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CITY OF MARLBOROUGH

2018 MAR -1 P 12:55

1. Minutes, City Council Meeting, February 26, 2018.
2. PUBLIC HEARING: On the Proposed Zoning Amendment, adding the Assabet River Rail Trail Overlay District, (ARRTOD), Order No. 18-1007137, X17-1006983.
3. Communication from Urban Affairs Chairman Delano re: Proposed Zoning Map Amendment, Expansion of the Marlborough Village District.
4. Communication from the Mayor re: Reappointments of Robin Williams and Jim Griffin to the Board of Health for three year terms, expiring the first Monday in February, 2021.
5. Communication from the Mayor re: Reappointments of Robert Kays, Brenda Calder and Mark Vital to the Parks and Recreation Commission for three year terms, expiring three years from the date of their confirmation. Also, recognize Nancy Klein for her six years of service as she will be stepping down this summer.
6. Communication from Attorney William Pezzoni, on behalf of First Colony Drive One, LLC, re: Proposed Zoning Ordinance Amendment, for property at 90 Crowley Drive.
7. Application for Special Permit from New England Hydroponics, to use an existing property for retail sales of gardening supplies, 19 Brigham Street, Unit 6.
8. Petition of NGrid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East.
9. Communication from James Harrington, 51 Christie Way, #52E, re: The Heights Wheeler Hill.
10. Communication from Norfolk County Agricultural High School re: Notification of tuition rates for the 2018/2019 school year.
11. Minutes, Planning Board, January 22, 2018.
12. Minutes, School Building Committee, December 4, 2017 & December 11, 2017.
13. CLAIMS:
  - a. Kevin Brasley, 10 Sherwood Meadows, Pembroke, NH, pothole or other road defect.
  - b. Robert Clark, 67 Vega Road, residential mailbox claim 2(a).
  - c. Ellen Leonard, 137 Desimone Drive, pothole or other road defect.
  - d. Sohir Mankaruos, 1 Spruce Drive, Upton, pothole or other road defect.

REPORTS OF COMMITTEES:

**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.**

## UNFINISHED BUSINESS:

From Finance Committee

14. **Order No. 18-1007164 – Mid-Year Transfers for \$472,860.00** - The Finance Committee reviewed the Mayor's letter dated February 1, 2018 requesting 5 mid-year transfers totaling \$472,860.00 from various departments. **The Finance Committee voted 5 - 0 to approve each of the 5 transfers totaling \$472,860.00.**



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**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**FEBRUARY 26, 2018**

Regular meeting of the City Council held on Monday, February 26, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:39 PM.

**ORDERED:** That the Minutes of the City Council meeting FEBRUARY 5, 2018, **FILE**; adopted.

**ORDERED:** That the PUBLIC HEARING On the Proposed Zoning Ordinance to further amend Chapter 650, § 650-59.C (11) entitled "Extension of time for action; leave to withdraw," as it pertains to Special Permit applications, all were heard who wish to be heard, hearing closed at 8:07 PM.

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

**ORDERED:** That the PUBLIC HEARING On the Proposed Zoning Ordinance to further amend Chapter 650, several subsections as it pertains to the Medical & Recreational Use of Marijuana, all were heard who wish to be heard, hearing closed at 9:20 PM.

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

**Councilor Juairé recused.**

**ORDERED:** At a regular meeting of the Marlborough City Council held on Monday, FEBRUARY 26, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

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 BY ADDING THERETO AS FOLLOWS:

1. Section 650-5, entitled "Definitions, Word Usage," is hereby amended by adding to said section the following definitions:

**MARIJUANA ESTABLISHMENT:** a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, marijuana delivery-only retailer, marijuana social consumption primary use establishment, marijuana social consumption mixed-use establishment, craft marijuana cooperative, marijuana transporter, marijuana micro-business, or any other type of licensed marijuana-related business, including but not limited to medical marijuana treatment centers which convert to or collocate with any of the aforementioned classes of marijuana establishments.

**RECREATIONAL MARIJUANA:** marijuana subject to regulation under 935 CMR 500.00, entitled “Adult Use of Marijuana,” as promulgated by the Massachusetts Cannabis Control Commission, the laws of the Commonwealth of Massachusetts, and the regulations and ordinances of the City of Marlborough.

**MARIJUANA ACCESSORIES:** equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

2. A new Section 650-38, entitled “TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES,” is hereby added, as follows:

**650-38 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES**

**A. Purpose**

By vote of the state election on November 8, 2016, the voters of the Commonwealth approved a law, Chapter 334 of the Acts of 2016, which regulates the cultivation, distribution, possession and use of marijuana for recreational purposes. By act of the Legislature, Chapter 351 of the Acts of 2016, the Cannabis Control Commission must issue initial regulations by March 15, 2018 and begin accepting applications for licenses by April 1, 2018. The Cannabis Control Commission must also adopt final regulations by July 1, 2018.

Pursuant to section 3 of chapter 94G of the Massachusetts General Laws, a municipality may adopt zoning regulations that impose reasonable safeguards on the operation of marijuana establishments. Chapter 334 of the Acts of 2016 also established the Cannabis Advisory Board to, among other things, advise on the preparation of regulations. It is expected that the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board’s will provide guidance to the City concerning the regulation of recreational marijuana establishments and marijuana retailers.



## B. Temporary Moratorium

The regulation of recreational marijuana establishments and the sale of marijuana accessories raises complex and novel legal, planning, and public safety issues. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of recreational marijuana establishments and the sale of marijuana accessories. The temporary moratorium will provide the City with time to study, plan, consider and promulgate ordinances to address said complex and novel issues, including but not limited to assessing and incorporating State regulations, in a manner consistent with sound land use planning goals and objectives.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for or by recreational marijuana establishments and the sale of marijuana accessories, as herein defined, including but not limited to accessory uses and home occupations. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City; consider Cannabis Control Commission regulations regarding recreational marijuana establishments, the sale of marijuana accessories, and related uses; consider such guidance as may be provided by the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board; determine whether the City shall restrict any or all recreational marijuana establishments, the sales of marijuana accessories or related uses through any available legal means, adopt provisions of the Zoning Code to address the impact and operation of recreational marijuana establishments, the sale of marijuana accessories, and related uses; and consider such other and further matters as set forth in M.G.L. c. 94G, § 3, M.G.L. c. 64N, § 3, and 935 CMR 500.000.

The moratorium shall be in effect through December 31, 2018 or the adoption by the City Council of ordinances that address recreational marijuana establishments, the sale of marijuana accessories, and related uses, whichever occurs first in time.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE JOINT PUBLIC HEARING WITH PLANNING BOARD FOR MARCH 19, 2018**; adopted.

**Councilor Juairé recused.**

ORDERED: That the new elementary School Project which includes the following bond, refer to **FINANCE COMMITTEE AND ADVERTISE BOND**; adopted.

That the City of Marlborough appropriate the amount of Fifty-Six Million, Four Hundred Eighteen Thousand, Three Hundred and Thirty-Eight Dollars (\$56,418,338) for the purpose of paying the cost of a proposed new K-5 Elementary School to be constructed in Marlborough, MA on an existing athletic field located on a portion of land on Poirier Drive, which land is owned by the City of Marlborough and known and numbered on the Assessors Map of the City of Marlborough as Map 30 Parcel 12, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City of Marlborough may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee.

To meet this appropriation, the Comptroller/Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City of Marlborough acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Marlborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Marlborough; provided further that any grant that the City of Marlborough may receive from the MSBA for the proposed Project shall not exceed the lesser of (1) sixty-seven and seventy-one hundredths percent (67.71%) of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that, if invited to collaborate with the MSBA on said Project, the amount of borrowing which is authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Marlborough and the MSBA.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Mass Wildlife Management Grant awarded to the Conservation Commission in the amount of \$44,500.00 to hire a contractor to mow the shrub area and to remove dead girdled trees; adopted.

ORDERED: That the Appointment of William Doherty to the Parks and Recreation Commission for a term to expire three years from date of City Council approval and recognize Dennis Zilembo who resigned, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Samantha Khosla to the Library Board of Trustees for a term to expire three years from date of City Council approval and recognize Ray Johnson's years of service, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Apex Center-Open Covenant and Restriction refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE & CONSERVATION COMMISSION**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MARCH 19, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Marlborough Car Care, 175 Lakeside Avenue, for a new LED internally illuminated price sign measuring 4' by 8', refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Motion by Councilor Delano to allow applicant to send notices either by Certified Mail, Return Receipt Requested or utilizing Certificate of Mailing; Carries.

ORDERED: That the Communication from Director LaScola, Department of Agricultural Resources, Division of Crop and Pest Services re: Apiary Program, **FILE**; adopted.

ORDERED: That the Communication from the Central MA Mosquito Control Project re: Budget Notification & Compliance Certification Policy, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, January 18, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Public Library Board of Trustees, January 2, 2018, **FILE**, adopted.

ORDERED: That the Minutes, License Board, December 27, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, January 2, 2018, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, January 9, 2018 & January 23, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, January 17, 2018, **FILE**; adopted.

ORDERED: That the Minutes, OPEB Trust, October 27, 2017, **FILE**; adopted.

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

- a. John Nicholson, 302 Sudbury Street, residential mailbox claim 2(a).
- b. Anthony Ranallo, 120 Pleasant Street, Unit 204, Watertown, pothole or other road defect.
- c. Shawn Lambert, 50 Hamilton Circle, pothole or other road defect.
- d. Sylvia Colon, 655 Boston Post Road, Apt. 211, Sudbury, pothole or other road defect.

## Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday February 12, 2018  
In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy, Landers and Doucette.

The meeting convened at 7:00 PM.

**Order No. 18-1007164 – Mid-Year Transfers for \$472,860.00** - The Finance Committee reviewed the Mayor's letter dated February 1, 2018 requesting 5 mid-year transfers totaling \$472,860.00 from various departments. **The Finance Committee voted 5 - 0 to approve each of the 5 transfers totaling \$472,860.00.**

The Finance Committee adjourned at 7:27 PM.

Councilor Tunnera reported the following out of Personnel Committee:

City Council Personnel Committee  
February 26, 2018  
City Council Chamber, 2<sup>nd</sup> Floor  
City Hall, 140 Main Street

Convened: 6:00PM – Adjourned: 6:20PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Landers.

