

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 31 P 2:30

1. Minutes, City Council Meeting, May 21, 2018.
2. PUBLIC HEARING On the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, Order No. 18-1007288.
3. Communication from the Mayor re: Council on Aging Grant in the amount of \$3,500.00 from Massachusetts Council on Aging (MCOA) to further foster Marlborough's efforts in becoming an Age Friendly Community.
4. Communication from the Mayor re: Police Department Gift Acceptance in the amount of \$100.00 from resident Irene Grassby.
5. Communication from the Mayor re: Reappointment of Chief David Giorgi as Keeper of the Lockup for a term of one year.
6. Communication from the Planning Board re: Conditional Favorable recommendation of proposed Zoning Ordinance Amendment, §650-22, Retirement Community Overlay District, Order No. 18-1007198.
7. Communication from Central MA Mosquito Control Project re: Responding to residents' concerns about mosquitos in their area on the following dates May 31 & June 6, 13, 20, & 27.
8. Communication from Hank DeBardeleben, 118 Broadmeadow Street, Unit E re: Concerns about environmental impacts relative to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E.
9. Communication from Gina DiMatteo, re: Additional signature of Levon Gulbankian, relative to protest in opposition to the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E.
10. Communication from various residents and business owners listed below re: Support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136E.
 - a. Asif Hansan, 241 Boston Post Road West
 - b. Tony Cerqueira, 34 Marien Lane
 - c. Andrew Tsou, 124 Broadmeadow Street, Unit D
Trustee, Willows of Marlborough Condominium
 - d. Clifford Drezek, Post Office Box 509
 - e. William Gonzalez, Post Office Box 5688
 - f. Joan Campbell, 118 D Broadmeadow Street
 - g. Kevin Labadini, 355 Boston Post Road West,
Clean & Green Car Wash
 - h. Matthew Evangelous, 128 South Bolton Street
 - i. Sharon Bessette, 40 Mechanic Street, RMA
Management LLC
 - j. Kenneth Lacourse, 40 Mechanic Street
 - k. Gary Lynde, 7 Ash Street
 - l. Lynn Faust, 40 Mechanic Street, Suite 300
 - m. Amy Crue, 65 Boston Post Road West
 - n. Alexis Barrile, 31 Tremont Street, #2
 - o. John Phillip, 65 Boston Post Road West
Suite 200
 - p. Keith Burke, 151 Ewald Avenue
 - q. Evelyn Fontanez, 799 Farm Road, #13
 - r. Geovannie Figueroa, 38 Kane Drive
 - s. Keannah Figueroa, 38 Kane Drive
 - t. Diane Mullahy, 799 Farm Road
 - u. Bette Ann Barberio, 805 Farm Road
 - v. Peo Nathan, 65 Boston Post Road West
 - w. Joe Trolla, 4 Lan Drive, Westford
Ryan Development LLC
 - x. Ann Barberio, 805 Farm Road
 - y. Robert Bakalyar, 799 Farm Road, #5
11. Minutes, Conservation Commission, April 19, 2018.
12. Minutes, Board of Health, April 10, 2018.

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

13. Minutes, Planning Board, April 23, 2018 & May 7, 2018.
14. Minutes, Commission on Disabilities, April 10, 2018.
15. Minutes, Zoning Board of Appeals, May 22, 2018 (Two Hearings)
16. Minutes, Library Board of Trustees, April 3, 2018.
17. Minutes, Traffic Commission, April 25, 2018.
18. Minutes, Retirement Board, April 24, 2018.
19. CLAIMS:
 - a. Dara Howorth, 136 Brewer Street, Northborough, pothole or other road defect.
 - b. Richard Aldrich, 117 Bolton Street., other property damage and/or personal injury.
 - c. Jeff & Marjorie Pechet, 23 Turner Ridge Road, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

