permit – Lincoln 431 LLC,
(Shell Station) – 431 Lincoln Street

Dear Honorable President Ossing and Councilors:

Enclosed please find a proposed Decision on a LED Sign Special Permit with respect to the above referenced application, as recommended by the Urban Affairs Committee at its meeting on August 4, 2020. I have reviewed the proposed decision and placed it into proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,

Jay Piques
Assistant City Solicitor

Enclosure:

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

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH
2020 SEP - 9 P 4: 18

DECISION ON A LED SIGN SPECIAL PERMIT

IN CITY COUNCIL

LED Sign Special Permit
Lincoln St. LLC, 431
431 Lincoln Street
Order No. 20-1007948

DECISION ON AN LED SIGN SPECIAL PERMIT CITY COUNCIL ORDER NO. 20-1007948

The City Council of the City of Marlborough hereby GRANTS the application for a LED Sign Special Permit to Lincoln Street 431, LLC (the “Applicant”) for the property located at 431 Lincoln Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 431 Lincoln Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 69, Parcel 96 (the “Site”) and maintains a filling station with a convenience store.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs and Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate a digital display sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a +/- 75.3” x 72.9” double-faced sign with a red and green digital display consisting of a +/- 25.5” x 58.5” and a 13.8” x 34.9” LED Numeral signs displaying the price of fuel (the product specifications are attached hereto as **Exhibit A**). The total digital display area is 14.4 ft². The Sign is to be located below an internally-illuminated sign at the premises.
4. In connection with the Application, the Applicant submitted a photograph of the Site depicting the sign as presently installed on the Site and the proposed 24” LED electronic pricing panels for Regular Gas and 12” LED electronic pricing panels for Diesel Gas.
5. The Marlborough City Council held a public hearing on the Application on Monday, July 20, 2020.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to application for a LED sign special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements, the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough and shall be turned off when the service station is not open for business and all other extraneous signage shall be removed from the Site;
 - 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

ADOPTED
In City Council
Order No. 2020-1007948
Adopted

Approved by Mayor
Arthur G. Vigeant

NEW RVI Evolution
6' Mod Cabinets between
Existing Poles.



EXISTING OAH TO REMAIN UNCHANGED

72 15/16"
(1500mm)

75 1/4"

75 1/4"



Regular
2.34 9/10

Diesel
2.34 9/10

FA SAVE ON EVERY FILL
FUEL DEVIATORS

Red LED
Panel
4'-10 1/2" x 2'-1 1/2"
= 10.6 sq.

24" LED

12" LED

Green LED
Panel
2'-10 7/8" x 1'-3 3/4"
= 3.8 sq.



VISUAL COMMUNICATIONS
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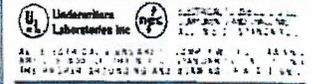
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Building Quality Signage Since 1901

Revisions:
1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Account Rep Dan Hull
Project Manager V. Hernandez
Drawn By Brian Essary

Project / Location:
Shell
RVI Evolution
GLOBAL



Client Approval/Date: _____
Landlord Approval/Date: _____

The following drawing is provided as a guide only and is not to be construed as a contract. It is the property of Federal Health Sign Company, Inc. and is not to be reproduced without the written permission of Federal Health Sign Company, Inc. © 2008
Colors depicted in this drawing are for informational purposes only. Actual material colors may vary from those shown in this drawing.

Job Number 197105
Date 10/01/19
File Name: SG197105 e
Sheet Number 1 of 1
Design Number _____

MARLBOROUGH RETIREMENT BOARD

289 Elm Street, Suite 111
Marlborough, Massachusetts 01752-3812
Telephone (508) 460-3760

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 APR 24 P 3:18

Board Members

Gregory P. Brewster, Chairman
David Keene
Diane Smith
Daniel J. Stanhope
William S. Taylor

April 21, 2019

President and Members

Marlborough City Council
140 Main Street, City Hall
Marlborough, MA 01752

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(i) at its May meeting.

The meeting will be held via conference call on May 26th at 8:15 a.m. The meeting notice will provide further details regarding the conference call.

Should you require additional information, please don't hesitate to contact me.

Sincerely,



Margaret R. Shea
Director



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

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CITY OF MARLBOROUGH

**Steven W. Kerrigan
City Clerk**

2020 SEP -9 P 2:15

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

I. TYPE OF LICENSE: DRIVER TAXI LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: Eduard Zholudev
- B. Address: 15 Indian Lane Marlborough 01752
- C. Telephone Number: 774 232 0899
- D. Business Name: Eazy Airport Limo services
- E. Business Address: 15 Indian Lane Marlborough 01752
- F. Business Number: (774) 232-0899

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE Eduard Zholudev

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

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

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk



Marlborough Public Schools

RECEIVED
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CITY OF MARLBOROUGH
2020 AUG 26 P 12:04

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

July 14, 2020

1. Superintendent Bergeron called the regular meeting of the Marlborough School Committee to order at 5:30 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, Eileen Barry, were also remotely present. The only physically present individuals were 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:** Superintendent Bergeron led the Pledge of Allegiance.

3. **Presentation**

- A. **FY21 School Opening**

Superintendent Bergeron noted that the district is still waiting on guidance from the state regarding busing, protocols for if a student or faculty member tests positive for COVID-19, and quarantining classrooms and faculty/staff during that period.

He urged the public to fill out the bus pass survey so the district can know exactly how many students will need to utilize the transportation system for the FY21 school year. Superintendent Bergeron introduced three potential plans to the School Committee for review that will eventually be submitted to the Department of Elementary and Secondary Education (DESE) for the upcoming school year. These plans were presented in draft format to the School Committee for informational purposes.

Regarding the decision-making process, the district's goals, including the prioritization of individuals' safety, were listed in this presentation.

For both a full return and Hybrid model, it is recommended that kindergarten be AM/PM sessions every day.

The Superintendent explained that on June 25, 2020, Commissioner Riley requested districts to prepare and present three models for the fall: Remote Learning, Hybrid (instruction week at school and production week at home), and a full return to school. The Commissioner asked districts to send these plans to DESE by July 31st. The

www.mps-edu.org



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Commissioner also asked for districts to delay their decision until August, but the Superintendent feels that parents need time to figure out childcare and make other preparations once a decision has been made. Superintendent Bergeron explained the proposed timeline, which includes reporting on initial findings and having a discussion at tonight's meeting, presenting on all three plans at the July 28th School Committee meeting (with a potential vote for the fall plan), and submitting these three plans to the state on July 31st.

The Superintendent explained that three committees were formed to explore different scenarios, which followed the Commonwealth's guidelines, for opening schools for the FY21 school year. Douglas Dias and Tom Plati make up the Operations group. Mary Murphy, Jody O'Brien, and Lynne Medailleu make up the Instruction group. Patricia Brown and Superintendent Michael Bergeron make up the Communications group.

Mr. Dias updated the School Committee on the Operations group's findings. Mr. Dias stated that the group is focusing on addressing technology access to all students, transportation and food options for the full return and Hybrid model, staff and student safety protocols, sanitization/cleaning plans for school buildings, and hand sanitization protocols.

Mr. Dias informed the committee that the food services model that existed in March will not exist in the fall; the serving and consumption of food will happen in nontraditional locations. The traditional method of accounting for student funds and collecting money does not fit this new model, so the administration is requesting to enter the Community Eligibility Provision (CEP) program with DESE. The CEP program enables the district to serve free breakfast and free lunch to all students.

Mr. Dias emphasized the need to know the number of students who plan to ride the bus in the fall. The district's transportation coordinator and the clerical staff at the school are reaching out to families to gather this information. Mr. Dias produced the percentages of students at each level (elementary school, middle school, high school) registered to ride the bus in the fall.

Mr. Dias explained how the district has moved quickly on purchasing PPE equipment for this upcoming school year. He produced figures for the total amount of equipment combined that the district has on hand and has purchased for delivery. This PPE equipment includes disposable masks, reusable masks, disposable gloves, clear masks, face shields, KN95 face masks, isolation gowns, cannisters of disinfectant wipes, bottles of hand sanitizer, safety goggles, hand sanitizer dispensers, gallons of

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Marlborough Public Schools

School Committee
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sanitizer, spray bottles of sanitizer, non-touch hand-held thermometers, and aerosol sanitizer applicators.

The Superintendent dove into the initial findings for the full return plan. A full return plan is possible using 3-foot distancing; there is not enough space or faculty for a full return at 6-foot distancing. The Commissioner's guidelines explicitly state that a 6-foot distancing is *preferred*, but the minimum distancing *required* is 3 feet. Superintendent Bergeron included a picture of a Richer Elementary School classroom utilizing the 3-foot distancing in his presentation slide.

The district is working under the assumption that there will be about a 1/3 capacity on the buses, meaning one student per seat. As Mr. Dias stated previously, there would be about 25-27 students on each bus. Because of these restrictions, MPS will need to run four tiers instead of three. Our current three tiers include buses picking up high school students, then middle school students, and finally elementary school students. The elementary school students will need an additional tier due to their larger number of students. The Superintendent explained that this will be costly and requires the district to limit the school day by at least 45-55 minutes at each level. MPS will also need a time on learning waiver from the state to make this model work. Superintendent Bergeron provided an example of how two tiers for the elementary school influences school start times. This model limits the break that school bus drivers have between morning and afternoon shifts, because buses will be running for most of the day.

The Superintendent explained how a full return model focuses on keeping students 'static' – in the same area – as much as possible while faculty changes rooms, apart from lunch and mask breaks. Student movement through the buildings will be limited throughout the day in the full return model and the Hybrid model.

If the full return model is utilized, Mr. Bergeron emphasized the need for parents to have childcare options in place in case a classroom must be quarantined or the switch to a Hybrid or Remote model becomes necessary.

Superintendent Bergeron discussed the initial findings for the Hybrid return model. The Hybrid return model can be accomplished using the Commissioner's 6-foot distancing preference. In this model, the school day will be shortened so that teachers can connect with students who are at home for their production week. Even in a Hybrid model, these particular groups are recommended to remain in school full time: special education students in a self-contained classroom, EL 1-2 learners, and all

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students in grades 1, 2, 10 and 11. Grades 1 and 2 need to establish a foundation for literacy, and grades 10 and 11 will still be facing the MCAS exams.

Superintendent Bergeron included a picture of an elementary school classroom utilizing the 6-foot distancing in his presentation slide.

The district surveyed parents regarding their preference for Hybrid return models, and a chart of those findings is also included in this presentation. The findings of this survey indicate that parents prefer a 1-week at school and 1-week at home model. These results have driven the administration to focus on developing a Hybrid return model that follows the 1-week on, 1-week off preference in case this model is utilized in the fall. Mr. Bergeron explained how the survey data reflected the need for internet options for families. He briefly explained the ESSER grant that MPS applied for and received. This grant will enable the purchase of hotspots for families using cellphones for the internet, as well as devices for families who need them to perform schoolwork. In addition, this grant will allow for licensed practical nurses to assist in school health offices.

Superintendent Bergeron reiterated the timeline he presented at the start of this report. During the July 28th School Committee meeting, he will have each of the three plans fleshed out even more so than they were tonight. The purpose of presenting the initial findings on these models tonight was to explain their feasibility. The Instruction group will be presenting on the Remote Learning model, which was not mentioned in detail tonight, during the July 28th meeting as well. He also reminded the public to check their emails for updates and the district website for documents that will be posted. It should be noted that the district's website has a tab labeled "Fall 2020 Reopening" which brings users to the Commissioner's guidelines as well as other information the district is providing the public.

Mr. Bergeron does not anticipate that DESE will decide which of the three plans for school districts to implement; he believes that will be a local decision. However, if public health data changes, the state could make a state-wide decision for school districts to switch to a different plan than the full return model. Flexibility and patience are necessary as the state could interfere at any time, as they did in March. Once again, Mr. Bergeron stated that there are learning waivers that the state must provide the school districts with for them to implement whichever model they see fit. The Superintendent explained that there will be some changes, specifically to attendance policies, for the Remote Learning and Hybrid models that were not in place this past spring. Attendance will be tracked, and there will be grades to enforce

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the accountability structure for work to be produced. Mr. Bergeron described how chronic absenteeism negatively affects school districts, so he hopes the state will allow for flexibility in how school districts determine attendance, even in times of quarantine.