Councilors Clancy, Dumais, Ossing, and Robey; Councilor Doucette arrived late; Also: Mayor Vigeant; Appointees: Sean Fay, Colleen Hughes, Christopher Russ, Greg Gallagher

**Order No. 18-1007168 - The Appointments of Christopher Russ and Greg Gallagher to the Planning Board for five-year terms to expire the first Monday in February 2023. Recommendation of the Personnel Committee is to approve the appointments of Christopher Russ and Greg Gallagher to the Planning Board. 3-0**

**Order No. 18-1007169 - The Reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board for five-years terms which expire on the first Monday in February 2023. Recommendation of the Personnel Committee is to approve the reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board. 3-0**

Motion made by Councilor Irish, seconded to adjourn. The motion carried 3-0. The meeting adjourned at 6:20 PM.



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

ORDERED: That the Appointments of Christopher Russ & Greg Gallagher to the Planning Board for five-year terms to expire the first Monday in February 2023 and to thank Brian Dupont for his time on the Planning Board as he's not seeking reappointment, **APPROVED**; adopted.

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

ORDERED: That the Reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board for five-years terms which expire on the first Monday in February 2023, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:39 PM.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JANUARY 8, 2018

## ORDERED:

At a regular meeting of the Marlborough City Council held on Monday, JANUARY 8, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by adding a new Section 650-37 as follows:

### ARTICLE VI

#### §650-37 – RAIL TRAIL OVERLAY DISTRICT

##### A. Purpose and Objectives

- (1) The Assabet River Rail Trail Overlay District (herein, the “ARRTOD”) 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 establishment goals of the ARRTOD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting pedestrian and bicycle friendly development complimentary to the Assabet River Rail Trail.
- (2) For the purposes of this section, the ARRTOD shall be superimposed on the other districts existing at the time of the adoption of this Section. The ARRTOD consists of (i) the Assabet River Rail Trail property, and (ii) the parcels identified in Exhibit A annexed hereto and incorporated by reference herein.

##### B. Authority of Permit Granting Authority

- (1) The City Council shall be the Permit Granting Authority for Special Permit Approval in the ARRTOD. In all instances, a development which proceeds under the ARRTOD is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JANUARY 8, 2018

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## ORDERED:

- (2) The City Council may, by special permit in accordance with Section 650-59, permit a "Rail Trail Development", defined in Subsection C, on any lot or combination of lots located in the ARRTOD (a "Development Parcel") provided that the Rail Trail Development compliments the Assabet River Rail Trail by improving the appearance of the Development Parcel as seen from the Assabet River Rail Trail, encourages the use of the Assabet River Rail Trail, and provides certain public amenities (including, but not limited to, landscaping, trash receptacles, public safety enhancements, or other benefits) that enhance the Assabet River Rail Trail, either at the Development Parcel or, in the discretion of the City Council, at other locations along the Assabet River Rail Trail.

### C. Eligible Uses, Dimensional Controls:

- (1) A Rail Trail Development shall include any use allowed in the underlying zoning district, either as of right or by special permit, in addition to the following:
  - a. Retail sales and services, up to 5,000 square feet of gross floor area per establishment.
  - b. Restaurant, café with or without table service (including outside seating and service) without drive-thru, up to 5,000 square feet of gross floor area per establishment.
  - c. Residential uses, with such density as seemed appropriate by the City Council.
- (2) A Rail Trail Development may include multiple uses, which may be commingled into a single structure or structures or may be located in multiple separate structures on one building lot.
- (3) A Rail Trail Development shall be subject to the dimensional, parking and landscaping requirements of the underlying zoning district and for the use or combination of uses of the Rail Trail Development, provided, however, that the City Council may elect to vary dimensional, lot coverage, and parking requirements by Special Permit if, in the City Council's opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this Section. This authority shall continue subsequent to initial occupancy.



# IN CITY COUNCIL

Marlborough, Mass., JANUARY 8, 2018

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ORDERED:

## EXHIBIT A

The newly established Assabet River Rail Trail 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:

1. The Assabet River Rail property, from the Marlborough-Hudson municipal boundary line to the intersection of Highland and Lincoln Streets.
2. Assessors Map 43, Parcel 29 (19 Ash Street).
3. Assessors Map 56, Parcel 125 (269 Mechanic Street).
4. Assessors Map 56, Parcel 96 (3-7 Longley Street).
5. Assessors Map 56, Parcel 85 (297 Lincoln Street).
6. Assessors Map 69, Parcel 345 (283 Lincoln Street).
7. Assessors Map 69, Parcels 340, 341, 342 and 343 (293 Lincoln Street).

Be and is herewith **SET A PUBLIC HEARING FOR MARCH 5, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007137  
X17-1006983A



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March 1, 2018

HAND DELIVERED

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

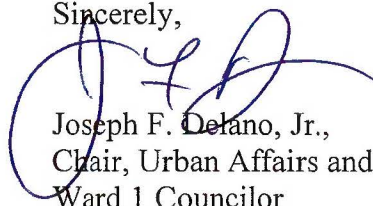
**Re: Proposed Zoning Map Amendment:  
Expansion of Marlborough Village District**

Dear Councilor Clancy,

Please accept this request to introduce a proposed amendment to the Zoning Map to expand the Marlborough Village District to include the property containing the stairs connecting Main Street and Devens Street. This district line adjustment will add approximately 376 square feet of land to the Village District. Enclosed is a Proposed Order that would effect this Zoning Map amendment.

I ask that the Council kindly refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Delano", is written over the printed name and title.

Joseph F. Delano, Jr.,  
Chair, Urban Affairs and Housing Committee,  
Ward 1 Councilor

## **PROPOSED CITY COUNCIL ORDER**

### **ORDERED:**

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said Zoning Map is amended by extending the Marlborough Village District shown on the City of Marlborough Massachusetts Zoning Map by including in said Marlborough Village District the area labeled "Proposed Zoning Amendment" on the map entitled "Marlborough Village District Zoning Amendment" described as follows, which area is currently located in the Residence B District:

Beginning at the 'RB' & 'MVD' Zoning District line at the southwest corner of property located at 9 McEnelly Street, listed as Lot 36 on Assessors Map 70, said point also located at the east side of the McEnelly Street stairway right-of way, thence

Northerly along said McEnelly Street stairway right-of-way 46 FT, thence

Westerly 8 FT across said stairway right-of-way to the 'RB' & 'MVD' Zoning District line. Said point also being the southeast property corner of 20 McEnelly Street (Lot 76 on Assessors Map 70) and northeast property corner of 163-165 Main Street (Lot 77 on Assessors Map 70), thence

Southerly 45 FT along the westerly side of said stairway right-of way to a point, thence

Easterly 7 FT across said right-of-way to the point of beginning.

The above described area consists of 376 square feet.

ADOPTED

In City Council

Order No. 18-

Adopted

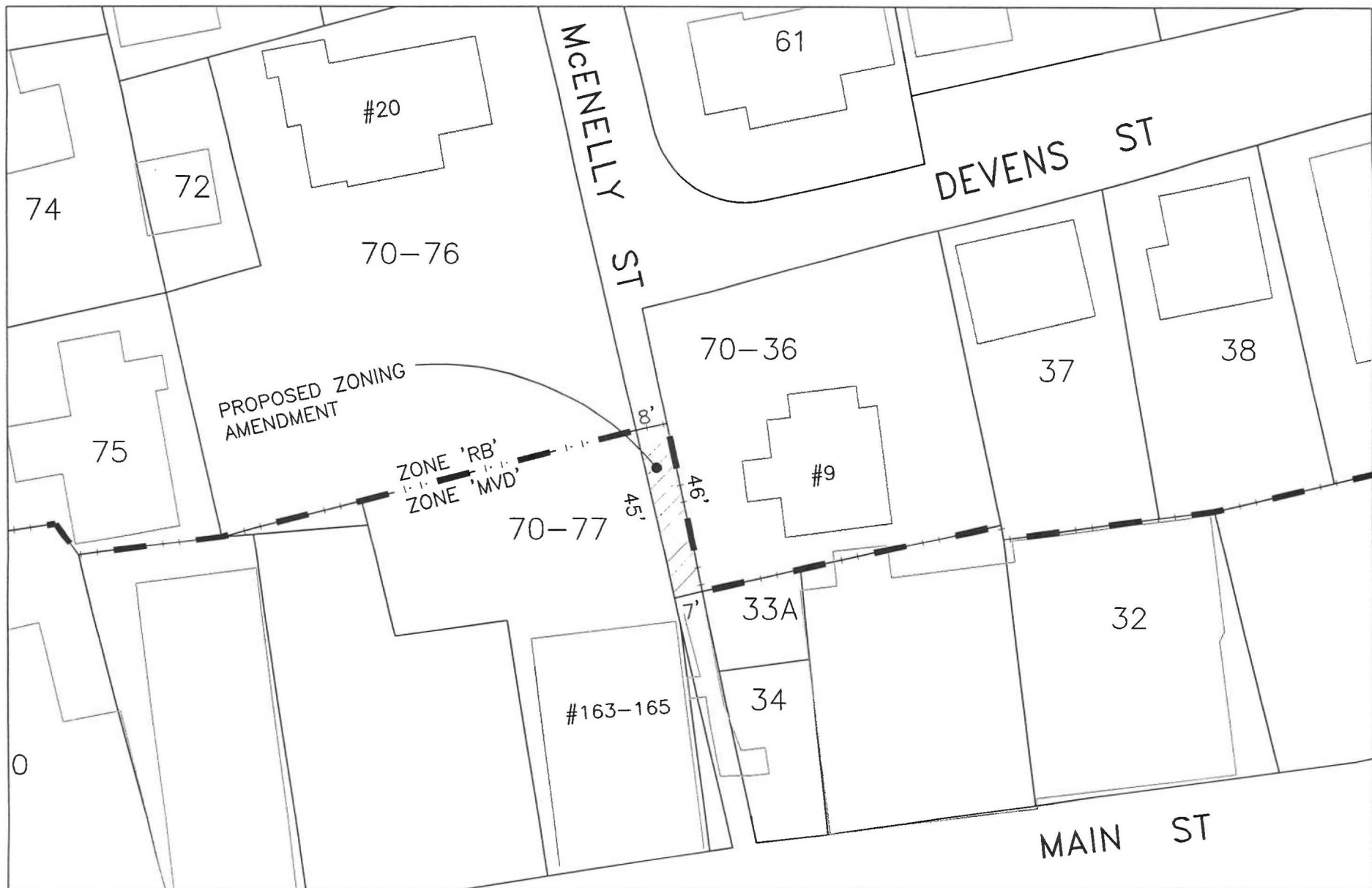
Approved by Mayor

Arthur G. Vigeant

Date:

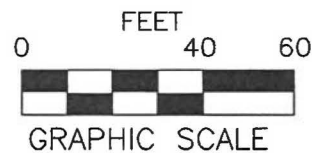
A TRUE COPY

ATTEST:



# MARLBOROUGH VILLAGE DISTRICT ZONING AMENDMENT

DATE: JANUARY 31, 2018



PREPARED BY:  
BRUCE SALUK & ASSOC., INC.  
CIVIL ENGINEERING & LAND SURVEYING  
576 BOSTON POST ROAD EAST  
MARLBOROUGH, MA 01752



# *City of Marlborough*

## *Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 1, 2018

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

**Re: Board of Health Reappointments**

Honorable President Clancy and Councilors:

I am pleased to submit for your review and confirmation the reappointments of Robin Williams and Jim Griffin to the Marlborough Board of Health for three year terms to expire the first Monday in February 2021.