20. **Order No. 18-1007262-1 – FY18 Capital Project Requests - Bond for \$5,450,000.00 and Undesignated Fund Transfers for \$3,957,138.00:** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of three bonds totaling \$5,450,000.00 for Capital Projects and a transfer of \$3,957,138.00 from the Undesignated Fund Account to purchase Department Equipment. The Finance Committee took the following actions:
 - **Order #18-1007262-1: Street Construction Bond – voted 5 - 0 to approve.**
 - **Order #18-1007262-2: Sewer Construction Bond – voted 5 - 0 to approve.**
The Comptroller will provide a revised bond order to correct the written dollar amount.
 - **Order #18-1007262-3: Water Main Construction Bond – voted 4 – 1 to approve (Councilor Oram opposed).**
 - **Order #18-1007262-4: Transfer \$3,957,138.00 from Undesignated Funds to Purchase Capital Equipment for the Department of Public Works (DPW), Public Facilities, Fire Department, Police Department, City Clerk and Council on Aging:** The Finance Committee took the following actions:
 - **The Finance Committee voted 5 - 0 to approve \$2,491,508.00 for DPW and Public Facilities Equipment.**
 - **The Finance Committee voted 5 - 0 to approve \$1,239,000.00 for Fire Department Equipment.**
 - **The Finance Committee voted 5 - 0 to approve \$206,500.00 for Police Department Equipment.**
 - **The Finance Committee voted 5 - 0 to approve \$5,130.00 for City Clerk Department Equipment.**
 - **The Finance Committee voted 5 - 0 to approve \$15,000.00 for Council on Aging Department Equipment.**

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to advertise the three bonds. **NOTE: THE THREE BONDS WERE ADVERTISED ON FRIDAY, MAY 25, 2018, THEREFORE THESE ITEMS CANNOT BE FURTHER ADDRESSED UNTIL THE JUNE 18, 2018 CITY COUNCIL MEETING SO AS TO COMPLY WITH THE TEN-DAY PERIOD REQUIRED PRIOR TO ACTION BY THE CITY COUNCIL.**

From Urban Affairs Committee

21. **Order No. 18-1007137 (X17-1006983A): Communication from Attorney Falk on behalf of David Skarin, regarding Proposed Zoning Amendment, Rail Trail Overlay District, 19 Ash Street.** The Urban Affairs Committee met with Attorney Arthur Bergeron and his client David Skarin on their request for a proposed zoning amendment to create a Rail Trail Overlay District. Chairman Delano read from a Planning Board letter, dated April 24, 2018, in which they made a favorable recommendation to the City Council for the proposed zoning amendment with the following additional recommendations:

- Retail and restaurant use be allowed only along Lincoln Street.
- The property at 19 Ash Street be restricted to residential use only.
- The “Fossile Property” should be included in the Assabet River Rail Trail Overlay District.

The following changes were agreed upon to the Proposed Zoning Amendment for the Rail Trail Overlay District:

– C. Eligible Uses, Dimensional Controls:

(1) a. and b. – Language shall be added to these two sections that these uses shall apply only to parcels with frontage on Lincoln Street.

– It shall be stated that the property at 19 Ash Street be restricted to Residential Use Only.

Motion made by Councilor Juaire, seconded by the Chair, to approve the proposed Rail Trail Overlay District as amended. The motion carried 4-0 – Amended Ordinance in proper form from Solicitor Rider attached.

From City Council

22. **Order No. 18-1007242 - Local Options Marijuana Sales Tax.** The Finance Committee reviewed the Mayor’s letter dated April 19, 2018 to accept Massachusetts General Law Chapter 64N Section 3 which would permit the City of Marlboro to impose a 3 percent local sales tax on the “sale or transfer of marijuana products by a marijuana retailer operating within the City.” **The Finance Committee voted 5 – 0 to approve the Order to impose a 3% local sales tax of marijuana products by a marijuana retailer operating within the City. Councilor Juaire abstained from participating. TABLED UNTIL THE JUNE 4, 2018 MEETING TO GET CLARIFICATION IF THIS IS AN EXCISE OR SALES TAX.**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 30 P 2:58



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

MAY 21, 2018

Regular meeting of the City Council held on Monday, May 21, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing; Robey; Doucette, Dumais, Tunnera; Irish and Landers. Meeting adjourned at 8:48 PM.