The Superintendent hopes that the state's guidance will be vetted through the Department of Public Health, so that there are standardized, state-wide protocols for different scenarios that may arise, such as a COVID-19 outbreak in a school.

Mrs. Matthews encouraged parents to have conversations with their employers about their childcare needs and potential school scenarios to prepare for all possibilities.

Superintendent Bergeron addressed Mr. Caruso's question regarding parents who may not want their child(ren) back in school if the full return model is implemented. According to the Superintendent, the Commissioner instructed school districts to provide those families with a Remote model to accommodate their needs. MPS is still deciding whether this model would use their own staff or an outside source, purchased by the district, that students log on to.

Mr. Bergeron clarified that the Hybrid model would include two cohorts of students; one cohort would be in school for one week while the other cohort would be at home for that same week. This would mean that there is a never a week of school without students in buildings since each cohort would alternate their week on and week off.

The Superintendent discussed student movement in buildings more in depth, explaining potential routes students could take to avoid being too close to others.

The state has not provided full, formal guidance on music education yet. However, it is strongly recommended that chorus or singing activities do not occur, as singing could spread germs quicker and more easily. For similar reasons, it is not a good idea for students to play their brass instruments during this time. MPS will not be scheduling any concerts for the fall. The Superintendent stressed the other, safer options of music education: strings, percussion, etc. In addition, art education will have to be provided to students by art teachers traveling to classrooms.

Mr. Bergeron added that the state has not provided formal guidance on athletics yet either.

4. Committee Discussion/Directives: None.

5. Communications: None.

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6. Superintendent's Report (the presentation takes the place of a formal report)

Superintendent Bergeron's presentation detailed in agenda item 3A takes the place of a formal report.

7. Acceptance of Minutes

A. Minutes of the June 23, 2020 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to accept these minutes.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

8. Public Participation:

A Marlborough resident, Jeremy Cavallaro of 656 Farm Road, called the public participation phone-line to voice his concern for parents who cannot work remotely or provide childcare for their family. He questioned how the before and after school programs would function in these models as well.

Another city resident, Melanie Mahoney of 131 Bracken Drive, asked about the potential routes outside of schools that Superintendent Bergeron mentioned students may take to avoid being too close inside of schools. Her concern was regarding days where the weather does not permit for these outside routes to be taken. She also voiced her concern for the social-emotional well-being of students entering a school year that is drastically different than their typical learning environment/academic experience.

Superintendent Bergeron informed the public and committee that he is meeting with Chris Duane tomorrow morning to discuss the before and after school programs for this fall. Currently, the Boys and Girls Club is running a summer program at Kane Elementary School.

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The Superintendent responded to the second caller's concerns about weather and outdoor routes; the administration will be evaluating and addressing these issues closer to the fall as they are still in the brainstorming phase for student routes. Mr. Bergeron also shares similar concerns for students social-emotional well-being, and he will incorporate answers to this concern, as well as to the other concerns, in the next presentation.

9. Action Items/Reports

A. MASC Resolutions

Mrs. Bodin-Hettinger presented the resolutions that the MASC Board of Directors recommends for the School Committee to accept and forward to the Resolutions Committee.

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to vote in favor of the COVID-19 State Funding resolution.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

Mrs. Murphy spoke about the curriculum in the district and how there will be more of a focus on oppression and social justice issues in subjects across the board. She also spoke about professional development on diversity and equity. Mrs. Bodin-Hettinger informed the committee that the November MASC conference has been cancelled, so Superintendent Bergeron encouraged the committee to pursue other avenues for professional development in these areas.

Motion made by Mr. Caruso, seconded by Mrs. Bodin-Hettinger to vote in favor of the School Committee Anti-Racism resolution.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

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B. Superintendent Evaluation

Mrs. Bodin-Hettinger explained that each School Committee member has submitted their evaluation of the Superintendent. She has combined these evaluations into one report. She read through the main data points of these evaluations and noted certain comments. Regarding the Superintendent's goals, the consensus among the committee was that the professional practice goal and the district improvement goal were met, and there has been significant progress made on the student learning goal. Mrs. Bodin-Hettinger read some comments from committee members, one specifically about the unique challenges the Superintendent has tackled throughout the FY20 school year.

Mrs. Bodin-Hettinger then discussed the four standards Mr. Bergeron is held to and evaluated on. Across the board, he was categorized as proficient in instructional leadership, management and operations, family and community engagement, and professional culture. Specific comments, written by School Committee members, for each of those standards were shared by Mrs. Bodin-Hettinger.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to accept the summative evaluation report.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

C. Acceptance of Donations and Gifts

FY21 113 DESE Education Emergency Relief (ESSER) Grant. The Department of Elementary and Secondary Education reviewed and approved a grant for the Marlborough Public School District to receive funding, valued at \$745,603.00, to address the impact that COVID-19 has had, and continues to have, on schools.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to accept this grant.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

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10. Reports of School Committee Sub-Committees: None.

11. Members' Forum:

Mrs. Hennessy thanked those who stepped up during these trying times to make everything work for students and the district.

Mrs. Matthews received the warrant from Mr. Dias tonight and will be reviewing and signing it tomorrow.

Mrs. Ryan welcomed Eileen Barry to the School Committee meetings. She is the new MEA Union President for this upcoming year.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to adjourn at 7:08 p.m.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

Approved August 25, 2020

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Call to Order

July 28, 2020

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 5:30 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, Eileen Barry, 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.

Superintendent Bergeron read the public participation guidelines.

3. **Presentation**

- A. **FY21 School Re-Opening**

Superintendent Bergeron reminded parents to fill out the bus pass survey so the district can have an accurate number of students who need to use the bus for the FY21 school year. Bus passes are required for students to be able to ride the bus; there is no fee for a bus pass.

The Superintendent reiterated the goals of potential re-opening plans/models.

The Commissioner of Education stated, last night, that he will reduce the 180-day student calendar by 10 days for relief purposes, specifically to provide more days of training and professional development for faculty and staff. Superintendent Bergeron will bring a revised calendar for approval to the August 11th School Committee meeting.

For both a full return and Hybrid model, it is still recommended that Kindergarten be AM/PM sessions every day.

Mr. Bergeron reintroduced the faculty comprising the three committees that have worked on opening for Fall 2020: Operations group, Instruction group, and Communications group.

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The district has been collaborating closely with the Board of Health since this pandemic began, and they will be an important piece to making these re-opening plans/models safe and successful.

The Superintendent introduced two of the Instruction group members, Mary Murphy and Jody O'Brien, to discuss the instructional models for all three re-opening plans: Remote learning, Hybrid model, and full return.

Mrs. Murphy presented the instructional model for Remote learning. She explained that the Instruction group thoroughly reflected on their Spring 2020 Remote learning model. In March, students received learning packets to complete, and then in April they transitioned to remote instruction. Mrs. Murphy further explained some details of the remote instruction and curriculum from that period, such as how it was not scheduled or graded, as well as the technology families received.

Mrs. Murphy discussed specific things the district has learned since March 2020. The district needs a consistent remote learning structure, proper training for faculty, access to technology and internet connections for families, flexibility for teachers to rely on technology in-classroom and during remote teaching, and the ability for teachers to create a school day remotely if needed. Reflecting on the Spring 2020 Remote learning model has aided the Instruction group in developing the potential model for this upcoming school year.

Mrs. Murphy outlined the potential Remote learning model for Fall 2020. This model would provide every K-12 student with necessary technology. 'Hot spots' would be provided to families to support their internet service. Students would have a daily remote schedule, and attendance would be taken with the same expectations as in-person class. All remote content would be graded as well. The goal is to make the teaching and learning in all three models feel 'natural', so there should be consistent tools and strategies across the board.

In her presentation, Mrs. Murphy shared a sample secondary online course structure that was piloted during remote summer school this year. This sample plan is color coded to indicate what a teacher, student, or both does, which would help teachers plan these lessons in one-hour blocks.

Jody O'Brien presented the instructional model for a Hybrid return. Mrs. O'Brien identified the goal and priority groups, which Superintendent Bergeron mentioned at the last School Committee meeting. These priority groups would have increased in-person learning during a Hybrid return, and they consist of Preschool students, Early Literacy for Kindergarten students, grades 1 and 2, targeted special education

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students, EL 1s and 2s, and High School sophomores and juniors who must take MCAS tests that are currently required for graduation. More details on these priority groups and their needs are specified in the online presentation. Students that are not in these priority groups would spend 50% of class time in a school and the other 50% at home or in another setting in a Hybrid return.

Mrs. O'Brien discussed the logistics of the Hybrid return; overall, content classes would be in-person while electives would be remote. The instruction and creation components for certain grades are outlined in this online presentation. The Instruction group identified the need for technology allowing teacher-directed small group work and collaborative groups. Zoom has been utilized by this year's remote summer school program, and there has been much success with using this technology for collaborative group efforts and assignments, so it may be used in the fall.

A table comparing the structure of the in-person class instruction week versus the remote class creation week was displayed in this presentation. The instruction week (in-person) is designed for guided instruction and collaborative learning, while the creation week (at home) is designed for focused lessons and independent tasks. The class size for instruction week consists of 11-14 students, spread 6 feet apart. Teachers and students would be required to wear masks. Students would stay in their home base (classroom) as much as possible. Priority students that would be attending in-person class full-time would follow these same guidelines. While the instruction week would utilize technology, the creation week would do so more in depth, as highlighted in this table.

Superintendent Bergeron analyzed and presented the initial findings on the Hybrid return survey. Most parents selected the one week on, one week off structure as their first choice for the Hybrid learning model. The Hybrid learning model plans were created based on this preference and result.

Mrs. O'Brien presented the instructional model for a full return. In this model, students would be spaced 3 feet apart. Students' movements would be limited in class and throughout the building, and they would stay in their 'base' for most instruction. Similar to the Hybrid learning model, technology would be utilized in classrooms for teacher-directed small group work and collaborative groups in the full return model. However, even in a full return, some content will need to remain remote due to health and safety regulations.

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Mr. Dias spoke on behalf of the Operations group while discussing the district's facilities, food services, and transportation. He began by talking about the cleaning and sanitizing measures that will be taken in MPS facilities. Mr. Dias explained that the district will be hiring additional custodial helpers. High-touch areas will be frequently sanitized. There will be a nightly deep cleaning and sanitizing of buildings using high-tech electrostatic and aerosol sanitizing sprayers.

Mr. Dias discussed the physical distancing measures taken in facilities, such as posting COVID-10 signage at the entrance and throughout all buildings. In a Hybrid return there will be a 6-foot distance between staff and student desks; in a full return there will be a 3-foot distance between students' desks. In cafeterias, bus queues and other areas that students usually congregate, there will be 6' markers. Each building will have medical waiting rooms. There will always be minimal traffic throughout the schools. There will be a 1:1 technology in K-12 to avoid students sharing devices.

Mr. Dias discussed the hand washing and hand sanitizing procedures and setups in facilities. Frequent hand washing and hand sanitizing will be required. Hand sanitizing stations will be located throughout the buildings, in locations specified in this presentation slide. All required hand sanitizer equipment needed for the fall has been purchased by the district and placed in schools.

To maximize use of HVAC systems, Mr. Dias explained that MPS will be working with the Department of Public Works (DPW) and their HVAC consultant. The filters will be changed and upgraded as needed.

Regarding food services, students will remain 6' apart while eating or will be separated by partitions. Students will be eating in non-traditional spaces. Lunch and breakfast will be served pre-packaged, and each school will create their own arrangements for how to serve these meals. During remote weeks, breakfast and lunch would be served on Mondays and Thursdays from pre-specified community-wide locations. The district has applied for the Community Eligibility Provision (CEP), which would allow all students to eat for free. The application has yet to be approved, but it seems likely it will be for the fall. Mr. Dias shared some sample seating layouts in his presentation slide.

Mr. Dias discussed the transportation situation for the fall; buses will be limited to 25 students or about 1 per seat in large buses. Students will wear masks, sanitize hands before loading the bus, and keep all windows open unless the weather is too severe.