Ms. Williams and Mr. Griffin have both been excellent members on our Board of Health throughout their tenures. They bring many years of public health and medical experience to the Board and have worked closely with the Health Department to ensure it runs smoothly and promotes healthy living across Marlborough.

Sincerely,



Arthur G. Vigeant  
Mayor

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# *City of Marlborough*

## *Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 1, 2018

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

**Re: Parks and Recreation Commission Reappointments**

Honorable President Clancy and Councilors:

I am pleased to submit for your review and confirmation the reappointments of Robert Kays, Brenda Calder, and Mark Vital to the Marlborough Parks and Recreation Commission for three year terms to expire three years from the date of their confirmation.

Nancy Klein will be moving out of Marlborough this summer, but will continue to serve until she moves. I want to thank Nancy for serving on this Commission for the past six years.

Our Parks and Recreation helps oversee our many facilities and programs throughout Marlborough. With many changes in recent years thanks to our investments into improving our facilities, the Commission has ensured proper oversight and programming for all our fields and playgrounds.

Sincerely,

  
Arthur G. Vigeant  
Mayor

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**WILLIAM M. PEZZONI**  
Attorney at Law

One International Place  
Boston, MA 02110  
T: (617) 345-4777 F: (617) 206-9339  
wpezzoni@daypitney.com

February 28, 2018

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

**Re: Proposed Amendment to Marlborough Zoning Code,  
Article VI, §650-22: Retirement Community Overlay Districts**

Dear President Clancy: :

On behalf of First Colony Crowley Drive One, LLC, the owner of the property located at 90 Crowley Drive in Marlborough, I enclose a Council Order for the above referenced amendment. Pursuant to §650-60, I respectfully request that this zoning text amendment be placed on the March 5, 2018 agenda of the City Council for referral to the Planning Board for public hearing.

The purpose of the proposed amendment to the Retirement Community Overlay Districts section of the Zoning Code is to broaden the housing choices in Marlborough for seniors above 55 years who wish to live independently in Marlborough in a high quality multifamily residential community. Specifically, the amendment allows for the development under the Retirement Community Overlay District of an independent senior living multifamily facility in addition to the existing detached and townhouse style dwellings currently allowed under this overlay district.

The *Multifamily Market and Fiscal Impact Analysis* completed for the City by RKG Associates in 2017 underscored the importance to Marlborough of providing all residential development types, that there is a high demand for new multifamily housing, and that age-restricted housing is "the most lucrative fiscal strategy for the Town." The February 8, 2018 Metropolitan Area Planning Council (MAPC) discussion draft being discussed by the Council's Urban Affairs & Housing Committee also recognizes the importance of this type of housing to the City meeting its housing goals. Because the RCO District is an "overlay" zoning district it allows the City to target appropriate areas and corridors where this type of development is most appropriate. Because any development under the RCO District requires City Council special permit approval, the City can insist on high quality projects that are designed to be compatible with surrounding uses.

Edward J. Clancy, City Council President  
Town of Marlborough  
February 28, 2018  
Page 2

We look forward to the Planning Board public hearing on this proposed amendment and the opportunity at that time to explain more fully the reasons why the addition of multifamily independent senior living as a housing type under the RCO District is needed in Marlborough.

Sincerely,



William M. Pezzoni

WMP/cmf

Enclosure

cc: Brian Blaesser, Esq.

## IN CITY COUNCIL

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ORDERED

Marlborough, Mass., \_\_\_\_\_

PAGE 1

**THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS 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 BY AMENDING AND ADDING THERETO AS FOLLOWS:**

1. Section 650-22.A, entitled "Purpose" is hereby amended to read: Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by allowing for the development of retirement communities that provide housing choices for persons aged 55 or over and for the development of other multifamily residential housing on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities, will provide an appropriate environment for a retirement community and for other multifamily housing which may be developed in conjunction therewith.
2. Section 650-22.C, entitled "Permitted uses" is hereby amended to read: Permitted uses – Detached and Townhouse Style Dwellings. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a retirement community, as defined in § 650-5, consisting of detached dwelling units or townhouse style units subject to the following provisions:
3. Section 650-22, entitled "Retirement Community Overlay Districts," is hereby amended by adding to said section a new subsection D as follows:

**D.**

Permitted uses – Multifamily. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a multifamily retirement community, as defined in § 650-5, consistent with the following provisions:

**(1)**

The total area of the tract or contiguous parcels to be developed as a multifamily retirement community shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.



## IN CITY COUNCIL

---

ORDERED

Marlborough, Mass., \_\_\_\_\_

PAGE 2

(2)

A multifamily retirement community may contain one (1), two (2) and three (3) bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.

(3)

No building in a multifamily retirement community shall be more than 3 stories in height.

(4)

The total number of dwelling units in a multifamily retirement community shall be limited to 12 units per acre.

(5)

No part of any principal building in a multifamily retirement community shall be less than 25 feet from any exterior lot line or less than 50 feet from any public way.

(6)

Maximum combined lot coverage in a multifamily retirement community, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.

(7)

The tract or contiguous parcels upon which a multifamily retirement community is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

(8)

The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding multifamily retirement community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.

(9)

The City Council may, as a permit condition, require that a proposed multifamily retirement community be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

## IN CITY COUNCIL

---

ORDERED

Marlborough, Mass., \_\_\_\_\_  
PAGE 3

(10)

A minimum of 1.0 parking space per dwelling unit shall be provided in a multifamily retirement community. Attached and detached garages shall count toward this parking requirement.

(11)

No dwelling unit in a multifamily retirement community shall contain less than 500 square feet of living area or more than 1300 square feet of living area.

(12)

No building in a multifamily retirement community need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

(13)

In a multifamily retirement community, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR \_\_\_\_\_, 2018.**



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 FEB 27 P 4:33

February 27, 2018

To: Lisa M. Thomas, City Clerk  
City of Marlborough, Massachusetts  
City Clerk Department  
140 Main St.  
Marlborough, MA 01752

Re: **Special Permit Application**  
**NEH Inc.**  
**New England Hydroponics Retail Store**

I hereby apply for a Special Permit to use an existing Industrial zoned property for retail sales and services. The proposed store will be located in a leased space at 19 Brigham St. Unit 6. I currently operate three New England Hydroponics retail stores in Massachusetts that sell gardening supplies to the public. I would like to move our current Framingham location to the site in Marlborough as I believe it will be a better fit for our business. The space at 19 Brigham St. was formerly occupied by Jump In With Us which was open to the public. I believe this space will be an excellent fit for New England Hydroponics due to its open space, good accessibility for truck deliveries and close proximity to major routes. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ethan Holmes", with a long, sweeping underline.

Ethan Holmes

President – NEH Inc.

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

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

1. Name and address of Petitioner or Applicant:

ETHAN HOLMES 7 CATIE DR. WESTBOROUGH, MA 01581 D/B/A NEH INC.

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

19 BRIGHAM ST. PARCEL 104-2A

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

IUY BRIGHAM PROPERTY LLC, 102 CHESTNUT RIDGE RD. STE 204, MONTVALE, NJ 07645

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

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

Article VIII Section 650 Paragraph 59 Sub-paragraph A1

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

INDUSTRIAL (I)

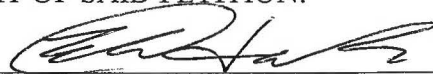
7. Specific reason(s) for seeking Special Permit

TO OPERATE A RETAIL STORE SELLING GARDENING SUPPLIES

NEH, INC UNDER THE NAME NEW ENGLAND HYDROPONICS LOCATED WITHIN AN  
INDUSTRIAL DISTRICT WHERE RETAIL SALES AND SERVICES  
MAY ONLY BE ALLOWED THROUGH SPECIAL PERMIT.

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

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



Signature of Petitioner or Applicant

Address: 7 CATIE DR.