ORDERED: That the Announcement of Veteran of the Year, made by President of the Marlborough Veteran's Council, Richard Jenkins, along with Mayor Vigeant and Councilor Juaire, who presented John Rowe with the prestigious honor of Veteran of the Year, an award plaque & a proclamation read by Mayor Vigeant, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting May 7, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING for the Proposed FY19 Budget as submitted by Mayor Vigeant in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018 budget, Order No. 18-1007261, all were heard who wish to be heard, hearing closed at 8:11 PM; adopted.

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

ORDERED: That the following three bonds, be **ADVERTISED**; adopted.

STREET CONSTRUCTION BOND

That the sum of \$3,500,000 (three million five hundred thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$3,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.; adopted.

SEWER CONSTRUCTION BOND

That the sum of \$1,800,000 (one million eight hundred thousand dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,800,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

WATER MAIN CONSTRUCTION BOND

That the sum of \$150,000 (one hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$150,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the Year-end transfer requests with detailed narratives outlined below, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Collector			FISCAL YEAR:		2018			
FROM ACCOUNT:					TO ACCOUNT:					
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
	<u>\$14,148.76</u>	<u>\$2,000.00</u>	<u>11440001</u>	<u>50042</u>	<u>City Collector - Payroll</u>	<u>\$2,000.00</u>	<u>11440004</u>	<u>53999</u>	<u>Other Services</u>	<u>\$5,888.55</u>
Reason:	<u>Surplus in Collectors payroll budget</u>				Reason:	<u>Funds needed to cover cost estimates</u>				
	\$2,000.00	Total			\$2,000.00	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Comptroller				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$480,000.00</u>	<u>\$42,000.00</u>	<u>17110006</u>	<u>59967</u>	<u>2017 Multi Purpose</u>	<u>\$42,000.00</u>	<u>13800006</u>	<u>59967</u>	<u>2017 Multi Purpose</u>	<u>\$160,000.00</u>
	Reason:	<u>Reclassify Bond Payments after sale in June 2017</u>			Reason:	<u>Reclassify Bond Payments after sale in June 2017</u>			
<u>\$155,000.00</u>	<u>\$2,000.00</u>	<u>60071106</u>	<u>59967</u>	<u>2017 Multi Purpose</u>	<u>\$2,000.00</u>	<u>60075106</u>	<u>58967</u>	<u>2017 Multi Purpose</u>	<u>\$47,495.00</u>
	Reason:	<u>Reclassify Bond Payments after sale in June 2017</u>			Reason:	<u>Reclassify Bond Payments after sale in June 2017</u>			
<u>\$395,000.00</u>	<u>\$23,100.00</u>	<u>17520006</u>	<u>59254</u>	<u>Short Term Int - City</u>	<u>\$20,000.00</u>	<u>13860006</u>	<u>59254</u>	<u>Short Term Int - School</u>	<u>\$82,500.00</u>
	Reason:	<u>Reclassify short term interest</u>			Reason:	<u>Reclassify short term interest</u>			
					<u>\$3,100.00</u>	<u>13850006</u>	<u>59952</u>	<u>2004 Multi Purpose Int</u>	<u>\$0.00</u>
	Reason:				Reason:	<u>Correct calculation error in FY 18 budget</u>			
	<u>\$67,100.00</u>	Total			<u>\$67,100.00</u>	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Comptroller				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$2,588,165.81</u>	<u>\$250,000.00</u>	<u>11980006</u>	<u>51750</u>	<u>Health Insurance - City</u>	<u>\$200,000.00</u>	<u>13100003</u>	<u>51751</u>	<u>Health Ins. - School</u>	<u>\$1,500,754.28</u>
	Reason:	<u>Surplus in City Health Insurance</u>			Reason:	<u>Funds needed to cover cost estimates</u>			
					<u>\$50,000.00</u>	<u>13100003</u>	<u>51753</u>	<u>Medicare Ins. - School</u>	<u>\$97,874.26</u>
	Reason:				Reason:	<u>Funds needed to cover cost estimates</u>			
	<u>\$250,000.00</u>	Total			<u>\$250,000.00</u>	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:	POLICE					FY:				
	FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
<u>\$192,761.52</u>	<u>\$16,500.00</u>	<u>12100003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$6,000.00</u>	<u>12100005</u>	<u>54220</u>	<u>Office Supplies/Expenses</u>	<u>\$4,287.18</u>	
	Reason:	<u>Vacant positions</u>				<u>Software upgrade and maintenance contract</u>				
					<u>\$8,000.00</u>	<u>12100006</u>	<u>51975</u>	<u>Initial Equipment</u>	<u>\$333.35</u>	
	Reason:					<u>Initial equipment for new officer & 5 body armor vests</u>				
					<u>\$2,500.00</u>	<u>12100006</u>	<u>52010</u>	<u>Translation Services</u>	<u>\$220.00</u>	
	Reason:					<u>Translation services needed in more arrests & investigations</u>				
	<u>\$16,500.00</u>	Total			<u>\$16,500.00</u>	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:	Comptroller					FISCAL YEAR:	2018			
	FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
<u>\$3,245,924.59</u>	<u>\$398,500.00</u>	<u>27000</u>	<u>33086</u>	<u>Fund Bal-Parks & Fields Capital</u>	<u>\$398,500.00</u>	<u>19910009</u>	<u>49715</u>	<u>Transfer-Meal Local Option</u>	<u>\$0.00</u>	
	Reason:	<u>Local options meals tax funding FY18 bond payments associated with parks & fields as per the recap</u>								
	<u>\$398,500.00</u>	Total			<u>\$398,500.00</u>	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