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To maintain physical distancing, the loading and unloading of school buses will be staggered. A fourth transportation tier was created to allow for the maximum number of students transported to school, which Mr. Dias spoke about during the last School Committee meeting. The Marlborough Police Department will provide support as families and bus drivers adjust to new traffic patterns for the first two weeks. Mr. Dias re-emphasized the Superintendent's message that families must register for a free bus pass through the bus pass survey. Mr. Dias shared a sample bus seating layout in his presentation slide.

Mr. Dias reported on the financial resources the district has for this upcoming school year. These resources include the city's FY21 School Budget Appropriation, the ESSER Fund, the Corona Virus Relief Funding, the Municipal CAREs Act funding, and the Learning and Technology Matching Grant. The amounts of these funds and what they have been or will be used for are detailed in this report.

Mr. Dias noted that MPS has various employment opportunities for members of the community to help with the re-opening of schools. The public should visit the MPS Human Resources page to apply. Some jobs are not posted yet, however.

Last week a survey was sent to parents asking what their preference was for school in the fall for their child(ren), and Superintendent Bergeron reported the results for the remote only model (29.7%), hybrid model (35%), and full return model (35.3%). An additional survey was distributed to parents asking if they intend to keep their child(ren) home this fall, and 30.5% responded yes while a majority of 69.5% responded no.

Superintendent Bergeron recommends beginning the school year in the Hybrid learning model, based on the information presented and the planning of all three models. Mr. Bergeron explained his reasons for this recommendation to the School Committee. He believes this model would provide educational equity to groups of students, meaning many of those in the district's priority groups, that historically have not received what they deserve. This model also follows the guidance from DESE stating that students should be 6 feet apart. Transportation at a full return model is not possible now due to lacking the necessary extra resources. The Hybrid model allows for easier compliance with masks and physical distancing. Since a Hybrid model has about 60% of students in the building, there is not stress on health services as well.

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Superintendent Bergeron provided an example flowchart for the state protocols if a student tests positive for COVID-19 in an elementary school.

Mr. Bergeron met with Chris Duane, the President and CEO at the Boys and Girls Club, to discuss before and after school care. The Boys and Girls Club will provide before and after school care at each elementary school on the hybrid weeks for students in person on those days. They will also provide before school care for AM Kindergarten students and after school care for PM Kindergarten students. The district is still looking for childcare opportunities for K-5 students during the remote hybrid weeks. Mr. Caruso asked numerous questions, to which the responses and discussions are listed below.

Since public health data constantly changes, the Superintendent reiterated that the committee could vote to switch models based on these changes if necessary or the government could interfere and make a state-wide mandate at any point.

The extra 10 days of training and professional development given by the Commissioner of Education, as previously mentioned, will be used to focus on COVID-19 protocols, technology usage, etc.

Mr. Bergeron mentioned the need for a quick response time to technological issues that students or teachers have in a Remote or Hybrid model.

Mrs. Murphy explained that there will be a 100% Remote learning model provided to students who cannot return to school. The logistics and specifics of that model depends on the number of students that will need to utilize this service, and the state has provided support to guide districts depending on these numbers as well. The Superintendent will be reaching out to families soon to gather this data.

Mrs. Murphy discussed how the curriculum will work with a Hybrid learning model of an instruction week (in-person) and a creation week (at home).

In a Hybrid model and a full return model a Time on Learning waiver must be applied for by the district because the addition of a fourth bus run shaves off about 45-50 minutes of each in-person school day. Superintendent Bergeron explained that districts were told the Commissioner should approve the waiver if time loss is due to transportation.

According to Mrs. Murphy, Mrs. Baker has ordered materials to create individualized bags of supplies for art students to bring back and forth from school to home to complete assignments.

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MHS Principal Mr. Riley is working to design more student teams to enable students to be within the same groups and reduce intermingling. When possible, teachers will move between classes as opposed to students.

Superintendent Bergeron explained that the district is waiting on state guidance for how to perform some extracurricular or athletic activities.

Mr. Dias further explained the food services model for this upcoming school year and how they could work closely with families if there was an access issue, such as no adults or older kids being around to pick up meals on those Mondays and Thursdays.

The Superintendent noted that there are currently no bus monitors or a budget for such, and in these times, it would not make sense to have them since they cannot walk up and down aisles due to social distancing regulations.

Mr. Dias stated that all school principals have solid plans for parent drop offs, student walkers and student drivers.

Mrs. Hennessy asked about communication efforts for parents who decide to change their answer to the bus pass survey. Mr. Dias responded that there is contact information for the transportation coordinator on the district's website.

There was a discussion between Mrs. Hennessy and Mrs. O'Brien about the changing expectations since the Spring 2020 Remote learning model.

Mrs. Murphy explained that unless the federal government provides another waiver for MCAS this upcoming year, students must plan and prepare to take these standardized tests.

The Superintendent mentioned that he and Mr. Riley have proposed a make-up day in October 2020 for all juniors and seniors who missed any scheduled SAT exams. This will be on the school calendar proposal brought forth in August. Mr. Bergeron explained the many issues students have faced with SATs/ACTs.

Mrs. Murphy stated that world languages may or may not be categorized as an elective depending on the level; this categorization would determine whether a world language class is taught remotely or in-person.

Confidentiality laws for students remains intact in regard for potential COVID-19 cases; the administration cannot give out any personal or medical information about students.

Mrs. O'Brien and Mrs. Murphy discussed the potential to record in-person lessons and activities for sick students to access and participate in at home.

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Mrs. Murphy discussed some student assessments and their formats.

Superintendent Bergeron stated that the district could look at options for the technology setup of students/families during the initial 10 days of training and professional development.

Mr. Bergeron discussed the collection of data from parents about lack of technology, internet, etc. Many families who do not have internet access could not answer an initial survey. The district is looking into other ways to contact parents about their needs, such as via phone call.

Mrs. Murphy recommends that ninth grade students wait until sophomore year to take the science MCAS.

If the CEP program application is not approved, Mr. Dias said there are backup plans. Potential payment collection could be online as well, which is one of the backup plans, but there are other solutions in place before the district would resolve to this.

Mrs. Bodin-Hettinger asked for clarification about mask breaks at different levels. Superintendent Bergeron explained that doing these mask breaks outside on a walk, weather permitting, is the most preferred model of a mask break. However, plans for these breaks are still being discussed.

Mrs. Murphy explained that elementary schools incorporated 20-minute daily mask breaks into their schedules. Gyms could potentially be utilized for students to spread out and take a mask break. There may be some opportunities throughout the day during students' usual movements that permit temporary mask removal.

Mrs. O'Brien further discussed the potential for these mask breaks.

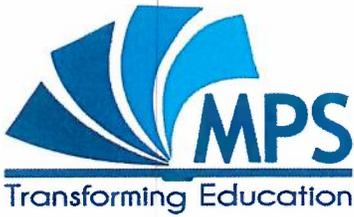
Mrs. Ryan asked for clarification about priority groups in the High School. The Superintendent responded with Mr. Riley's plan for sophomores and juniors. Ninth and twelfth grade students are going to be a part of the Hybrid learning model. Once juniors take the MCAS, the administration will work to get the ninth graders in-person as much as possible.

Mr. Bergeron clarified that he communicates with the local Board of Health consistently and has throughout the past months.

Mrs. Matthews asked for clarification regarding substitute teachers. The Superintendent stated some potential plans for substitute teachers, but these are in an early discussion phase.

Mrs. Matthews asked for expansion on the pre-school model of learning. Mrs. O'Brien explained that pre-school class sizes will be cut in half down to 7-8 students. Pre-school students who would typically be enrolled for four full days will be separated

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into two groups; group one would come in for full days on Monday and Tuesday, and group two would come in for full days on Thursday and Friday. Pre-school students who typically come in for four half days will be split into two groups with one group coming in for two mornings and the other group coming in for two afternoons. Pathway students will follow their IEPs.

Because the central office staff are moving from DEC to Whitcomb, there will be more space for the pre-school program to utilize.

Superintendent Bergeron mentioned that students from the same family will be on the same cohort schedule, meaning they will all be learning remotely together and attending in-person classes at the same time. The district will work with families to determine familial relations among students.

To determine the two different cohorts, the administration is using the alphabet to split students.

4. Committee Discussion/Directives: None.

5. Communications: None.

6. Superintendent's Report (the presentation takes the place of a formal report)

Superintendent Bergeron's presentation detailed in agenda item 3A takes the place of a formal report.

7. Acceptance of Minutes: None.

8. Public Participation:

A Marlborough resident, Donna Boxell of 42 Demers Drive, called the public participation phone-line to question when non-parents of students going to the new elementary school will be able to check it out.

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Superintendent Bergeron stated that Principal Mulkerin is currently giving tours of the new elementary school and will soon be looking to fill spots for non-parents or community members interested in tours. Community members should look at the new elementary school's website for a sign-up sheet that will be posted soon.

Another city resident, Kerry D'Almeidas of 185 Vega Road, called to voice her concern about the TLC program. She also expressed that her son has a reading disability and questioned if students on IEPs will receive extra services.

9. Action Items/Reports

A. FY21 School Year Model

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to vote in favor of the Hybrid learning model recommended by the Superintendent.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that the Policy Committee has not set their next meeting yet. There will need to be a meeting held to discuss policies around remote learning, masks, etc. Some guidelines can be incorporated into handbooks, but some must be voted into policies.

Mrs. Matthews reported that the district has been meeting with the MEA, and she thanked them for continuing the conversation around current events.

11. Members' Forum:

Mrs. Hennessy reminded people that she sits on the Sports Medicine Committee of the MIAA, and they just met yesterday about the 10 day change the Commissioner of Education made to the school calendar. It is possible that, if athletics even occur, they will be pushed back to start later. She also explained the reasoning behind some School Committee members attending virtually and some attending in-person.

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12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 7:42 p.m.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

Approved August 25, 2020

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Marlborough Public Schools

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CITY OF MARLBOROUGH
2020 AUG 26 P 12:04

School Committee
17 Washington Street, Marlborough, MA 01752
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Call to Order

August 11, 2020

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 5:30 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Heidi Matthews, Michelle Bodin-Hettinger, Denise Ryan, Katherine Hennessy, and Daniel Caruso. Member Earl Geary was remotely present. Also, physically present were Superintendent Michael Bergeron and Director of Finance and Operations, Douglas Dias. Assistant Superintendent of Teaching and Learning, Mary Murphy, and MEA Representative, Eileen Barry were remotely present.

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.

Superintendent Bergeron read the public participation guidelines, which include a new phone number to call for public participation.

3. Presentation

A. Update on FY21 School Re-Opening

Superintendent Bergeron reminded parents, once again, to fill out the bus pass survey for students to be able to ride the bus in the fall. The goal is to have assigned seating on buses in the fall.

Mr. Dias provided the email (transportation@mps-edu.org) for parents to contact if necessary. For instance, if a bus pass was initially requested but now their students will not be riding the bus, families should notify transportation services.

Superintendent Bergeron noted that the updated FY21 school calendar will be proposed later in the meeting with a start date of September 21st, 2020 and an end date of June 18th, 2021. A waiver for the later start date, and for the Time on Learning reduction due to transportation, has been secured. He asked that the School Committee votes on this proposed calendar during the correlating agenda item.

Mr. Dias updated the committee on operations in the district. The HVAC systems are being looked at with the help of an HVAC consultant who is aware of the CDC recommendations. Additionally, Interim DPW Commissioner, Ted Scott, and his team are analyzing these systems and suggesting any necessary modifications or upgrades.

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The MHS HVAC system is being worked on, and each school building's HVAC system will be assessed and modified, if necessary, before school begins.

The Superintendent mentioned that a report, including all necessary actions to take in buildings, will be crafted after the third party assesses each school.

Mr. Bergeron presented the early results from a survey asking parents if their child(ren) will be taking advantage of the remote learning option provided as an alternative to students. Out of the families that have answered the survey so far, over 50% of K-5 students plan to opt for this alternative model. These results are presented in detail by grade and by school in the corresponding presentation slide.

The Superintendent also briefly provided an update on district-wide staff concerns/needs, such as requests for medical leave or a leave of absence due to lack of childcare, for this upcoming school year. He then discussed some potential solutions for these issues, such as creating childcare options for faculty or using these staff members to remotely assist the students planning to utilize the remote learning model.

Mrs. Hennessy pointed out that a survey was distributed for staff to indicate their concerns/needs to the district.