WESTBOROUGH, MA 01581

Telephone No. 413 - 559 - 7635

Date: 2/15/2018

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

ETHAN HOLMES D/B/A NEH INC

(Name of Petitioner)

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

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



# 400 foot Abutters List Report

Marlborough, MA  
February 12, 2018

**MARLBOROUGH ASSESSORS**

*Anthony C. Amore  
Ellen K. Silverstein  
Dana Mayle*

## Subject Property:

Parcel Number: 104-2A  
CAMA Number: 104-2A  
Property Address: 19 BRIGHAM ST

Mailing Address: IVY BRIGHAM RPROPERTY LLC  
102 CHESTNUT RIDGE RD STE 204  
MONTVALE, NJ 07645

---

## Abutters:

Parcel Number: 104-2  
CAMA Number: 104-2  
Property Address: 41-53 BRIGHAM ST

Mailing Address: IVY BRIGHAM PROPERTY LLC  
102 CHESTNUT RIDGE RD STE 204  
MONTVALE, NJ 07645

---

Parcel Number: 104-24  
CAMA Number: 104-24  
Property Address: 82 BRIGHAM ST

Mailing Address: EMPLOYMENT OPTIONS INC  
82 BRIGHAM ST  
MARLBOROUGH, MA 01752

---

Parcel Number: 104-25  
CAMA Number: 104-25  
Property Address: 56-66 BRIGHAM ST

Mailing Address: 56-60 BRIGHAM STREET REALTY LLC  
322 DAVIS ST  
NORTHBOROUGH, MA 01532

---

Parcel Number: 104-26  
CAMA Number: 104-26  
Property Address: 50 BRIGHAM ST

Mailing Address: PEARLSTEIN ALDEN TR  
232 PINE RANCH TRAIL  
OSPREY, FL 34229

---

Parcel Number: 104-26A  
CAMA Number: 104-26A  
Property Address: BRIGHAM ST

Mailing Address: PEARLSTEIN ALDEN TR  
232 PINE RANCH TRAIL  
OSPREY, FL 34229

---

Parcel Number: 104-27  
CAMA Number: 104-27  
Property Address: 38 BRIGHAM ST

Mailing Address: KI NEMA REALTY LLC  
38 BRIGHAM ST  
MARLBOROUGH, MA 01752

---

Parcel Number: 104-29  
CAMA Number: 104-29  
Property Address: 20 BRIGHAM ST

Mailing Address: VIGEANT STEPHEN TR  
PO BOX 57  
MARLBOROUGH, MA 01752

---

Parcel Number: 104-29A  
CAMA Number: 104-29A  
Property Address: MILL ST SOUTH

Mailing Address: VIGEANT STEPHEN TR  
PO BOX 57  
MARLBOROUGH, MA 01752

---

Parcel Number: 104-2C  
CAMA Number: 104-2C  
Property Address: 61 BRIGHAM ST

Mailing Address: MARLBOROUGH BRIGHAM LLC  
100 NORTH ST ATTN SUPERIOR  
PRINTING INK  
TETERBORO, NJ 07608

---

Parcel Number: 104-3  
CAMA Number: 104-3  
Property Address: 57 BRIGHAM ST

Mailing Address: KENNEY ISABEL D LI EST  
57 BRIGHAM ST  
MARLBOROUGH, MA 01752

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www.cai-tech.com

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2/12/2018

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## 400 foot Abutters List Report

Marlborough, MA

February 12, 2018

Parcel Number: 104-30  
CAMA Number: 104-30  
Property Address: 181 MILL ST SOUTH

Mailing Address: SUNSET ROCK LLC  
1471 METHUEN ST  
DRACUT, MA 01826

Parcel Number: 104-39  
CAMA Number: 104-39  
Property Address: 168 MILL ST SOUTH

Mailing Address: MERCURI-IPPOLITO GINA  
168 MILL ST SOUTH  
MARLBOROUGH, MA 01752

Parcel Number: 104-3A  
CAMA Number: 104-3A  
Property Address: 65 BRIGHAM ST

Mailing Address: BUSA JOSEPH D  
65 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-40  
CAMA Number: 104-40  
Property Address: 150 MILL ST SOUTH

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-41  
CAMA Number: 104-41  
Property Address: 148 MILL ST SOUTH

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-42  
CAMA Number: 104-42  
Property Address: 417 MAPLE ST

Mailing Address: A & S DEVELOPMENT LLC  
186 MAIN ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-42A  
CAMA Number: 104-42A  
Property Address: 433 MAPLE ST

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-43  
CAMA Number: 104-43  
Property Address: 115 MILL ST SOUTH

Mailing Address: ELMS AUBREY E  
1 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-48  
CAMA Number: 104-48  
Property Address: 1 BRIGHAM ST

Mailing Address: ELMS AUBREY E  
1 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-49  
CAMA Number: 104-49  
Property Address: MILL ST CENTRAL

Mailing Address: SLAAM LLC  
15 FORBES AVE  
MARLBOROUGH, MA 01752

Parcel Number: 104-50  
CAMA Number: 104-50  
Property Address: 87 MILL ST CENTRAL

Mailing Address: SLAAM LLC  
15 FORBES AVE  
MARLBOROUGH, MA 01752

Parcel Number: 104-51  
CAMA Number: 104-51  
Property Address: 109 MILL ST SOUTH

Mailing Address: B & B WHOLESALE TIRE CO  
109 MILL ST SOUTH  
MARLBOROUGH, MA 01752



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2/12/2018

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## 400 foot Abutters List Report

Marlborough, MA

February 12, 2018

Parcel Number: 104-52  
CAMA Number: 104-52  
Property Address: MILL ST SOUTH

Mailing Address: B & B WHOLESALE TIRE CO  
109 MILL ST SOUTH  
MARLBOROUGH, MA 01752

Parcel Number: 104-53  
CAMA Number: 104-53  
Property Address: 415 MAPLE ST

Mailing Address: VIGEANT JOAN M TR  
3 LAUREL ST  
PAXTON, MA 01612

Parcel Number: 93-14  
CAMA Number: 93-14  
Property Address: 413-417 SOUTH ST

Mailing Address: MARLBOROUGH SOUTH 417 CPI LLC  
43 BROAD ST  
HUDSON, MA 01749

Parcel Number: 93-15  
CAMA Number: 93-15  
Property Address: 35 MILL ST CENTRAL

Mailing Address: FLORIO JAMES D TR  
63 SHERBURN CIR  
WESTON, MA 02493

Parcel Number: 93-15A  
CAMA Number: 93-15A  
Property Address: MILL ST CENTRAL

Mailing Address: MARLBOROUGH SOUTH 417 CPI LLC  
43 BROAD ST  
HUDSON, MA 01749

Parcel Number: 93-48  
CAMA Number: 93-48  
Property Address: 83 MILL ST CENTRAL

Mailing Address: SKB DEVELOPMENT LLC  
103 MECHANIC ST UNIT E2  
MARLBOROUGH, MA 01752

Parcel Number: 93-49  
CAMA Number: 93-49  
Property Address: MAPLE ST

Mailing Address: COMMONWEALTH OF  
MASSACHUSETTS  
10 PARK PLAZA STE 4160  
BOSTON, MA 02116

Parcel Number: 93-50  
CAMA Number: 93-50  
Property Address: 413 MAPLE ST

Mailing Address: COMMONWEALTH OF  
MASSACHUSETTS  
10 PARK PLAZA STE 4160  
BOSTON, MA 02116

Parcel Number: 93-66A  
CAMA Number: 93-66A  
Property Address: 412 MAPLE ST

Mailing Address: NOLAN CASSIDY MAPLE STREET LLC  
24 ANNIE MOORE RD  
BOLTON, MA 01740

Parcel Number: 93-67A  
CAMA Number: 93-67A  
Property Address: 420 MAPLE ST

Mailing Address: MARLBOROUGH MAPLE REAL ESTATE  
TR  
PO BOX 95 ATTN CREATIVE  
DEVELOPMENT  
NEWTON UPPER FALLS, MA 02464

Parcel Number: 93-68  
CAMA Number: 93-68  
Property Address: 418 MAPLE ST

Mailing Address: NOLAN CASSIDY MAPLE STREET LLC  
24 ANNIE MOORE RD  
BOLTON, MA 01740



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2/12/2018

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## SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: ETHAN HOLMES Address: 7 CATIE DR. WESTBOROUGH, MA 01581

Project Name: NEW ENGLAND HYDROPONICS Address: 19 BRIGHAM ST. UNIT 6 MARLBOROUGH, MA 01752

1. PROPOSED USE: (describe) RETAIL SALES OF GARDENING SUPPLIES

2. EXPANSION OR NEW: EXISTING BUILDING, NEW USE

3. SIZE: floor area sq. ft. 6,000 1<sup>st</sup> floor \_\_\_\_\_ all floors \_\_\_\_\_

# buildings \_\_\_\_\_ # stories \_\_\_\_\_ lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: \_\_\_\_\_ % Landscaped area: \_\_\_\_\_ %

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

Normal: 4 Peak period: 12

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 3 Peak period: 8

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

N/A

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? VERY LITTLE LIGHT WILL LEAVE THE BUILDING.

EXTERIOR SIGNAGE AND WINDOWS ON THE FRONT MAY RELEASE A LITTLE LIGHT.

8. NOISE:

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

SIMILAR OR LESS TO SURROUNDING BUILDINGS

(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. ONLY SOURCE WILL BE TRUCKS AND CARS FROM DELIVERIES

AND CUSTOMERS. WILL BE DURING RETAIL HOURS 10AM TO 6PM

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

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

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? NONE

\*Attach additional sheets if necessary



**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 2/22/2018

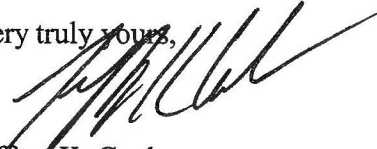
**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: NEW ENGLAND HYDROPONICS  
Project Use Summary: RETAIL SALES  
Project Street Address: 19 BRIGHAM STREET, UNIT B  
Plate: \_\_\_\_\_ Parcel: 104 - 2A  
Applicant/Developer Name: ETHAN HOLMES  
Plan Date: ~~NO PLANS SUBMITTED~~ Revision Date: \_\_\_\_\_

Dear President and Members:

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

Very truly yours,

  
Jeffrey K. Cooke  
Building Commissioner

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

\$250 -



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


**Lisa M. Thomas  
City Clerk**

Dear Applicant,

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

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

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

  
Signature

2/27/18  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas  
City Clerk*

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

**Lisa M. Thomas  
City Clerk**



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

**Company Name**

NEH INC.