		DEPT: Department of Public Works/Public Facilities						FISCAL YEAR: 2018			
		FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$44,088	\$17,880	11920003	50560	Custodian	\$17,880	11920006	53999	Other Services	\$11,264		
		Reason: <u>previously vacant positions</u>						<u>Council Chamber upgrades</u>			
\$44,088	\$5,620	11920003	50560	Custodian	\$5,620	13032001	50292	Craftsman	1,113.00		
		Reason: <u>previously vacant position</u>						<u>contractual increases</u>			
\$244,808	\$100,000	13032006	52120	Electricity/School	\$400,000	11920006	52120	Electricity/City	1,308.58		
		Reason: <u>excess funds available</u>						<u>Net Metering credit less than anticipated</u>			
\$271,577	\$200,000	13032006	52200	Natural Gas/School							
		Reason: <u>excess funds available</u>									
\$100,000	\$100,000	60080004	53110	Legal Services							
		Reason: <u>excess funds available</u>									
	\$423,500	Total			\$423,500	Total					

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

		DEPT: Department of Public Works/Public Facilities						FISCAL YEAR: 2018			
		FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$121,517	\$20,000	14001503	50740	Equipment Operators	\$20,000	14001506	52500	Repair/Maintenance	\$47		
		Reason: <u>vacant positions</u>						<u>Repairs to Toro mower</u>			
\$91,455	\$14,000	61090001	50740	Equipment Operator	\$14,000	14001505	54610	General Materials	\$6,412		
		Reason: <u>previously vacant position</u>						<u>Tree replacement throughtout the city</u>			
\$2,125	\$2,125	60081003	51920	SLBB	\$2,125	60080001	50580	Asst Chemist	\$4,486		
		Reason: <u>Excess available due to retirement</u>						<u>Step increases</u>			
\$60,460	\$20,000	60081001	50850	Sewage Treatment Plant Op	\$20,000	61090006	55740	Water Meters	\$46,890		
		Reason: <u>previously vacant position</u>						<u>Purchase of water meters</u>			
\$19,963	\$9,000	61090001	50680	General foreman	\$9,000	61090006	55740	Water Meters	\$46,890		
		Reason: <u>Previously vacant position</u>						<u>Purchase of water meters</u>			
\$54,225	\$51,500	60081001	50750	Equipment Operator	\$26,000	60081006	55950	East Waste Water Treat	\$2,507		
		Reason: <u>previously vacant position</u>						<u>Increase in chemicals for plant</u>			
					\$25,500	60085006	55980	West Waste Water Treat	\$1,944		
		Reason: <u></u>						<u>Increase in chemicals for plant</u>			
	\$116,625	Total			\$116,625	Total					