Superintendent Bergeron spoke about how the administration will be collaborating with these faculty members throughout the school year to address their concerns/needs.

Mrs. Hennessy emphasized the importance of families and faculty responding to these surveys; the district needs accurate data to accommodate people's needs.

Mr. Bergeron mentioned that faculty should contact the HR department about any concerns/needs as well.

Superintendent Bergeron informed the public that on the district's website there is a FAQ link that will be continuously updated to provide information for the community.

Mrs. Matthews and Superintendent Bergeron discussed how the state has provided districts with more guidance on reopening schools and has presented the public with more pandemic-related data.

Chairman Vigeant discussed COVID-19 cases, trends, and testing in Marlborough.

Superintendent Bergeron explained that remote learning should be done in-house with MPS faculty and curriculum as opposed to through an outside vendor. A detailed plan for remote learning instruction still needs to be submitted to the state.

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Superintendent Bergeron read off the public participation details again, restating the phone number to call with questions or concerns: 774-243-0611, conference ID 731347572#.

Mr. Bergeron congratulated the Teacher of the Year, Jennifer Ryan, and the two runner ups: Chris Henry and Claire Nicholson.

B. Student Opportunity Act

Superintendent Bergeron presented the Student Opportunity Act (SOA) to the committee. The Commissioner said that the SOA will be delayed, but the Superintendent was already prepared to give the presentation, which is attached to this meeting's agenda. The ideas/items in this presentation are from the district's strategy for improvement plan, which was included in the budget presentation to the School Committee at a prior meeting. The funding for this bill has not materialized in the way that was expected. The Superintendent is legally obligated to give this presentation; the four priorities necessary for submission were thoroughly explained. The state approved the application for a drop-out prevention program at MHS, funding has been secured, and job positions have been posted so this program can begin this year. Money from the professional development budget will be designated to priority 4. Although they have already supported these priorities, the Superintendent needs the School Committee to do so again for legal purposes.

4. Committee Discussion/Directives: None.

5. Communications: None.

6. Superintendent's Report (the presentation takes the place of a formal report)

Superintendent Bergeron's presentation detailed in agenda item 3A takes the place of a formal report.

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7. Acceptance of Minutes: None.

8. Public Participation:

Prior to the meeting, Superintendent Bergeron received multiple questions via email from the Class of 2022 student representative, Jack Kamataris. Mr. Bergeron put him in contact with MHS Principal Dan Riley who could assist Jack, but the Superintendent shared some of these questions with the committee as well. Jack had logistical questions about classes, the discipline of students refusing to wear masks, the school day schedule, safety precautions for high-risk students, and more.

Mrs. Bodin-Hettinger noted that answers to some of these questions are on the parent FAQ page on the district's website, but it could be helpful to have a student FAQ page for high school and middle school students to refer to.

A Marlborough resident, Ellen Arsenault of 175 Anderson Road, called the public participation phone-line to question kindergarten screening and school day start.

Superintendent Bergeron responded to her question; kindergarten screening will take place between August 31st and September 18th so kindergarten can begin on the same day as every other grade.

It should be noted that members of the public may provide comment by dialing in to the specified number and extension during virtual School Committee meetings or via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question and answer session.

9. Action Items/Reports

A. FY21 School Calendar

Superintendent Bergeron proposed multiple changes to the school calendar. Certain professional development days were added and switched around as well. With these changes, school will begin on September 21st, 2020 and end on June 18th, 2021, which was the original end date on the previous calendar. He proposes to remove the early

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release days in September, October, and December but keep the early release days in 2021 as previously listed.

Mrs. Matthews emphasized the purpose of the later school start: train staff, reach out to families, etc.

Normal activities and nights are to be determined, according to Superintendent Bergeron, because the logistics to running them remotely still need to be figured out.

Mr. Dias briefly explained how the summer food program will continue up until school begins.

Mrs. Ryan suggested to adjust the time on the printed 2nd page of the calendar, that school days begin to avoid confusion as past start-times are still listed on this proposed calendar. She also pointed out some format and spelling issues.

Mr. Caruso asked about weather cancellations; Superintendent Bergeron explained that the Commissioner had said weather cancellations could potentially be remote learning days as opposed to make-up days for the end of the school year, but nothing has been decided or finalized yet.

The administration is looking at ways to potentially run a virtual Open-Door Day.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the calendar as amended.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

B. Student Opportunity Act Priorities

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the SOA priorities.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that tomorrow morning there will be a remote policy meeting. There will be new policies introduced as well as revisions made to existing policies due to changes from this pandemic. In the next School Committee meeting, many of these policies will need to be moved forward and voted on, thus suspending the rules.

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11. Members' Forum:

Mr. Caruso thanked parents and teachers for sending emails with their concerns and questions. He also commended the administration on their work throughout this pandemic.

Chairman Vigeant thanked the union leadership on the city side and school side.

Mrs. Matthews has reviewed the warrant and will sign it.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 6:48 p.m. Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

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Massachusetts Cultural Council

Marlborough LCC Meeting Agenda

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2020 SEP 10 A 7:32

Marlborough LCC Meeting *via remote access*

Date: Tuesday, September 8th at 6 PM

Attendees: Kathy Oliver Jones, Gabriele Luzzi and Samantha Perlman

Nonmembers in attendance: City Clerk Steve Kerrigan, Assistant City Clerk Wilson Chu

Absent: Monica Lucey

**All participants participated remotely given precautions around COVID-19. The public could access the meeting by clicking the link on the meeting calendar page or by dialing 617-433-9462 and using conference ID 456 587 179#.

- I. Meeting was called to order at 6:01 PM.
 - A. Attendance Roll Call.
 - Kathy Oliver Jones: present
 - Gabriele Luzzi: present
 - Samantha Perlman: present
 - Monica Lucey: absent
- II. Review minutes from June 2nd meeting
 - A. Motion made by Member Oliver Jones, seconded by Chair Perlman, to approve the June minutes.
 - B. Vote:
 - Kathy Oliver Jones: yes
 - Gabriele Luzzi: yes
 - Samantha Perlman: yes
 - Minutes were approved 3-0.
- III. Review grantee requests for event postponement and reimbursement.
 - A. Chair Perlman gave an overview around a proposed policy for future Cultural Council requests for modification and time extensions due to COVID-19. She described how Luis at Mass Cultural Council gave guidance recommending Councils to create a policy around having the Chair approve upcoming requests that involve time extensions instead of having a meeting each time a new request comes in. Member Luzzi commented that it would make sense to have a policy. Member Oliver Jones agreed that if it is just a time extension that would be fine but if there were larger changes, the Council should still meet. To answer a question from Member Luzzi, Chair Perlman described that the types of requests coming in are partial reimbursements, time extensions and modifications to the grant proposal.
 - B. There was discussion to approve a policy in which the Chair has approval to grant time extensions, partial reimbursements up to 50% of the original grant amount and minor modifications to the grant. If a larger modification to the grant, the Council would still have a meeting. Chair Perlman also gave background as to how she has waited for a critical mass of requests to come in before having a meeting.
 - C. Member Luzzi made a motion to approve a policy in which the Chair is granted autonomy to approve grant time extensions and partial reimbursements up to 50% of the

original grant amount. If a larger modification to the grant, the Council would still have a meeting. This was seconded by Chair Perlman.

1. Vote:

Kathy Oliver Jones: yes

Gabriele Luzzi: yes

Samantha Perlman: yes

Motion carries 3-0 to approve this policy change.

D. Council reviewed recent grantee modifications and time extensions that have come through since the last meeting.

1. Request 1: Northborough Area Community Chorus (NACC) for a partial reimbursement request of \$100 and modification to the program to shift to a virtual presentation rather than in-person concert.

a) Motion made by Member Oliver Jones, seconded by Chair Perlman to approve the request.

b) Vote:

Kathy Oliver Jones: yes

Gabriele Luzzi: yes

Samantha Perlman: yes

Motion to approve the partial reimbursement and modification was approved 3-0.

2. Request 2: Chamber Music MetroWest for a modification to their grant to be a virtual concert due to COVID-19.

a) Member Luzzi made a motion, seconded by Member Oliver Jones, to approve the extension and modification to virtual programming.

b) Vote:

Kathy Oliver Jones: yes

Gabriele Luzzi: yes

Samantha Perlman: yes

Motion to approve the modification was approved 3-0.

3. Request 3: Marlborough Makers request for a time extension.

a) Member Luzzi made a motion, seconded by Member Oliver Jones to approve the extension.

b) Vote:

Kathy Oliver Jones: yes

Gabriele Luzzi: yes

Samantha Perlman: yes

Motion to approve the extension was approved 3-0.

4. Request 4: Ghost Light Players request a time extension due to COVID-19 to August 2021.

a) Member Luzzi made a motion, seconded by Member Oliver Jones to approve the extension.

b) Vote:

Kathy Oliver Jones: yes

Gabriele Luzzi: yes

Samantha Perlman: yes

Motion to approve the extension was approved 3-0.

5. Request 5: Kane PTO requests a time extension.

a) Member Luzzi brought up a point that many projects have had to alter their original grant and this information should be considered for the upcoming grant cycle.

- b) Chair Perlman brought up the virtual programming addition proposed for the grant requirements that is later in the agenda. Member Luzzi mentioned the competition of previous year funding and how this information should be considered since grant projects are being postponed.
- c) Member Luzzi made a motion, seconded by Member Oliver Jones, to approve the Kane PTO time extension.
- d) Vote:
 Kathy Oliver Jones: yes
 Gabriele Luzzi: yes
 Samantha Perlman: yes
 Motion to approve the extension was approved 3-0.

IV. COVID-19 Grant Cycle Updates

- A. Chair Perlman provided additional information building off the earlier point of adding in new priorities for the Cultural Council's upcoming grant cycle, specifically to add in language around prioritizing virtual events that will be able to occur during the pandemic.
- B. Member Luzzi mentioned how the Council's priority should be whether the applicant is proposing the same program. If an applicant is postponing the same grant for next year, the Council should not fund the same event in the same year. He also recommended getting in touch with the library as they apply for many programs when applications open and should know about this change.
- C. Member Oliver Jones recommended the Council add in phrasing that applicants must specify a virtual means of how to host the activity in the grant proposal.
- D. Chair Perlman confirmed that yes, these applicants should not come to the Cultural Council with the same project and still have an outstanding grant for that project from the previous grant cycle.
- E. Member Luzzi recommended the program application should be in accordance with the current COVID-19 protocol about gatherings and events.
 - 1. Member Luzzi made a motion, seconded by Member Oliver Jones, to add in those new priorities as listed above: prioritizes current COVID-19 protocol, prioritizing virtual and COVID-19 friendly events and they must not have an outstanding grant for the same program with the Cultural Council.
 - 2. Vote:
 Kathy Oliver Jones: yes
 Gabriele Luzzi: yes
 Samantha Perlman: yes
 Motion to approve the new priorities for the upcoming grant cycle was approved 3-0.

V. Discuss upcoming community input survey.

- A. Chair Perlman reminded the Council of the need for a community survey in 2020 though this might shift due to COVID-19.
- B. Member Luzzi recommended reaching out to local artists and Chair Perlman also added that they want to hear from community residents.
- C. Chair Perlman also mentioned the outstanding possibility of an additional Cultural Council member to be added shortly, Emily Wilde, who is under review at the City Council's Personnel Committee. She also asked Council members to share additional information with others in the community to grow the Council's membership.

VI. Adjourning

- A. Motion to adjourn made by Member Luzzi, seconded by Member Oliver Jones.
- B. Vote:

Kathy Oliver Jones: yes
Gabriele Luzzi: yes
Samantha Perlman: yes
Motion to adjourn was approved 3-0.

Marlborough Cultural Council Meeting was adjourned at 6:34 PM.
Notes taken and respectfully submitted by Chair Perlman.

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2020 AUG 25 A 7:45

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING MARCH 10, 2020
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDEES: DEBRA MCMANUS, JOHN USINAS, DAVE DOUCETTE,
CHERYL SOUCY.

MEETING CALLED TO ORDER AT 4:03

MINUTES READ AND ACCEPTED 4 TO 0.