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

ETHAN HOLMES

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

7 CATIE DR. WESTBOROUGH, MA 01581 413-559-7635

**Signature of Applicant**

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

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

Eileen Bristol

**Tax Collector**

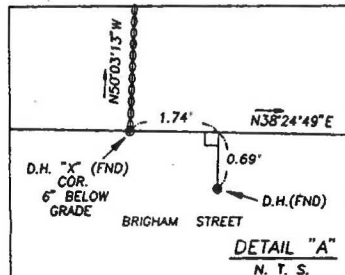
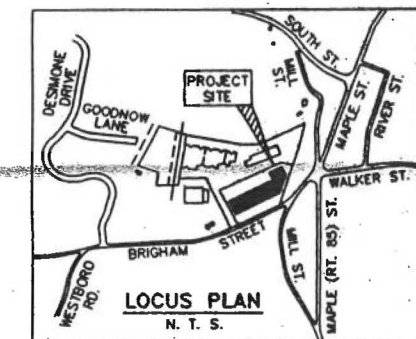
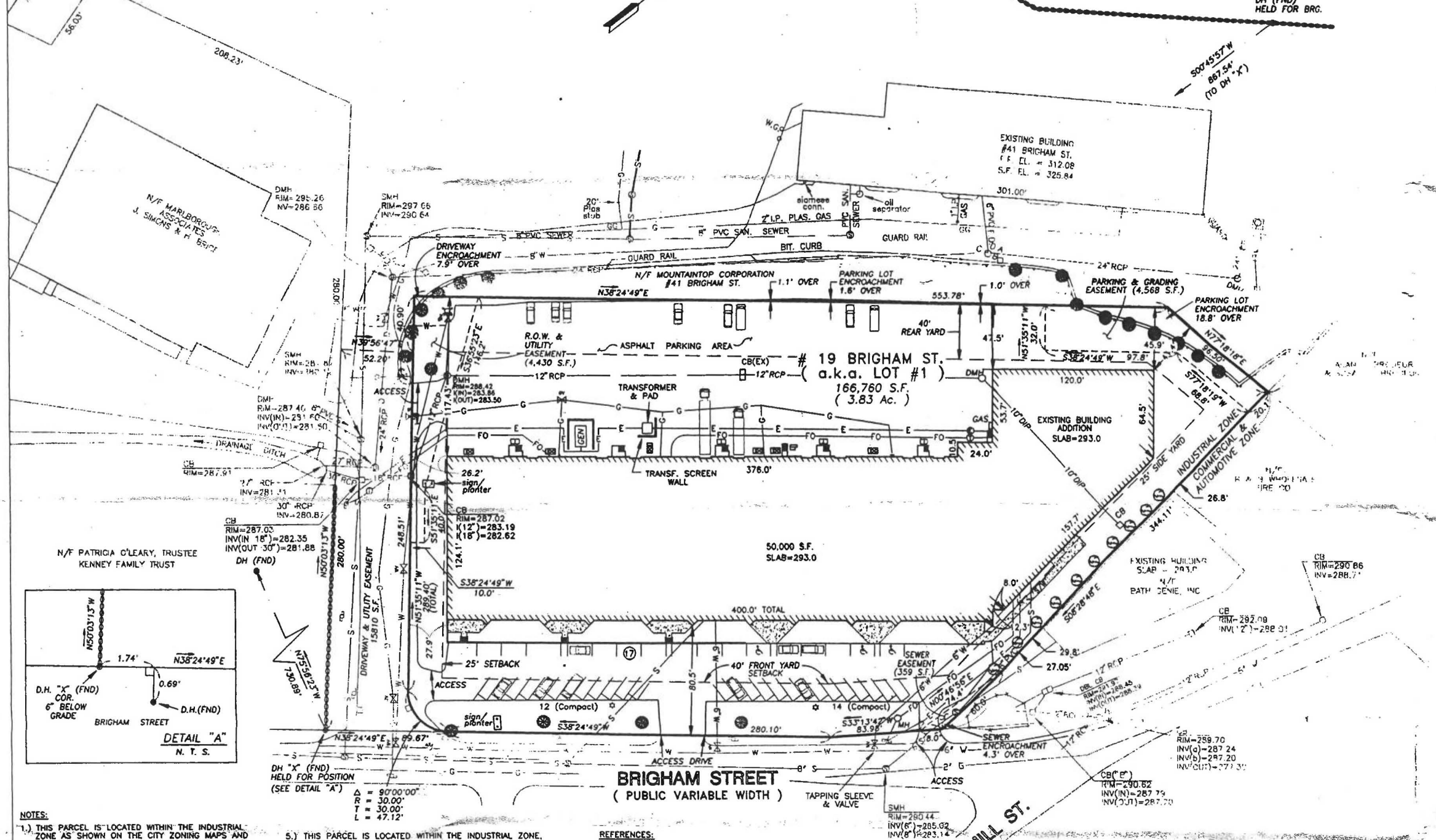


RESIDENTIAL ZONE  
INDUSTRIAL ZONE

PROPERTY BOUNDARY DESCRIPTION

Beginning at the south east corner of the subject lot, said point located at the north side of Brigham Street and the property corner of Both Genie Inc. land, thence  
S 33 13 42 W along Brigham Street, 83.98 feet to a point, thence  
S 38 24 49 W along Brigham Street, 280.10 feet to a point of land of Mountaintop Corporation, thence  
Clockwise along said Mountaintop Corporation land, on an arc distance of 47.12 feet along a circular curve with a radius of 30.00 feet to a point of tangency, thence  
N 51 35 11 W along said Mountaintop Corporation land, 289.40 feet to a point, thence  
N 38 24 49 E along said Mountaintop Corporation land, 553.78 feet to a point, thence  
N 77 18 18 E along said Mountaintop Corporation land, 96.50 feet to land of Alan & Susan Brodeur said point also being the property corner of land of B & B Wholesale Tire Co., Inc., thence  
S 08 28 48 E along said B & B Wholesale Tire Co., Inc. land and land of Both Genie Inc. 344.11 feet to the point of beginning of Brigham Street.

Containing 166,760 S.F. (3.83 Ac.) as shown on a plan entitled "Plan of Land in Marlborough, MA" prepared by Highland Land Surveyors, Inc., 69 Maple St., Marlborough, MA 01752, dated June 13, 1984. Scale: 1" = 40'



- NOTES:
1. THIS PARCEL IS LOCATED WITHIN THE INDUSTRIAL ZONE AS SHOWN ON THE CITY ZONING MAPS AND THE PLAN, AND IS SHOWN AS ASSESSORS PARCEL #2A/MAP 104. THE CURRENT RECORD OWNER IS FOOTHILLS CORPORATION, 38 BRIGHAM STREET, UNIT 20, MARLBOROUGH, MA 01752.
  2. THIS SITE DOES NOT FALL WITHIN THE FEMA ZONE "A" AS SHOWN ON COMMUNITY PANEL #250203 0018B, DATED JANUARY 6, 1982, NOR IS IT LOCATED IN THE WETLAND PROTECTION DISTRICT. THIS PARCEL FALLS IN ZONE "C" ON SAID MAP.
  3. THERE ARE NO WELLS WITHIN 100 FT. OF THIS SITE.

ITEM	REQUIRED	EXISTING
(MIN.) LOT AREA	43,560 S.F.	166,763 S.F.
FRONTAGE	50 FT.	364.08 FT.
SIDE YARD	25 FT.	26.8'
FRONT YARD	40 FT.	87 ft ±
REAR YARD	40 FT.	41.4 ft.

\* VARIANCE FOR COVERAGE WAS GRANTED BY THE ZONING BOARD OF APPEALS. REFER TO BOOK 26,392 PAGE 556. THE ASBUILT CONDITIONS, SHOWING A 79% LOT COVERAGE, COMPLIES WITH SAID VARIANCE ALLOWING FOR A 79% LOT COVERAGE.

5. THIS PARCEL IS LOCATED WITHIN THE INDUSTRIAL ZONE, AS SHOWN, AND IS SHOWN AS ASSESSORS PARCEL #2A/MAP 104.
6. THIS PARCEL AND BUILDING LOCATION CONFORMS TO THE CITY OF MARLBOROUGH ZONING REQUIREMENTS FOR SETBACKS AND MINIMUM LOT AREA.
7. THE ELECTRICAL AND COMMUNICATIONS EASEMENT REFERENCED IN BOOK 26246, PAGE 111 IS UNPLOTTABLE.
8. SUBSURFACE UTILITY LOCATIONS SHOWN ON THIS PLAN WERE PARTLY TAKEN FROM CONTRACTOR LOCATIONS AND SHOULD NOT BE USED FOR EXCAVATION WITHOUT FIRST ESTABLISHING THE EXACT LOCATION OF THOSE UTILITIES WITHIN THE PROPOSED EXCAVATION AREA. THERE MAY BE EXISTING LINES OTHER THAN THOSE SHOWN HEREON. THEREFORE, IT IS THE RESPONSIBILITY OF THE CONTRACTOR, OR OTHERS THAT ARE PERFORMING THE EXCAVATION, TO CONTACT FOOTHILLS CORPORATION AND UTILITY OWNERS, DIG SAFE AND OTHER FACILITY OWNERS AND PERFORM THE NECESSARY EXPLORATION AND/OR INVESTIGATION PRIOR TO BEGINNING ANY CONSTRUCTION ON THE SITE.
9. THERE ARE 87 PARKING STALLS ON THIS SITE.
10. THE DRIVEWAY AND UTILITY EASEMENTS IN BOOK 15,886 PAGE 383 AND PLAN NO. 1622 OF 1985 IS 15,810 S.F. IN AREA AND IS SHOWN ON THIS PLAN LOCATED ON THE SOUTHWEST SIDE OF THE BUILDING FOR THE SUBJECT LOT.

REFERENCES:

BOOK	PAGE
26392	556
26246	114
25397	48
16000	210

PLAN #1622 OF 1985

LEGEND

—S—	SEWER MAIN	○	MANHOLE
—G—	GAS MAIN	□	CATCH BASIN (EX.)
—W—	WATER MAIN	⊕	HYDRANT
—D—	DRAIN	⊗	WATER GATE
—FO—	FIBER OPTICS CABLE	⊗	GAS GATE
—E—	UNDERGROUND ELECTRIC	⊗	UTILITY POLE
—RCP—	REINFORCED CONCRETE PIPE		
—DIP—	DUCTILE IRON PIPE		

I HEREBY CERTIFY TO BOSTON CAPITAL MORTGAGE COMPANY LIMITED PARTNERSHIP, AND ITS SUCCESSORS AND ASSIGNS, FOOTHILLS CORPORATION AND FIDELITY NATIONAL TITLE INSURANCE COMPANY THAT A SURVEY WAS MADE ON THE GROUND AS SHOWN, HEREON, AND IS CORRECT, AND MEETS THE ACCURACY REQUIREMENTS FOR AN URBAN SURVEY AND MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1992, AND INCLUDES ITEMS 1-4, 6-11, 10-11 & 13 OF TABLE "A" THEREOF, AND PURSUANT TO ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION).

PROFESSIONAL LAND SURVEYOR  
DATE 6-29-98



ALTA/ACSM LAND TITLE SURVEY  
#19 BRIGHAM STREET  
MARLBOROUGH, MA

PREPARED FOR & OWNED BY:  
FOOTHILLS CORPORATION  
38 BRIGHAM STREET  
MARLBOROUGH, MA 01752

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

DATE: MAY 29, 1998  
REV. 6-17-98  
REV. 6-22-98  
SCALE: 1" = 40'



File #1787ALTA

First Colony  
Development  
Co., Inc.

929 Boston Post Road, East  
Marlborough, MA 01752-3728  
Tel 508.481.6095  
Fax 508.460.0578  
www.firstcolonydev.com

CONSULTANTS

PROJECT

UNIT NO. 6  
19 BRIGHAM STREET  
MARLBORO, MA 01752

DWG. TITLE

OVERALL  
BUILDING  
PLAN

REVISIONS


SEAL

SIGNATURE

PROJECT No.

SCALE

1" = 20'-0"

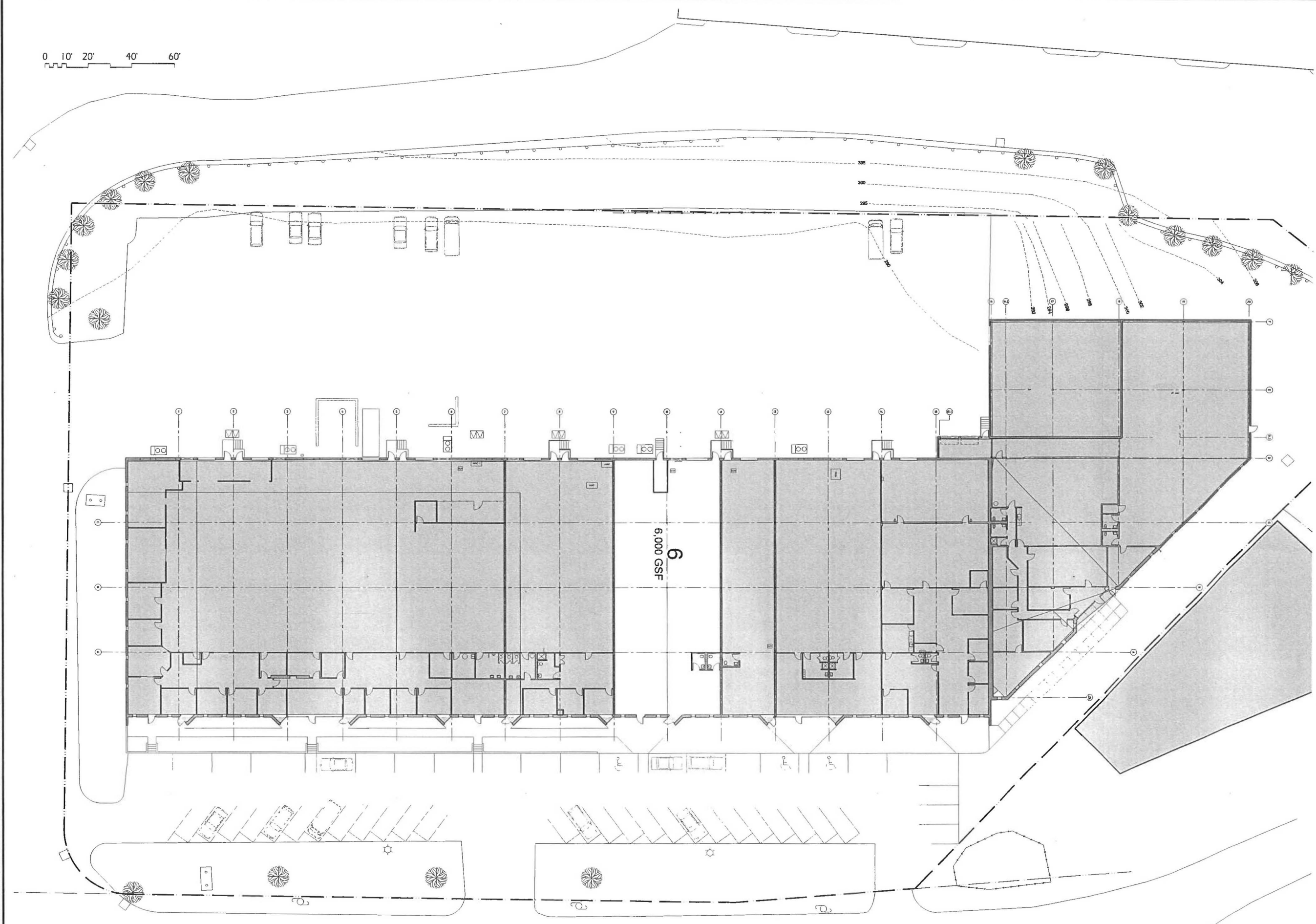
DATE OF ISSUE

DRAWING No.

THIS DOCUMENT WAS PREPARED SPECIFICALLY FOR THE PROJECT IDENTIFIED IN THIS TITLE BLOCK. IT IS NOT FOR GENERAL USE OR PUBLICATION. FIRST COLONY DEVELOPMENT CO., INC. MAKES NO REPRESENTATIONS THAT IT IS APPROPRIATE FOR USE ON OTHER PROJECTS OR FUTURE MODIFICATIONS TO THIS PROJECT. REPRODUCTION OF THIS DOCUMENT IS NOT AUTHORIZED AND MAY RESULT IN LEGAL ACTION. ALL RIGHTS RESERVED.

0 10' 20' 40' 60'

NOTE: CORRECT DRAWING FORMAT IS 24"x36". ANY PLOT OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN PLOTTED TO FIT MEDIA OUTPUT SIZE. DRAWING AND DETAIL SCALES MUST BE REDUCED OR INCREASED PROPORTIONATELY.



BRIGHAM STREET  
(PUBLIC VARIABLE WIDTH)



**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

*True Copy*

February 13, 2018

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH**

**2018 MAR -1 A 11:29**

To the City Clerk Office  
of the City of Marlborough, Massachusetts

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

**Boston Post Road Pole #34-5**

**National Grid request to install new pole 34-5 for service to 342 Boston Post Road. The Shell Gas Station.**

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. **25667093** Dated: **2/8/2018**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

**MASSACHUSETTS ELECTRIC COMPANY**

By: *Eric Wedman*  
Manager of Distribution Design

**VERIZON NEW ENGLAND, INC.**

By: *Colin E. Dwyer*  
Manager, R.O.W.

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

February 13, 2018

By the City Clerk Office  
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:  
**that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the  
**13th day of February, 2018**

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked--

Plan No. **25667093** Dated: **2/8/2018** filed with this order.

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

**Boston Post Road Pole #34-5**

**National Grid request to install new pole 34-5 for service to 342 Boston Post Road. The Shell Gas Station.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council  
of the City of Marlborough, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
Clerk of Council

Received and entered in the records of location orders  
of the City of Marlborough, Massachusetts

Book: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

We hereby certify that on \_\_\_\_\_ 2018 at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.  
at \_\_\_\_\_ a public hearing was held on the petition of the

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Council of the City of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Marlborough, Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2018 recorded with the records of location orders of said City,  
Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
City Clerk

National Grid to  
install new pole  
34-5 for service  
to 342 Boston  
Post Rd

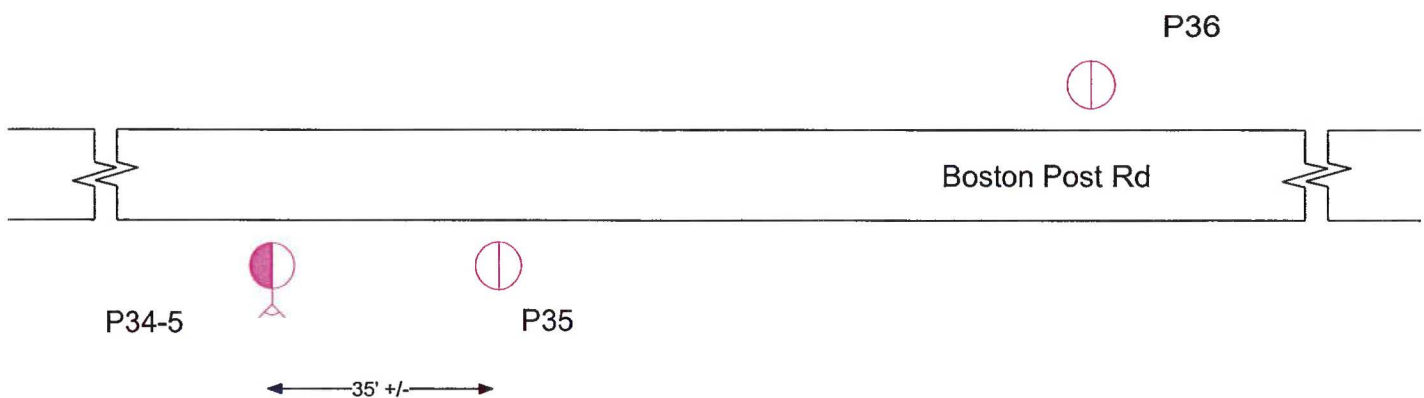
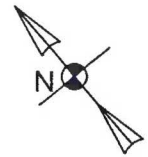
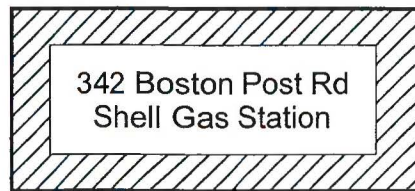
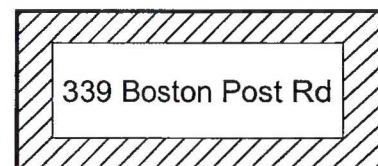


Exhibit A not to scale.  
The exact location of  
said facilities to be  
established by and  
upon the installation  
and erection of the  
facilities thereof.



## JOINT OWNED POLE PETITION

**nationalgrid**

And

**Verizon New England, Inc.**

● Proposed NGRID Pole Locations

○ Existing NGRID Pole Locations

⦿ Proposed J.O. Pole Locations

① Existing J.O. Pole Locations

⊕ Existing Telephone Co. Pole Locations

⊙ Existing NGRID Pole Location To Be Made J.O.