TREASURERS REPORT: ACCEPTED 4 TO 0. \$ 5,120.73

NEW BUSINESS

- DEBRA MCMANUS, JOHN USINAS AND CHERYL SOUCY WERE SWORN IN TO BE RE-APPOINTED TO THE COMMISSION ON DISABILITIES.
- THE COMMISSION RECEIVED A LETTER FROM A "CONCERNED RESIDENT" OF MARLBOROUGH, INVOLVING A CONCERN OF DISCRIMINATION AND VIOLATION OF ADA COMPLIANCE AT THE COUNCIL ON AGING. THE BOARD WILL INVITE PATRICIA POPE TO A MEETING.
- THE CHAMBER OF COMMERCE IS HOLDING A WELCOME RECEPTION, 3-1120, 5:30 PM.
- A MOTION WAS MADE TO HAVE COMMISSION ON DISABILITIES ENVELOPES PRINTED. ACCEPTED 4 TO 0.
- ELEVATOR AT COURT HOUSE AND WALKER BUILDING HAVING ISSUES WITH NOT WORKING.

OLD BUSINESS

- KINDLES PIZZERIA HAS TABLES OUT ON SIDEWALK BLOCKING ACCESS TO ENTRANCE. DAVE WILL LOOK INTO IT.
- DOWNTOWN PED SIGNALS ARE ALL WORKING WELL.
- DOMINO'S PIZZA PATIO AREA IS OPEN. RAMP IS IN VIOLATION. DAVE WILL CONTACT THE BUILDING INSPECTOR.

MOTION TO ADJOURN 4:54 PM PASSES UNANIMOUSLY.

NEXT MEETING TUESDAY JULY 7, 2020 IN THE MAYOR'S CONFERENCE ROOM 4TH FLOOR AT 4:00 PM.

RESPECTFULLY SUBMITTED,

DEBRA MCMANUS, CHAIRPERSON

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MARLBOROUGH COMMISSION ON DISABILITIES

MINUTES FOR MEETING JULY 7, 2020 AUG 25 A 7:45
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDEES: DEBRA MCMANUS, JOHN USINAS, DAVE DOUCETTE,
CHERYL SOUCY, PATRICIA CARLSON.

MEETING CALLED TO ORDER AT 4:00

MINUTES READ AND ACCEPTED 5 TO 0.

TREASURERS REPORT: ACCEPTED 5 TO 0. \$5,470.943

NEW BUSINESS

- DOUBLE T AND WELLY'S RESTAURANTS BOTH ARE USING PICNIC TABLES OUTSIDE. ARE THESE WHEELCHAIR ACCESSIBLE? DO THEY OFFER OTHER SEATING? MEMBERS WILL NEED TO CHECK THEM OUT.
- JOHN HAD PROBLEMS GETTING AROUND THE SIDEWALK TABLES AT WELLY'S RESTAURANT. WE WILL CHECK ON THEIR TABLE SET UP.
- PATRICIA CARLSON STILL NEEDS TO BE SWORN IN.
- A MOTION WAS MADE TO ALLOT \$3,000.00 FOR SUMMER CAMP SCHOLARSHIPS THIS YEAR. \$500.00 PER CAMPER. ACCEPTED 5 TO 0.

OLD BUSINESS

- THE COMMISSION ON DISABILITIES NEW ENVELOPES HAVE BEEN ORDERED BUT HAVE NOT ARRIVED. 500 FOR ABOUT \$163.00

- THE COMMISSION DISCUSSED THE LETTER IT RECEIVED FROM A “CONCERNED RESIDENT” OF MARLBOROUGH, INVOLVING THEIR ALARM OVER DISCRIMINATION, AND VIOLATION OF ADA COMPLIANCE, AT THE MARLBOROUGH COUNCIL ON AGING. THE BOARD WILL INVITE PATRICIA POPE AND THE MAYOR TO AN IN PERSON MEETING.
 - ELEVATOR AT COURT HOUSE AND WALKER BUILDING HAVING ISSUES WITH NOT WORKING. WE NEED TO FOLLOW UP ON THIS.
 - KINDLES PIZZERIA HAS CONTINUED TO PLACE TABLES OUT ON SIDEWALK BLOCKING ACCESS TO ENTRANCE. DAVE WILL LOOK INTO IT.
 - DOMINO’S PIZZA PATIO AREA IS OPEN. RAMP IS IN VIOLATION. DAVE WILL CONTACT THE BUILDING INSPECTOR.

MOTION TO ADJOURN AT 4:32 PM PASSES UNANIMOUSLY.

NEXT MEETING TUESDAY AUGUST 4, 2020 Microsoft Team Meeting

INFORMATION TO FOLLOW

RESPECTFULLY SUBMITTED,

DEBRA MCMANUS, CHAIRPERSON



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



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



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



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

June 18, 2020 Fort Meadow Commission Meeting Minutes

7:01 PM - Meeting called to order via Zoom

In attendance:

- Marlborough Commissioners Lee Thomson and Paul Gould and agent Carl Blatchley
- Hudson Commissioner Gary Pelletier
- Three residents from Hudson and/or Marlborough

Minutes:

- Minutes from May 21, 2020 meeting were reviewed and approved by Commissioners Lee Thomson, Paul Gould and Gary Pelletier as written
- Recreation Department
 - The Marlborough beach to open on 6/26/2020. The launch will be open 4 days a week, Thursdays & Fridays: 2PM-8PM, and Saturdays and Sundays from 10AM-8PM
 - The Hudson beach is closing for renovations on 6/19/2020
- Incidents
 - Many swimmers are swimming beyond the buoys at the Marlborough beach. The Commissioners have been instructing them on the dangers of swimming beyond those buoys and having them return to the swimming area
- Algae and Weeds
 - The lake will be treated for weeds on 6/29/2020, appropriate signs will be posted, letters were sent to abutters and notices printed in the papers
- Marker buoys
 - The Commissioners voted unanimously to purchase three 5-inch buoys to replace damaged ones
 - Agent Carl Blatchley will make the purchase and have them picked up to save shipping costs
- 2020 commission staffing
 - An agent is needed to assist in the east basin
- Fisherman Registration
 - The Marlborough recreation department asked the commissioners to issue a key to a fisherman who had not gotten one last year when they were replaced. The vote was unanimous.
- 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

7:26 PM - Meeting adjourned



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

July 16, 2020
Fort Meadow Commission Meeting Minutes

7:01 PM - Meeting called to order via Zoom teleconferencing

In attendance:

- Marlborough Commissioners Lee Thomson and Paul Gould
- Hudson Commissioner Gary Pelletier

Minutes:

- Minutes from June 18, 2020 meeting were reviewed and approved by Commissioners Lee Thomson, Paul Gould and Gary Pelletier as written
- Recreation Department
 - Marlborough Memorial Beach is open, and incidents and problems have stopped.
 - Hudson Centennial Beach will remain closed for the season due to construction.
- Incidents
 - A boat owner was speeding after dark on July 10. The owner was located and spoken to.
 - Boats remaining at the launch after closing were noticed and dealt with on three occasions by Commissioner Thomson.
 - On July 12, a swimmer was left 300 feet from a boat for 20 minutes, a neighbor rescued and returned him to the boat.
 - Commissioner Thomson located and reprimanded the boat owner.
- Algae and Weeds
 - Several complaints of weeds remaining after the treatment are in the process of being investigated.
- Marker buoys
 - Three new marker buoys have been ordered and paid for.
- Fisherman Registration
 - The fisherman log will be updated and distributed. An email will be sent to all participants reminding them of their responsibilities.
- 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

7:26 PM - Meeting adjourned

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2020 AUG 27 A 11:09

Marlborough Historical Commission Meeting Minutes

July 23, 2020

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2020 AUG 21 A 9:33

Location: Virtual meeting via Microsoft Teams due to COVID-19 emergency orders

Board Attendees: Robert Fagone, Brendan Downey, Cpt. Nicholas Evans (out of meeting from 8:13-8:15 due to connection issues), Andrea Bell Bergeron, Melanie Whapham, Pamela Wilderman, Alan Slattery (joined at 7:34 due to connection issues).

Absent: None

Additional Attendees (All remote): Councilor John Irish (Ward 5), George Voyiatzis, Mark Gibbs (IT support).

Meeting called to order 7:06 PM

1. Board members participating remotely: Robert Fagone, Brendan Downey, Cpt. Nicholas Evans, Andrea Bell Bergeron, Alan Slattery, & Melanie Whapham.
2. On the Motion to approve June 2020 minutes, the Commission voted as follows:

Bell Bergeron AYE Downey AYE Evans AYE Fagone AYE Whapham AYE Wilderman AYE

The motion passed.

3. Motion to move agenda item #3 (Plan Review, Future Plans, and Discussion of Marlborough Armory with owner/developer George Voyiatzis) to the next agenda item, the Commission voted as follows:

Bell Bergeron AYE Downey AYE Evans AYE Fagone AYE Whapham AYE Wilderman AYE

The motion passed.

4. Mr. George Voyiatzis, the owner/developer of 358-364 Lincoln St (aka The Armory) presented the latest set of plans for his development project to redevelop The Armory into a 21-unit residential property. The plan involves keeping the façade of the structure largely in place while reconstructing the majority of the building. The “language” of the façade has been preserved through the exterior of the new proposed structure. While every effort is being made to preserve the building there is extensive damage from years of neglect by the previous owners. MHC Board member Bergeron inquired about whether the new units would be condominiums or rentals. Mr. Voyiatzis stated that they would be rentals. MHC Board member Bergeron expressed concern that the property be maintained after the development project was completed and Mr. Voyiatzis stated that his plans involved long-term ownership. Mr. Voyiatzis requested the board send a letter of endorsement to the Massachusetts State Historical Commission so that he can continue the permitting process.

- a. On a motion to move to endorse the Armory concept presented on July 23, 2020, and to provide a letter as requested by owner/ developer George Voyiatzis, the Commission voted as follows:

Bell Bergeron AYE Downey AYE Evans AYE Fagone AYE Slattery AYE Whapham AYE Wilderman AYE

The motion passed.

5. Correspondence & Communications.

- a. Cmdr. Matt Sargent (USN Reserves) has approached the MHC Chair for support on a street naming initiative. Many of the streets in the city are named after veterans and there is some confusion with regards to situations where there might be multiple people with the same name.

It is the opinion of the chair that the designation should stay with the person originally honored. In cases where that cannot be determined, the decision on which person is honored should rest with local veterans' organizations, not the Marlborough Historical Commission.

- b. I-495/I-290 Ramp Project/Robin Hill Cemetery. The site mitigation requested by the MHC Chair has been approved by MassDOT and will be incorporated into the project. Additional plantings will be added as a view block to minimize the intrusion of the new ramp complex.
 - c. Historic stone wall at 684 Stow Rd (Scenic road). The Planning Board held a hearing and approved a reconstruction of the stone wall that runs parallel to Stow Rd at the front of the property. The property owner stated that he was not aware of the requirements involved with projects located on Scenic Roads despite the current city and state policies & processes in place. The Mayor's office contacted the MHC Chair and suggested that an education program is needed. Commission members Downey and Evans with work with the MHC Chair to coordinate city resources (DPW/Mayor's Office) to produce a simple informational document to educate residents of the locations and regulations of Scenic Roads located within the City.
6. Preservation by Education.
- a. Historic Preservation Review Period.
 - i. A new version of the presentation for the proposed ordinance has been completed and distributed to the Commission members for review before the August meeting.
 - ii. Commission member Bell Bergeron will draft the "rubric" that will include "a specific historic properties list" which will fall under the proposed ordinance. Commission members will review the rubric during the August meeting.
7. New Business
- a. No new business.
8. Commission member Evans was disconnected from the meeting at 8:13 PM and returned at 8:15 PM.
9. On the Motion to adjourn meeting at 8:29 PM, the Commission voted as follows:

Bell Bergeron AYE Downey AYE Evans AYE Fagone AYE Slattery AYE Whapham AYE
Wilderman AYE

The motion passed.

Respectfully submitted,
Brendan Downey

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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July 20, 2020
2020 AUG 31 A 9:41

Call to Order

After a brief delay due to a member connection issue, the **Remote Meeting** of the Marlborough Planning Board was called to order at 7:06 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. June 22, 2020

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the minutes of June 22, 2020. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings

A. **Public Hearing:** Petition of Mr. Robert Gentry of 684 Stow Rd. to remove and replace a stone wall along a scenic roadway. (Ref. MGL c. 40, § 15C (The Scenic Roads Act) **(Vote)**)

Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those Speaking in Favor 3) Those Speaking in Opposition 4) Comments and Questions from Board members.