⊗ Existing Pole Locations To Be Removed

Date: 2-8-18

Plan Number: 25667093

To Accompany Petition Dated:

To The: Town Of Marlborough

For Proposed: JO Pole: 34-5 Location: Boston Post Rd

Date Of Original Grant:

DISTANCES ARE APPROXIMATE





# 75 foot Abutters List Report

Marlborough, MA

February 08, 2018

## Subject Property:

Parcel Number: 59-11  
CAMA Number: 59-11  
Property Address: 342 BOSTON POST RD EAST

Mailing Address: COLBEA ENTERPRISES LLC  
2050 PLAINFIELD PIKE  
CRANSTON, RI 02921

---

## Abutters:

Parcel Number: 59-10  
CAMA Number: 59-10  
Property Address: 330 BOSTON POST RD EAST

Mailing Address: DLT FAMILY LIMITED PARTNERSHIP  
5 FOX HOLLOW LN  
SHARON, MA 02067

---

Parcel Number: 59-11A  
CAMA Number: 59-11A  
Property Address: 344 BOSTON POST RD EAST

Mailing Address: FOLAN ROBERT A TR  
344 BOSTON POST RD EAST  
MARLBOROUGH, MA 01752

---

Parcel Number: 59-12  
CAMA Number: 59-12  
Property Address: 329 BOSTON POST RD EAST

Mailing Address: 329 BOSTON POST ROAD OWNER LLC  
275 GROVE ST STE 2400  
NEWTON, MA 02466

---

Parcel Number: 60-1  
CAMA Number: 60-1  
Property Address: 362 BOSTON POST RD EAST

Mailing Address: ISHKANIAN WILLIAM TR  
344 BOSTON POST RD EAST ATTN  
WAYLAND MILLORKS  
MARLBOROUGH, MA 01752

---

Parcel Number: 72-35  
CAMA Number: 72-35  
Property Address: 339 BOSTON POST RD EAST

Mailing Address: HERITAGE FARM LLC  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

---



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

2/8/2018

Page 1 of 1

24 February 2018

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 FEB 26 P 1:00

City Council  
City of Marlborough  
140 Main Street  
Marlborough MA 01752

Dear City Council:

I am a residing tenant at The Heights Wheeler Hill, city, since April 01, 2017.

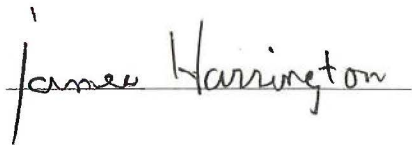
Attached letters to landlord, Greystar delineate issues concerning water use with not only my apartment but other units, possibly.

The Heights Wheeler Hill was built in 2002. Since I have no reliable records of water metering, my intuition informs me there might be issues with said water metering.

My water meter readings, as conducted by NWP Services in Irvine, California, fluctuate greatly and seem to be far greater than what I actually consume. My apartment unit is a one bedroom where dishwasher has never been used; shower system has been used on three occasions total, washing machine used once per week leaving only a kitchen faucet used repeatedly per day and one toilet at minimal use,, e.g.

I seek an agency of government of the City of Marlborough to visit this apartment complex and conduct random testing for accuracy of water metering.

Cordially,



JAMES HARRINGTON

Encls

51 Christie Way  
#52E  
Marlborough MA 01752

O: [xie!u.dsl@gmail.com](mailto:xie!u.dsl@gmail.com)

C: 617.797.1973



# NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL

*The County of Presidents*

400 MAIN STREET, WALPOLE, MA 02081

Telephone: (508) 668-0268

Fax: (508) 668-0612

Email: [ncahs@norfolkaggie.org](mailto:ncahs@norfolkaggie.org)

Web Site: [www.norfolkaggie.org](http://www.norfolkaggie.org)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 FEB 26 A 11:47

## TRUSTEES

EDWIN S. LITTLE, Sharon, Chairman Ext. 10599  
MICHAEL McFARLAND, Quincy, Vice Chairman  
PETER H. COLLINS, Milton  
FRANCIS W. O'BRIEN, Dedham  
JOSEPH P. SHEA, Quincy  
MATTHEW J. SHEEHAN, Dedham  
ELIZABETH SMITH, Franklin

TAMMY T. QUINN, Ed. D, Superintendent-Director, Ext. 11207  
RICHARD D. FITZPATRICK, Business Manager, Ext. 11211  
MICHAEL T. COURNOYER, Principal, Ext. 12102  
HEIDI C. BLACK, Director of Special Education, Ext. 12207  
LINDA M. RADZVILLA, Vocational Assistant Principal, Ext. 19128  
SEAN G. CROWLEY, Academic Assistant Principal, Ext. 15119  
DAWN K. CARON, Dean of Students/Director of Guidance, Ext. 13124

February 22, 2018

City Clerk  
140 Main Street  
Marlborough, MA 01752

Dear City Clerk:

The Norfolk County Agricultural High School held its February 14, 2018 Board of Trustees meeting. The Board of Trustees voted on the following tuition rates for the 2018 – 2019 school year as follows:

In-County tuition rate: \$1,965.00

Out-of-County tuition rate: \$22,286.00

Currently, the town/city of Marlborough has the following number of students enrolled at the Norfolk County Agricultural High School:

Grade 9: 2  
Grade 10: 0  
Grade 11: 0  
Grade 12: 0

If you require additional details, please don't hesitate to contact my office directly.

Sincerely,

Tammy T. Quinn, Ed.D.  
Superintendent-Director

TTQ/lis

The Norfolk County Agricultural High School is an equal opportunity employer who does not discriminate on the basis of race, color, sex, gender identity, sexual orientation, religion, national origin, disability status, genetic information and testing or the Family and Medical Leave Act in its education activities or employment practices as required by Title IX of the 1972 Federal Education Amendments, by Section 504 of the 1973 Rehabilitation Act and by Chapter 622 of the General Laws of the Commonwealth of Massachusetts.

*A service to Norfolk County-Regional Government representing twenty-eight communities of: Avon, Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Randolph, Sharon, Stoughton, Walpole, Wellesley, Westwood, Weymouth, Wrentham*



**MINUTES**  
**MARLBOROUGH PLANNING BOARD**  
**MARLBOROUGH, MA 01752**

**RECEIVED**  
**CITY CLERK'S OFFICE**  
**CITY OF MARLBOROUGH**  
 January 23, 2018

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Municipal Hall, 3<sup>rd</sup> Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Colleen Hughes, Sean Fay, Brian DuPont and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

**2018 Organizational Meeting:**

Chairperson Fenby offered the floor to member George LaVenture. The floor was opened to receive nominations for Planning Board Chairperson. Member DuPont nominated Ms. Fenby to continue to serve as Chairperson. No other nominations were offered. The floor was closed for nominations. Mr. Dupont moved to appoint nominee, Barbara Fenby, to serve as Chairperson for 2018; nomination seconded by Mr. LaVenture. Votes in favor: Hughes, Fay, LaVenture and DuPont; Votes opposed: None. Motion Carried.

Mr. LaVenture opened the floor to receive nominations for Planning Board Clerk. Member DuPont nominated Ms. Hughes to continue to serve as Clerk. No other nominations were offered. The floor was closed for nominations. Mr. Dupont moved to appoint nominee, Colleen Hughes, to serve as Clerk for 2018; nomination seconded by Mr. LaVenture. Votes in favor: Fenby, Fay, LaVenture and DuPont; Votes opposed: None. Motion Carried.

**1. Meeting Minutes**

**A. December 18, 2017**

On a motion by Mr. LaVenture, seconded by Mr. DuPont, the Board voted to accept and place on file the Planning Board meeting minutes of December 18, 2017. Motion carried.

**2. Chair's Business**

**A. Public Hearings**

The City Council recently referred several proposed zoning amendments to the Planning Board. Since the Board is not fully staffed, Chairperson Fenby polled the members on their availability for public hearings. Proponent Brian Falk of Mirick O'Connell was present. Mr. Falk requested that the Board set public hearing dates for the two proposed zoning amendments which were presented in past Planning Board public hearings - The Rail Trail Overlay District and The Retirement Community Overlay District. New hearings are required since these amendment requests were not carried over from the City Council's previous legislative session. Based on member availability, March 19 was chosen for both hearings.

**B. Board Membership Update**

Chairperson Fenby acknowledged that this evening was Mr. DuPont's final meeting. Ms. Fenby indicated that Mr. Greg Gallaher had submitted a letter of interest to the Mayor's Office. She is hopeful that the Mayor will make an appointment and approve a new member quickly. With Mr. DuPont's departure, the Board is two members short (5 of 7 seats filled). Sitting members are also seeking the Mayor's reappointment, as most members' terms have expired.

**3: Approval Not Required (None)**

**4: Public Hearings (None)**

**5. Pending Subdivision Plans (None)**

**A. Engineer's Report**

No general updates. Individual subdivision updates are detailed in the next sections.

### **B. Howe's Landing Extension**

As a condition of the Howe's Landing extension request to June 30, 2018, Attorney Paul Galvani provided proof that the following documents were recorded by the December 31, 2018 deadline: 1) Extension of Performance Secured by Tripartite Agreement and 2) Performance secured by Tripartite Agreement Second Revision. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to accept the documents and place on file. Motion carried. The Board expressed its appreciation for the confirmation.

### **C. Slocumb Lane Bond Reduction Request and Street Acceptance**

Developer's Attorney, Paul Beattie, was present for the discussion. Ms. Hughes read the January 3, 2018 letter from Assistant City Engineer Collins into the record. The letter details three requirements for the elimination (reduction to zero) of the bond to secure completion of the subdivision:

1. Mylar of the As-Built Plans for the construction of the street and associated municipal easements.
2. Mylar of the Acceptance Plans for the street and associated municipal easements. (two copies).
3. Deed descriptions to the roadway and associated municipal easements used to transfer ownership to the City of Marlborough.

On a motion by Mr. LaVenture, seconded by Mr. DuPont, the Board voted to accept the correspondence and place on file. Motion carried. Mr. Beattie indicated that Guerriere and Hanlon (the project's engineering firm) is making several changes requested by Mr. Collins, and the Mylars should be ready in time for the next meeting on February 5. Solicitor Rider requested clarification of the third point regarding the deed. City Engineer DiPersio indicated that Mr. Collins requested that the deed provide a metes and bounds description of the land vs. a simple reference to the acceptance plan. Mr. DiPersio would defer to Legal for a determination whether this metes and bounds description is necessary on the deed.