Presentation:

Mr. Robert Gentry of 684 Stow Road joined the meeting remotely. His family purchased the home in December of 2018. They have been planning some renovations and wanted to include landscaping improvements, including replacement of the "highly unattractive stone wall" in front of the property. He was unaware of any restrictions to remove the wall that sits in the City's right of way of a designated scenic roadway. Photos of the existing conditions and several alternate wall designs were shown. They wish to remove the existing stone wall and replace it with a new cut stone and mortared 30" high x 18" wide wall running the length of the property and on one side of the driveway. He does not believe the current wall is in any historic condition, as a previous developer dumped a jumble of stones on top of the existing wall, including stones that could not have been part of any original wall. Mr. Gentry said the new wall will enhance the road and property and feels that there is no historic wall to preserve.

Those Speaking in Favor:

No person spoke in favor of allowing the tearing down or destruction of the stone wall.

With no further input, Ms. Fenby closed that portion of the public hearing.

Those Speaking in Opposition:

Mr. Robert Fagone of 132 Church St., Marlborough, identified himself as the Chairperson of the Marlborough Historical Commission. He opposes the destruction of the original stone wall. He acknowledged the poor state of the wall but pointed out that its condition is the result of the aftereffects of people damaging the wall. He explained that Stow Road is a scenic roadway and one of the oldest roads in Marlborough. Marlborough has both urban and rural elements and this wall and others in the area are representations of our rural past. The walls were built by farmers, not consistently by artisans. These walls should be preserved, he said, as historical artifacts. Without these regulations, these artifacts will disappear forever. As valid as Mr. Gentry's desire to beautify the property is, someone needs to consider the historic nature of these walls. He would like to come to some sort of mutual understanding to salvage the wall and incorporate the existing wall in the project.

Mr. Brendan Downey of 385 Simpson Rd. also joined the meeting remotely. He said he opposes the removal of the wall as both a resident and as a member of the Historical Commission. His opposition is in the same vein as Mr. Fagone. He also said it was regrettable that the wall was damaged, but he also believes that the wall should be preserved along this historic and scenic roadway. He pointed out that Sudbury St. is also a scenic roadway where the walls are inconsistent, because the walls were constructed in an ad-hock manner. He is interested in preserving their rural character, their real nature and what they represent. These walls are an important part of the fabric of the City, he said. With no further input, Ms. Fenby closed that portion of the public hearing.

Questions and Comments from Board Members:

Planning Board member, Chris Russ, asked Mr. Gentry whether the proposed wall was going to be used as a transitional retaining wall. Mr. Gentry replied no. Mr. Russ said that he preferred the stacked wall option shown in one of Mr. Gentry's photos. These historic stone walls can fall into disrepair, so he supports reworking the wall utilizing the historic stones and used 716 Stow Road (and 724 Stow Road) as similarly constructed yet maintained walls.

Mr. Hodge asked how long the wall has been there. Does the wall predate the home? The Board was shown a 1960 aerial photo of the property, which includes the stone wall. Ms. Fenby shared that the 1996 approved site plan for the 684 Stow Road home notes that the stone wall should be preserved.

Mr. Fay asked about the homeowner's landscaping plan showing grass paving stones along the roadway. Mr. Gentry acknowledged he was advised those will not be allowed. Mr. Fay commented that it is not the City's or Board's fault that he was unaware of the scenic roadway status along Stow Road. His attorney should have pointed that out.

Mr. LaVenture favors the protection and preservation of the wall. These regulations were put in place for a reason, he said. Mr. Fagone added that these stone walls are unique to this region. There are no natural, stone-lined roadways outside the northeast. Mr. LaVenture does not support destruction of what remains of the original wall just to make the wall more upscale or modern. He does not wish to set a precedent. Mr. LaVenture asked the members of the Historical Commission whether they believed the wall was salvageable. Mr. Fagone shared that the stone walls are historical remnants of farmers setting boundaries. While the wall is damaged, he believes a mason could build upon it with similar materials. Mr. LaVenture said he thought allowing the destruction and rebuilding with new materials would be defeating the purpose of state and local rules. Mr. Gentry reiterated his argument. He said Fossile (an area builder/developer) ruined the wall. He dumped rocks on the wall and added a lot of material that is not historical at all. Mr. Gentry believes that what remains of the wall is hideous and is not in any sense historic in nature. Chair Fenby said others may differ.

Mr. Elder said he is likely in the minority but said if Mr. Gentry's neighbors are not in opposition, he would support letting Mr. Gentry build a new wall. Mr. Downey said that as an area resident living at 385 Simpson Road, he disagrees with Mr. Elder that neighbors don't mind. With no further input, Ms. Fenby closed the public hearing.

Mr. LaVenture motioned to deny Mr. Gentry's request to tear down the existing wall and rebuild a mortared cut-stone wall at 684 Stow Rd. Mr. Fay seconded the motion as a courtesy. Yea: LaVenture, Fenby. Nay: Elder, Fay, Hodge, Russ. The motion did not carry. Mr. Elder initially motioned to allow the removal of the wall, but then withdrew the motion.

On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to consent to allow Mr. Gentry to rebuild a dry, stacked-stone wall utilizing existing stones and stones similar in nature to the former historic wall. Yea: Elder, Fay, Hodge, LaVenture (with reservation), Russ. Chair Fenby was in favor but added a condition that the wall be built with oversight by the City's Engineering Division to ensure the wall remained true to its original historic and scenic nature.

On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to consent to allow the petitioner to rebuild a dry, stacked stone wall utilizing the existing wall's original stones and, if necessary, stones similar in nature to the historical wall, with the following condition:

The City's Engineering Division shall review the wall's proposed construction plan to ensure the wall retains its scenic value. The Board recommends using 716 Stow Road and 724 Stow Road as models of maintained dry, stacked stone walls to restore the scenic and aesthetic characteristics of the wall along the scenic roadway.

The Board's consideration included the factors set forth in Ord. 497-3. In its decision, the Board heard testimony that the disrepair in the current wall is the result of past actions by other persons.

The roll call vote was taken once again. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. The Board's vote confirmed that the remaining historical stones should be incorporated into the new design.

5. Subdivision Progress Reports

A. Subdivision Status Report

Mr. DiPersio said there isn't much to report beyond the second Goodale matter on the agenda. Mr. DiPersio said the easement paperwork for the gas line was executed, and gas line scheduling for the Goodale Estates subdivision was proceeding. Ms. Fenby asked about the status of the approved definitive subdivision at 215 Simarano Dr. Mr. DiPersio stated that the submission filing was procedural only for zoning purposes, and they had no intention of building the subdivision. There is already a constructed storage facility on the site.

B. Goodale Estates – First Amendment to Subdivision Performance Agreement Secured by Surety Bond (Vote)

Mr. LaVenture read the email correspondence to Goodale Estates attorney, Adam Clavell. The email requests execution of two sets of the first amendment to the performance agreement for the Goodale Estates subdivision. The amendment extends the Completion Date in the Agreement from June 30, 2020 to December 31, 2020. The document provides evidence that the Security is extended as noted. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the items and to authorize Chair Fenby to sign the "First Amendment to Subdivision Performance Agreement Secured by Surety Bond" on behalf of the Board. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

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

7. Informal Discussion (None)

8. Signs

A. Sign Variance Request – Applicant: Greendale Physical Therapy, LLC, Property: 435 Lakeside Avenue Owner: EMAX LLC, Application: Signage Variance Pursuant to Section 526-6 (F) and Section 526-12.c (2) of the sign ordinance. Brian Grossman, representative, Bowditch & Dewey, LLP.

Presentation:

Brian Grossman joined the meeting remotely to make the variance request. He stated that his client wishes to add two 60" x 67" window signs at Greendale Physical Therapy located at 435 Lakeside Ave. Both signs exceed the 50% allowance per window. He said there are other windows and doors that are not covered, so he believes there is plenty of unobscured window space. Overall, the signs would cover less than 50% of total available window space. The window signs will be used for both advertising and wayfinding, and the signs will provide consistent branding for the company. Both signs serve as privacy screening for the treatment and waiting areas.

The representative shared other sites that have sign applications in conflict with the ordinance. Mr. Grossman believes that relief may be granted without substantially derogating from the intent and purpose of the chapter.

Questions and Comments from Members:

Mr. Elder asked if any of the examples shown were legal? Ms. Fenby thanked Mr. Grossman for bringing these applications to the City's attention. Mr. Fay asked if there were any practical difficulty in providing wayfinding? Mr. Fay sees nothing unique, no hardship, special circumstances or any compelling reason to grant the variance. Matt Elder commented on the privacy element of the signs. He said that there are many other ways to achieve screening that didn't involve signage. He also added that the complex is small and other property signage is adequate to identify the business. Mr. LaVenture strongly concurs, as do Mr. Hodge, Mr. Russ and Ms. Fenby.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to deny the variance for two signs in violation of **§526-6 F. Window signs.** *Permanent window signs shall not require a sign permit, provided that their aggregate display surface covers no more than 50% of the window or door on which they are placed.* Prior to the roll call vote, Mr. Fay clarified that a yea vote is a vote to deny the variance request. Roll call vote: Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. The variance request was denied.

The applicant failed to convince the Board that granting variances in each instance would not substantially derogate from the intent and purpose of the chapter. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the application. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

9. Correspondence

A. Transmittal of Environmental Notification Form (ENF) Allen & Major Associates re: 339 Boston Post Road East (Complete submission is filed and available at the Office of the Planning Board, 135 Neil St.)

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

10. Unfinished Business

A. Definitive Subdivision Application: Commonwealth Heights

Applicant – Marlborough/Northborough Land Realty Trust (Scott Weiss, The Gutierrez Company); Project Engineer - Connorstone Engineering, Inc. Location – 10.6 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14).

i. Engineering Review Letter

Mr. LaVenture read the July 16, 2020 review letter from Assistant City Engineer Collins into the record. The letter details the subdivision history as well as the refile of the subdivision plan dated October 24, 2019, last revised July 16, 2020, which includes 5 requested waivers. During the reading, Mr. LaVenture adjusted his audio for better clarity.

On a motion by Mr. Russ, seconded by Mr. Elder, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

ii. Definitive Subdivision Plan: (Vote on waivers and vote on approval of definitive plan, Rev. 7-16-20.)

Waiver Votes:

1) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:

To grant a waiver of Section IV. Design Standard § 676-12 for a Road Greater than 500 Feet.

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

2) On a motion by Mr. Russ, seconded by Mr. Elder, it was duly voted:

To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-24, B2 to reduce pavement width from 32 feet to 28 feet. Yea: Elder, Fay, Hodge, LaVenture, Russ,

Fenby. Nay: 0. Carried 6-0.

3) On a motion by Mr. Fay, seconded by Mr. Russ, it was duly voted:
To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-26, A (1), to reduce the sidewalk width from 6 feet to 5 feet. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

4) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:
To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-27, A, to allow for a grass strip between the granite curbing and the sidewalk. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

5) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:
To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-28, A to allow for street tree plantings to be staggered Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Definitive Subdivision Vote:

On a motion by Mr. LaVenture, seconded by Mr. Russ, it was duly voted:
To approve the following definitive subdivision plan with each of the five waivers granted:

Definitive Subdivision Plan of Commonwealth Heights in Marlborough, Massachusetts
Owner: Marlborough/Northborough Land Realty Trust
Subdivider: Commonwealth Heights, LLC
Prepared by: Connorstone Consulting Civil Engineers and Land Surveyors
Date: October 24, 2019 (Last revised 7-16-20)
Plan to be endorsed after the twenty (20) day appeal period, provided no appeal has been filed.
Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

iii. Draft Covenant (**Refer draft covenant to Legal.**)

Mr. Wiess submitted a draft covenant to the Board. Mr. Fay noted that a reference to the previous subdivision covenant should be removed from this document. Also, the conditions outlined in the June 7, 2020 Memorandum from the Conservation Commission and the June 18, 2020 email from the Board of Health should be explicitly incorporated into the covenant noting they are agreed conditions of the plan approval.