### **D. Cider Mill Request for (1) Year Maintenance and Bond Review**

Developer's Attorney, Paul Beattie, was present for the discussion. Ms. Hughes read the January 4, 2018 letter from Assistant City Engineer Collins into the record. Mr. Collins has determined that the bond securing the Cider Mill Estates may be reduced from its current bond amount of \$410,000 to a Maintenance Bond of \$185,000. The remaining amount represents the estimated cost for miscellaneous clean up, production of as-built plans, installation of a single street light, and a retainage amount equal to 10% of the original bond. On a motion by Mr. LaVenture and seconded by Ms. Hughes, the Board voted to accept the correspondence regarding the recommended bond reduction, place on file and reduce the bond to \$185,000. Motion carried.

### **6. Preliminary Subdivisions (None)**

### **7. Definitive Subdivision Submission: (None)**

### **8. Signs: (None)**

### **11. Correspondence: (None)**

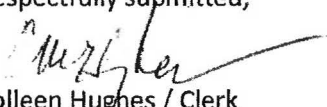
### **12. Public Notices of other Cities and Towns:**

On a motion made by Ms. Hughes, seconded by Mr. Fay, item 12 was voted accepted and placed on file. Motion carried.

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. LaVenture, it was voted to adjourn at 7:25 pm. Motion carried.

/kih

Respectfully submitted,

  
Colleen Hughes / Clerk

# SBC MEETING NOTES



## PROJECT TITLE: RICHER ELEMENTARY SCHOOL

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 FEB 26 P 5:00

Meeting Date:	December 4, 2017, 9 am, District Education Center, 17 Washington Street, Marlborough	SBC Project Meeting # 07
Prepared by:	Nicholas Milano, City of Marlborough	

<u>Attendees:</u>	<u>Affiliation</u>
Arthur Vigeant	Mayor, City of Marlborough/SBC Chair
Katie Robey	Marlborough City Council
Nicholas Milano	City of Marlborough
John J. Ghiloni	School Building Committee Member/ Commissioner of Public Works
Jim Fortin	School Building Committee Member
Denise Ryan	School Committee Member (arrived at 4:15)
Joseph Trolia	School Building Committee Member
Maureen Greulich	Superintendent, Marlborough Public Schools
Michael Bergeron	Marlborough Public Schools
Dr. Richard Skaza	Principal, Richer Elementary School
Thomas Gatzunis	Daedalus Projects, Inc. (DPI)
Richard Marks	Daedalus Projects, Inc. (DPI)

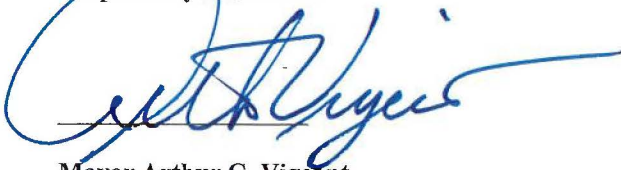
Item	Description: New Business	RESP/STATUS
7.01	<b>Model School Program</b> <ul style="list-style-type: none"> <li>Tom Gatzunis and Richard Marks provided an overview of the model school program</li> <li>They also discussed construction costs and the current escalation that is taking place in the construction industry</li> </ul>	
7.02	<b>Mount Vernon Group</b> <ul style="list-style-type: none"> <li>Frank Tedesco from Mount Vernon Group (MVG) introduced the project team and discussed how their design fit Marlborough's educational program and how by choosing the model school program, the City could secure both schedule and cost savings. Tedesco described how this school was already built, first in New Bedford and again in Athol.</li> <li>Tedesco responded to questions from committee members, including questions about the schedule, MVG's capacity, and how the building design would meet Marlborough's educational program. Tedesco also discussed how the design was slightly changed from the New Bedford design to the Athol design and how it could be modified further for Marlborough. Tedesco discussed construction costs by noting that the MVG design has been done before, uses repetitive elements to achieve cost savings.</li> <li>When asked about security features of the building, Tedesco described how the building could be locked down and the advantages of the vestibule into the building. He also noted that it could be set up to allow after hours access to community parts of the building, but not to the remainder of the facility.</li> </ul>	
7.03	<b>Flansburgh Architects</b> <ul style="list-style-type: none"> <li>Kent Kovacs introduced the Flansburgh project team and described the model design and how it would function in Marlborough. Kovacs discussed in detail how the site was challenging, but it was nothing that could not be addressed. He did note that the site costs would be high and may have to be borne by the District without MSBA reimbursing the full</li> </ul>	



**PROJECT TITLE: RICHER ELEMENTARY SCHOOL**

	<p>site cost. Kovacs described the features of the Norfolk model and how they make for a successful elementary school.</p> <ul style="list-style-type: none"><li>• Kovacs responded to questions from committee members, including questions regarding the project schedule, capacity, and additional savings. Kovacs reported that the project could be complete by Fall 2020, that Flansburgh has one other project going to bid, and that there were other potential cost savings, mostly on parts of the facility that are not seen, including mechanical systems.</li><li>• Kovacs also discussed procurement methods, by noting that the firm has experience with both, but that CMR can include higher costs.</li></ul>	
7.03	<p><b>Lamoureux Pagano Architects (LPA)</b></p> <ul style="list-style-type: none"><li>• Katie Crockett reintroduced the project team to the committee and her presentation focused on two pieces: 1. The educational program determining the school design and 2. Cost control.</li><li>• Crockett discussed how the design that LPA is working on was driven directly by the school's educational program and incorporates features that MPS admin and staff requested for the new school. Crockett noted that the design is set up in clusters to reflect how those grades are taught in MPS. She described the design as efficient and responsive to site constraints.</li><li>• Crockett also discussed cost control and that the school is being priced conservatively. LPA will have frequent cost estimates to make sure they are understanding the market correctly and that they can include alternates in the bid.</li><li>• Crockett responded to questions from committee members, including what other opportunities LPA sees to reduce costs, by noting that they can certainly revise construction design to cut some costs, they can reexamine HVAC to choose a lower cost system (dehumidification).</li></ul>	
7.04	<p><b>Discussion:</b></p> <ul style="list-style-type: none"><li>• The committee discussed the three presentations and the high cost of the proposed project. The committee agreed to hold a second meeting a week later to discuss further and vote on a preferred designer.</li></ul>	
7.05	<p><b>Meeting Minutes</b></p> <ul style="list-style-type: none"><li>• Councilor Robey made a motion to approve the SBC meeting minutes for August 30, 2017 and October 12, 2017. The motion was seconded by Mayor Vigeant and passed unanimously.</li></ul>	
7.06	<p><b>Adjournment</b></p> <ul style="list-style-type: none"><li>• Councilor Robey made a motion to adjourn, seconded by Mayor Vigeant, and pass unanimously.</li></ul>	

Respectfully submitted



Mayor Arthur G. Vigeant  
Chair

# SBC MEETING NOTES



**PROJECT TITLE: RICHER ELEMENTARY SCHOOL**

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
SBC Project Meeting # 08  
2018 FEB 26 P 5:00**

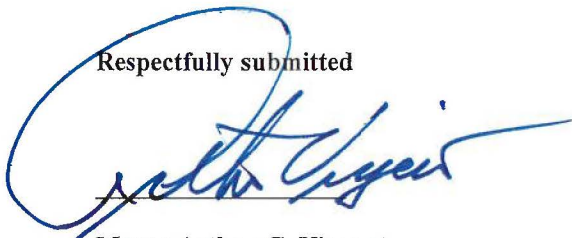
<b>Meeting Date:</b>	<b>December 11, 2017, 4 pm, Marlborough City Hall</b>
<b>Prepared by:</b>	<b>Nicholas Milano, City of Marlborough</b>

<u>Attendees:</u>	<u>Affiliation</u>
Arthur Vigeant	Mayor, City of Marlborough/SBC Chair
Katie Robey	Marlborough City Council
Denise Ryan	School Committee Member
Maureen Greulich	Superintendent, Marlborough Public Schools
John J. Ghiloni	Commissioner of Public Works
Dr. Richard Skaza	Principal, Richer Elementary School
Patrick Mauro	School Building Committee Member
Jim Fortin	School Building Committee Member
Nicholas Milano	City of Marlborough
Thomas Gatzunis	Daedalus Projects, Inc. (DPI)

<b>Item</b>	<b>Description: New Business</b>	<b>RESP/STATUS</b>
8.01	Meeting Minutes – no action taken	
8.02	<p><b>Model School Program / Review of Designer Interviews</b></p> <ul style="list-style-type: none"> <li>Milano and Gatzunis discussed potential differences in construction costs for the school project designs presented by the three architectural firms. It appeared that there were potential savings by using the model school designs.</li> <li>Gatzunis noted that there should be room for LPA to come down from their conservative estimate, especially because of the current roof design.</li> <li>Gatzunis discussed the differences between A/C and dehumidification systems</li> <li>Mayor Vigeant reported that Joe Trolla who could not attend the meeting preferred either of the model designs to the LPA design</li> <li>John Ghiloni noted that he preferred the MVG design and like the facility during his visit to the Athol school. He also said that in Athol the teachers spoke highly about the dehumidification system</li> <li>Dr. Skaza reported that he also liked the Athol school that MVG designed based on the Lincoln model in New Bedford.</li> <li>Gatzunis noted that the MVG team had only one person on the original design for the Lincoln Elementary School upon which the model is based.</li> <li>Denise Ryan asked about the schedule because the model school architects said they could be open in 2020. Gatzunis responded that LPA reviewed their schedule and said they could also open the facility in 2020, but that would be a very aggressive timeline.</li> <li>Chief Fortin asked if the MVG design would function with the educational program <ul style="list-style-type: none"> <li>Superintendent Greulich answered that it would work, that they have a space for common areas and they were impressed with the media center</li> </ul> </li> </ul>	
8.03	<b>Designer Vote</b>	

	<ul style="list-style-type: none"><li>• SBC members ranked each of the designers, giving their top ranked selection 3 points and, second selection 2 points, and third selection 1 point.</li><li>• The tally sheet is attached to the minutes</li><li>• Results:<ul style="list-style-type: none"><li>○ Mount Vernon Group: 23</li><li>○ LPA: 17</li><li>○ Flansburgh: 8</li></ul></li></ul> <p>Motion was made by John Ghiloni to rank the firms in order of points: Mount Vernon Group first, LPA second, and Flansburgh third. The motion was seconded by Mayor Vigeant and passed unanimously.</p>	
8.04	<p>Adjournment</p> <p>Motion made by John Ghiloni to adjourn, seconded by Mayor Vigeant, and passed unanimously.</p> <p>SBC adjourned at 5:25</p>	

Respectfully submitted



Mayor Arthur G. Vigeant  
Chair