On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:
To accept and incorporate conditions submitted by the Conservation Commission on June 7, 2020 and the Board of Health on June 18, 2020 in the Definitive Subdivision Covenant, and to refer to the Legal Department to certify as to proper legal form. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Mr. DiPersio indicated that Engineering is in contact with the Legal Department and will assist in preparing the covenant for signing (prior to endorsement, if no appeal) at the next meeting of the Planning Board on August 24, 2020. Mr. Fay asked City Engineer DiPersio when we can expect the construction schedule. Mr. DiPersio said that the construction schedule is part of the 1st performance agreement.

10. Unfinished Business (cont.)

B. Timeline working group discussion (George LaVenture, Christopher Russ)

Mr. LaVenture indicated he and Mr. Russ have scheduled a meeting of the working group with Engineering for later that week. The goal will be to create timeline and "decision tree" for Planning Board subdivision approvals.

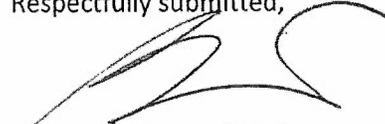
11. Calendar Updates

- A. 8-13-20- Provided no appeal, City Clerk Certification of Commonwealth Heights Definitive Subdivision Plan dated 7-16-20.

12. Public Notices of other Cities & Towns (None)

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



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2020 AUG 31 A 9:17

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held as a **virtual meeting** on Wednesday, July 29th, 2020 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Assistant Commissioner of Operations for the DPW Theodore Scott and City Clerk Steve Kerrigan. Also present: Assistant City Engineer Tim Collins, Officer Andy Larose from the MPD Traffic Services Unit, City Councilor Katie Robey and City Councilor Sean Navin. Also present: local resident – Cheryl Pacitto Crowley.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:02 am and began by welcoming everyone and making introductions.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, 6-24-20 were discussed. Minor typo noted and 3 additional items added under “additional handouts” used at meeting.

MOTION was made, seconded, duly VOTED:

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

2 - New Business –

2a) Issues Concerning Right Turn from Pleasant Street onto Berlin Road.

The Traffic Commission received an email from the resident of 2 Berlin Road on this issue. Her concern is that vehicles taking the sharp right turn from Pleasant onto Berlin constantly enter the end of the driveway to make the turn. Her mailbox has been knocked down three times. Cars in her driveway are in constant danger of being hit and it is unsafe for her children to play outside. She said in her email, “there clearly is not enough

room for cars to make that turn”. She wants to know what can be done and how can she make that happen? She plans on putting up cameras to at least record who hits her mailbox.

Tim Collins pulled up a photo of the intersection on the screen along with several diagrams of the intersection layout including one showing the design of the turn (see attached). He noted the small strip of land north of the island that is part of the intersection layout. When coming out of Berlin Road, you have to look back about 135 degrees to see oncoming traffic. He also said that anything the City would want to do here is in the portion of Pleasant Street that is state owned (see diagram) and would require their permission.

Mr. Collins said that Engineering would first have to conduct a field study to get good data and see what is actually happening, however, it appears that it would make more sense to turn from Pleasant onto Berlin at the northern section of the island instead of the southern section and place signs to this effect. The alignment could be reconfigured to make it more of a T intersection than a Y intersection. They could possibly shrink up the existing island and play with the grading. Mr. Collins said he can't imagine a tractor trailer trying to make this turn. The intersection should be designed for a tractor trailer.

Cheryl Crowley was in attendance virtually and said that cars actually come into her driveway and reverse to make the clearance. She said this happens every day and she is scared when her children are outside. She asked if there was anything that could be done in the interim to address this situation. Mr. Collins said that we could try a street sign for Berlin Road at the northern end of the island so maybe cars would turn sooner. Coming southbound on Pleasant there could be a “Turn Here” sign. Ms. Crowley asked if it would be possible to place a “No Right Turn” sign at the peak of the island. Mr. Collins said that yes, this is feasible, based on the sharp turn.

Chief Giorgi asked if anyone had any opposition to this. All agreed this was a good idea. Mr. Collins will send the Chief the wording to create the regulation for a No Right Turn at this location. A new street sign for Berlin Road can be installed right away.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to create the wording for the No Right Turn regulation and to install the new street sign.

2b) Signage on Lincoln Street regarding Truck Traffic.

Sgt. Attaway sent an email regarding this issue. He said that the Traffic Unit has received multiple complaints about TT units disregarding or unaware of the truck exclusion on Lincoln Street, beyond the Broad Street intersection, down to Lakeside Ave. Officer Larose pulled up a photo of the truck exclusion sign on Winter Street. He asked if a sign similar to this one could be used for Lincoln Street. It is more obvious and much easier to see. Chief Giorgi asked if there were signs there already. Officer Larose said yes there are signs at Lincoln and Broad Street, but they are very small and by the time the TT driver realizes there is a restriction he is already going in that direction. He is not asking for something new just a clearer warning with better signage. It was asked if some type of sign could be added to the existing pole with the No Parking sign. Mr. Collins advised that it would require a bigger pole with 7 feet of clearance.

Mr. Collins provided a diagram with the 2 Commercial Truck Exclusions highlighted in yellow. The red markings indicate truck exclusion signs. The exclusion is for 2 ½ ton vehicles. The signs were put up to keep trucks off Lincoln Street. Mr. Collins expressed confusion as to what else is needed as they already have extra signs in place for this. He thinks it is because trucks know they are not supposed to be on Lincoln Street, but they just don't care. It was noted however, that some of the signs refer to 10-ton trucks. They should all say 2 ½ ton trucks as this is what is in the regulation for the truck exclusion. These signs can be corrected. It may be possible to look at better placement, so trucks are not making the turn without knowing.

Mr. Scott said that he prefers the Winter Street sign as it is much clearer and asked if we could try it and see if it helps. He asked if a truck could even make the turn from Broad Street to Lincoln Street. Mr. Collins advised that the sign at Lincoln and Broad Street has to follow MUTCD guidelines.

Officer Larose said that a lot of truck traffic comes off East Main Street. He pulled up a photo of the intersection of Stevens and East Main Street for reference. The sign for the truck exclusion is after the intersection so trucks just keep going. He asked if we could have an advance warning sign before they hit this area. Mr. Collins also said that East Main Street is in the State layout and he would need permission from them. It would be better to get trucks into the left lane at this intersection and then they don't get overcommitted.

MOTION was made, seconded, duly VOTED to REFER ENGINEERING to get permission from the State for an advance warning sign for the truck exclusion on Lincoln Street.

2c) River Street Concerns.

Pam Wilderman sent an email to Chief Giorgi regarding complaints about the auto places using River Street as "a giant parking lot". She is asking if there are any parking restrictions here and if the Traffic Commission could review it again. She said that two-way traffic is almost eliminated due to the way vehicles are parked and it is also a problem for fire trucks.

Chief Giorgi advised that he drove over here himself and saw that Automax and other auto dealers are parking all along River Street. He asked them to move the vehicles, which they did, however, they were back the next day. He asked if No Parking signs could be installed here. Tim Collins pulled up a diagram of the area which had the width of River Street at various points marked in red. He said that there is not enough room to support 2-way parking. The east side is residential with the exception of one roofing company. The west side is mostly commercial. He also said that this is an all-day issue and that there are no cars parked here at night.

Chief Giorgi asked if we could put in a time restriction and should it be on one side or both sides. It was discussed that if time limit parking was on the commercial side, they would just move to the other side. It seems like a better option to restrict parking on both sides of River Street.

Ted Scott questioned the time limit parking as residents should be able to park there after the businesses close. Mr. Collins advised that there is not enough residential use. They all have driveways and there is only 25 feet of pavement. If vehicles are parked on both sides, there is no way two-way traffic can fit. It's too narrow. The cars you have here are the overflow from the commercial automotive shops. He would suggest No Parking on both sides at any time. All agreed that this seems like the best option.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to draft the language and send to Chief Giorgi to create the regulation for a vote at the next meeting.

3-Old Business

3a) Parking Issues on Lakeside Ave.

Update: All signs have been installed. This issue is all set and can be **REMOVED from the next agenda.**

3b) Brigham Street Concerns.

Update: Tim Collins advised that he is still waiting on the new truck count. He has tried to do it on Stevens Street, however, he thinks the ground was too hot and it wasn't working properly.

MOTION was made, seconded, duly VOTED to TABLE until the new truck count has been completed.

3c) Traffic Issues on Stevens Street (Including Chandler & State Traffic).

Councilor Navin sent an email to Chief Giorgi to follow up on the discussion regarding no left turns onto Chandler and State Streets. He said that he distributed flyers to the neighborhood a few weeks ago regarding the possibility of restricting left turns during commuting hours. He said that the feedback has been very positive, though some have asked questions about possible exemptions for residents and also including Akroyd.

Officer Larose advised that he had the electronic speed sign out on Chandler Street (WB) from 7/4/20 to 7/10/20 to collect data. He put the Extended Speed Summary on the screen and reviewed the results. The speed limit is 30 mph. The average speed was 23.45 mph. The 85th percentile was traveling at 26.8 mph. The average volume per day was 358 vehicles. The summary also breaks the information down per hour.

Councilor Navin said that the general consensus was positive if it would help to decrease the traffic volume especially during the 4 to 6 pm timeframe. Tim Collins advised to look at the green bar graph. He said that between 2 – 7 PM the volume is 3 to 4 cars per minute. This does show a good stream of traffic for a residential road.

Chief Giorgi said that in his opinion if we were to restrict the left turn from Stevens to Chandler that we also do the same for State Street. Councilor Navin said it would also be very helpful if we could get Waze to include this restriction in their directions.

Officer Larose asked if the timing of the lights at Lincoln and Bolton had been changed. If the timing were extended and more vehicles could get through at a time this would help also. Mr. Collins does not think that anything has changed.

All agreed that if this were to be implemented here, basic requirements would need to be set, as other areas would be looking for the same thing. For example, one criteria could be a volume of 4 to 5 cars per minute per hour. Chief Giorgi agreed that this would be a good idea. Engineering would need to develop a standard or we would get many more requests for other streets.

Officer Larose asked if we could start with what Councilor Navin suggested about contacting Waze before any changes are made. Councilor Navin said that he had success with this once before when detours were set up. He doesn't think that they will do anything without a rule in place first. Steve Kerrigan asked if we could make the regulation and then have Waze stop sending cars that way and see if that helps? Signs could be added later if necessary. Officer Larose said no that the Police can't enforce the regulation with out it being signed. Councilor Navin also mentioned those who have been taking this same route for years. It would have to be enforced for everyone, including neighborhood residents. Ted Scott asked where the signs would be placed. This is a plowed sidewalk route with a stone wall. The sign would need to be on Stevens Street stating, "No left on Chandler".

Fire Chief Breen questioned what would happen to those 120 cars that could no longer turn there. Do they just cause more of a traffic backup at Bolton and heading to Lincoln and Union? What happens to the intersection now with so many more vehicles there? He understands that citizens want relief but he's trying to understand the consequence also. Councilor Robey said she does understand. She knows, for example, that school gets out at 3:00 so she would never go down Union Street at that time. Waze sends you down the side roads to get around the traffic. It takes multiple light sequences to get through the intersection. If you don't let cars turn off, they don't have much option.

Officer Larose said that he has done 5 speed studies here over the years and there are no speeding issues.

Chief Giorgi said that this is a difficult decision. He's thinking of what Fire Chief Breen said about all the extra vehicles that will be at the intersection. We do not want to push people toward Union Street during school dismissal. Maybe the time should be 4:00 to 7:00 pm. Councilor Navin said that the traditional commuting hours would be best. All agreed that a specific regulation was needed. For example, a street volume of 3 to 4 cars per minute in order to restrict the left turn. If this threshold is met, a specific timeframe can be chosen. Ted Scott said that several trigger points should be established.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to draft the appropriate language for the regulation.

3d) Lincoln Street & Union Street – Missing "NO TURN ON RED" signs.

Tim Collins had sent the language for No Turn on Red (specific time frame eliminated) at both intersections to Chief Giorgi. The Chief prepared the regulations and presented them for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the regulation for No Turn on Red at any time at the intersection of Union and Bolton (traveling west). ALL IN FAVOR.

MOTION was made, seconded, duly VOTED to APPROVE the regulation for No Turn of Red at any time at the intersection of Lincoln and Bolton (traveling west). ALL IN FAVOR.

The regulation for No Right on Red on Main Street, traveling eastbound, at the intersection of Bolton Street, was also reviewed.

MOTION was made, seconded, duly VOTED to APPROVE the regulation. ALL IN FAVOR.

Approved regulations will be forwarded to Steve Kerrigan for advertisement.

3e) Parking and Sidewalk Issue on Crescent Street.

Update: Chief Giorgi advised that he contacted the resident of Crescent Street to explain what was discussed at the last meeting and gave him the update. Tim Collins spoke with the DPW and the sign will be going up to direct traffic to exit through Mount Pleasant instead of trying to turn around on Crescent. The sign should go up today.

MOTION was made, seconded, duly VOTED to keep this item on the agenda until confirmation that the proper signage has been installed.

Tim Collins asked to refer back to the Truck Exclusion

Mr. Collins said there is currently a Commercial Truck Exclusion on Glenn Street and there is no need for it. It was created when Glenn Street continued out to Forest Street which is no longer the case. This regulation should be repealed. He pulled up a diagram of the area showing where Glenn Street was dead ended at Ames Street. The section of Glen Street between Ames Street and Forest Street was re-named as part of Ames Street. He asked if we can vote on this now and he will then forward the wording to the Chief to create the repeal of the regulation.

MOTION was made, seconded, duly VOTED to REPEAL the Commercial Truck Exclusion on Glen Street. ALL IN FAVOR.

Officer Larose asked to suspend the rules to discuss an item no on the agenda.

Parking Issues on Mill Street

Officer Larose said that back in May he was having issues with cars being parked in the old Ferguson area. It was cleared up at the time, however, he went back today and saw that the same thing is happening again with the public way that is part of Mill Street Central. There were No Parking signs here, however, now he found that the signs were literally cut down and the one on the pole was ripped off. The area was loaded with vehicles. He asked if the City could put jersey barriers there and replace the signs. He

also advised that he emailed Pam Wilderman from Code Enforcement. The vehicles are all unregistered. He said that he doesn't think that an emergency vehicle could get through. Could it be blocked off for good and made into a green space? Or barrier it for now and make it a Tow Zone to keep them from putting all these unregistered vehicles there.

The first thing would be to get it cleared and get the signs up to mark it as "No Parking – Tow Zone" and put up the barriers. Normally if someone is parked in a No Parking area it results in a ticket. This would clearly mean that if you parked vehicles here, they would be subject to tow. Tim Collins advised that he can put together the wording for the required regulation.

He pulled up google maps and showed the same issue around Brodeur's Auto Body. Code Enforcement needs to look at this area as well as these are also all unregistered vehicles. Chief Giorgi said that if we are doing this for the North side it would make sense to make the entire length of Mill Street "No Parking – Tow Zone". This would solve the problem for the whole street. It is a City street that should not be used as a private parking lot. Ted Scott asked if a camera should be installed as well. Chief Giorgi said yes if the signs get removed again but let's start with the new regulation and getting the vehicles removed. The entire area will be posted as a Tow Zone.

This item will be added to the Agenda for the next meeting under New Business and Mr. Collins will provide the language for the regulation.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:21 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, July 29, 2020 including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, June 24, 2020.
- Email from Cheryl Pacitto Crowley to City Council, forwarded to Chief Giorgi on 7/12/20, Re: 2 Berlin Road, Intersection with Pleasant Street.
- Email from Sgt. Attaway forwarded by Karen Lambert to Chief Giorgi 7/21/20, Re: Lincoln Street Signage
- Email from Pam Wilderman, Code Enforcement Officer, to Chief Giorgi, dated 7/22/20, re: River Street.
- Email from Councilor Navin to Chief Giorgi, dated 7/20/20, Re: Chandler/State Traffic.
- Extended Speed Study Report for Chandler Street WB

Additional Handouts:

-Diagrams of Intersection of Pleasant St. & Berlin Rd. – one showing the area that is a state owned, one showing lines of sight, one showing turn radius and one with proposed signage for turn.

-Copy of Ch. 586-51 from City Code showing Schedule VII: Heavy Commercial Vehicle Routes.

-Diagram of Commercial Truck Exclusion on Lincoln Street.

-Diagram of Commercial Truck Exclusion on Glen Street.

-Wording to repeal the Heavy Commercial Vehicle Route on Glen Street

-Diagram of River Street with roadway widths indicated.

-Wording to repeal the time restriction for No Right on Red on Lincoln Street and wording for the new regulation and the corresponding regulation.

-Wording to add the intersection of Union Street and Bolton Street to the schedule of No Right Turns on Red and the corresponding regulation.

-Wording to add the intersection of Main Street and Bolton Street to the schedule of No Right Turns on Red



City of Marlborough
Zoning Board of Appeals
140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3768

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Minutes

August 10, 2020 7:00 PM

THIS MEETING WAS HELD VIRTUALLY THRU MICROSOFT TEAMS

Location: 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 and Thomas Pope.

Board Member attending in City Hall-3rd Floor, Memorial Hall – Thomas Golden, Robert Levine and secretary, Susan Brown

Note: Paul Giunta recused himself from this case.

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 July 7, 2020. It was informed thru our IT Department that this meeting was being recorded.
2. Atty. Brian Falk was present virtually. He informed the Board that the Conservation Commission is still in review of the plans, and that an Order of Conditions have not been issued.
3. At the consent of the applicant's attorney, Brian Falk, a motion was made by Ralph Lofton, seconded by Thomas Golden to continue the public hearing to August 25, 2020 at 7:00 P.M. A roll call vote was taken: Ralph Loftin-yea, Robert Levine-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 4-0 to continue the hearing to August 25, 2020 at 7:00 PM.

Locaton: 22 Second Rd.
Zoning Board Case # 1465-2020
Applicant: Tracy Rockwell-owner. Representative/Applicant: Kevin Figueiredo
Date of Appeal – May 14, 2020

Zoning relief requested: Proposes to construct an addition at 22 Second Rd. being Map 6, Parcel 8 on the left side of the existing structure that will be 9.1 ft. from the side lot line. Also requesting relief on an increase of Lot Coverage from an existing 32% to 37.2%, (maximum Lot Coverage is 30%) Table of Lot Area, Yards and Height of Structures. This is a lawful pre-existing non-conforming single-family house lot and your proposed addition intensifies the existing non-conforming nature of the structure, which requires relief by way of a Special Permit stated in City Code section 650-58B. Located in Zoning District Residence A-3

Members present: Meeting in city hall, 3rd floor-Memorial Hall were Board Members: Roll Call: Paul Giunta-Chairman-yea, Thomas Golden-yea and Robert Levine-yea and Secretary-Susan Brown.

Meeting remotely were: Ralph Loftin-yea and Thomas Pope-yea.

Also, meeting remotely was the applicant, Tracy Rockwell and Representative-Keith Figueiredo of Kevin Figueiredo Services, 40 Temi Rd. Hudson, MA 01749.

Notice of the hearing was given by Certificate of Mailing to all persons to be affected, as shown on the most recent tax list and by publication in the Main Street Journal, a newspaper of general circulation in Marlborough, MA

Documents Submitted in this Appeal:

- Plan entitled: Building Permit Plan, prepared by: Ducharme & Dillis, dated: Jan. 27, 2020, Revised Feb. 12, 2020. Scale 1"=20'.
- Denial letter from Building Dept. Jeffrey Cooke, dated April 15, 2020
- Application for Special Permit received May 14, 2020

Record proceeding:

The property in questions is located at 22 Second Rd. being Map 6, Parcel 8 of the Assessor's Maps. This lot has 5,000 sq. ft. with 50 ft. of frontage. Tracy Rockwell, applicant and owner of lot in question attended the meeting remotely. Representing her was Kevin Figueiredo, contractor also attended remotely.

The applicant is seeking a deviation of side yard setback and lot coverage. **Side yard setback** for structures built prior to Jan. 27, 1969 can be 10 ft. to the side lot line. This house was built in 1940. **Lot Coverage** - existing 32%, required 30% and proposed 37.2%.

Kevin Figueiredo, contractor. stated the following:

1. The house currently has 2 bedrooms with no closet space. Only one bedroom can be used as a bedroom. The second room has a floor trap door with a set of folding stairs which leads to the basement. This second room cannot be used as a bedroom because of the

floor trap door with folding stairs to the basement which is in the way from adding furniture to the room.

2. Would like to construct an addition to the left of the house (as you face the house). The addition will replace the exterior bulkhead to the basement. The location of the stairs from the bulkhead will remain in that location, just located within the house.
3. The addition will also provide much needed closet space to the 2 bedrooms.
4. The existing bulkhead is 6 ft. out from the house.

Tracy Rockwell, owner of house, stated the following: The house was built in 1940. Her reason for the addition is solely for “safety” reasons.

The house has one bathroom

It was suggested by a Board member that the applicant could construct a second floor. But the applicant stated it would be more costly. Or maybe go with a smaller addition. The Board realized that whatever revised plan the applicant may present, they may need some relief from the zoning code.

In viewing the lot, Board member, Ralph Loftin, felt that the lots in the neighborhood were similar in size and shape to the lot in question this evening. He also felt that the proposed addition will take up most of the lot, especially the side yard. There are many small single-family homes in this area, located near Ft. Meadow Reservoir. He felt that in the past, these small cottages were combined with other lots to create larger lots.

There was some discussion about the topography of the lot in question.

Abutter speaking in opposition:

- John Barbosa – 11 First Rd. – He is located to the back of the lot in question. He stated that the lot slopes towards the back end of the yard. He feels he will not be impacted by this petition.
- Nancy Marrazzo - 18 Second Rd. – her house is to the left of the lot in question. She has concerns about privacy. The proposed addition will look into her bedrooms. The distant from her house to the side lot line is some 15 – 17 ft.

There was no one present to speak in favor of the petition.

Mr. Figueiredo stated he cannot understand why the applicant could not be granted a small request to just re-locate here exterior bulkhead to the interior of the house. There was much discussion about the roll the Board has on this petition.

The Board stated they must determine if this lawful pre-existing, non-conforming single-family lot and structure with the proposed addition will intensify the existing non-conforming nature of the structure and lot. Considering the lot in question is already pre-existing, nonconforming with 5,000 sq. ft. and 50 ft. of frontage, the existing house covers a good portion of the lot. The proposed addition would intensify the lot and the neighborhood.

Mr. Figueiredo stated there are many lots in the area which are similar in lot area, shape and frontage and it appears that these lots were granted permission to expand. The applicant is not asking for much.

Board felt that the proposed addition will intensify the existing conditions and be a detriment to the neighborhood. Ralph, Board Member, visited the site and he sees it as a very tight lot. Many houses near the lake are small lots and when purchasing lots in these smaller lot areas, one should be aware of the limitations of the lot. Bob Levine could not support the petition knowing it will overcrowd the lot.

The Board gave the applicant the option to Withdraw Without Prejudice or be denied. The applicants chose to "Withdraw Without Prejudice".

A motion was made by Robert Levine and seconded by Thomas Pope to allow the applicant to "Withdraw Without Prejudice". A roll call vote was taken: Paul Giunta-yes to withdraw without prejudice, Thomas Golden-yes to withdraw without prejudice, Thomas Pope-yes to withdraw without prejudice, Robert Levine-yes to withdraw without prejudice and Ralph Loftin-yes to withdraw without prejudice. Vote 5-0 to Withdraw without prejudice.

A motion was made by Robert Levine, seconded by Ralph Loftin to close the public hearing. A roll call vote was taken: Paul Giunta-yea, Ralph Loftin-yea, Robert Levine-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 5-0 to close the public hearing.

A motion was made by Paul Giunta, seconded by Thomas Golden to adjourn. A roll call vote was taken: Paul Giunta-yea, Ralph Loftin-yea, Robert Levine-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 5-0 to adjourn.

Adjournment - With no other business, a motion was made by Ralph Loftin and seconded by Thomas Pope to adjourn. A roll call vote was taken: Ralph Loftin-yea, Thomas Pope-yea, Thomas Golden-yea, Paul Giunta-yea, and Robert Levine-yea. A vote of 5-0 carries.

Respectfully Submitted,


Paul Giunta
Chairman