ORDERED: That the DPW transfer request in the amount of \$1,588,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal & Operating Expenses in the amounts of \$281,300.00, \$538,800.00 & \$767,900.00 respectively to fund FY18 deficit, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		DPW		FISCAL YEAR:		2018			
Available Balance		FROM ACCOUNT:			TO ACCOUNT:			Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Reason:	
<u>\$8,284,083.16</u>	<u>\$1,588,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$281,300.00</u>	<u>14001203</u>	<u>51390</u>	<u>Overtime-Snow & Ice</u>	<u>-\$281,228.80</u>
					<u>\$538,800.00</u>	<u>14001206</u>	<u>52960</u>	<u>Snow Removal</u>	<u>-\$538,539.76</u>
					<u>\$767,900.00</u>	<u>14001206</u>	<u>57040</u>	<u>Operating Expenses</u>	<u>-\$767,738.88</u>
	<u>\$1,588,000.00</u>	<u>Total</u>			<u>\$1,588,000.00</u>	<u>Total</u>			

ORDERED: That the MEDC transfer request in the amount of \$679,841.00 which moves funds from Economic Development to MEDC funding to fully fund their FY19 operations, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor FISCAL YEAR: 2018

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,368,317.15	\$679,841.00	27000099	42440	Economic Development	\$679,841.00	11740006	53950	MEDC Funding	\$0.00

Reason: To allow the MEDC to continue it's work in promoting the economic development of the City for FY19

\$679,841.00 Total \$679,841.00 Total

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Stabilization-Open Space to move revenues from wireless antenna receipts from FY17, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor FISCAL YEAR: 2018

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,284,083.16	\$18,000.00	10000	35900	Undesignated Fund	\$18,000.00	83600	32918	Stabilization-Open Space	\$1,035,628.06

Reason: To transfer annual wireless antennae payments received by the City in fiscal year 2017 to Open Space Stabilization

\$18,000.00 Total \$18,000.00 Total

ORDERED: That the request to increase the spending limit for the Council on Aging Revolving Fund for the remainder of FY 2018 not to exceed \$70,000.00, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That no more than forty thousand dollars (\$40,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: \$100,000.00 Budget Earmark from the Commonwealth of Massachusetts for Park and Playground Improvements, refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that SLOCUMB LANE be accepted as a public way

from Station 0+00 at the sideline of STETSON DRIVE to Terminus,

and that its appurtenant headwall maintenance easement be accepted as a municipal easement,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, “‘CARISBROOKE II’ Acceptance Plan of Slocumb Lane and Headwall Maintenance Easement in Marlborough, Massachusetts,” Owner: Slocumb Realty, LLC, 120 Quarry Drive, Milford, MA 01757, Book 43031, Page 384; To Be Deeded to: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Scale: 40 feet to an inch; Dated: September 26, 2017, last revised January 18, 2018; prepared by: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 01757, which plan is to be recorded herewith.

Title to the roadway shown as SLOCUMB LANE on said plan, and title to a headwall maintenance easement shown as HEADWALL MAINTENANCE EASEMENT on said plan, has been granted to the City of Marlborough in a quitclaim deed from Slocumb Realty LLC, a Massachusetts limited liability company having its usual place of business at 120 Quarry Drive, 2nd Floor, Milford, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

SLOCUMB LANE be accepted as a public way, and its appurtenant headwall maintenance easement be accepted as a municipal easement, in the City of Marlborough.

Refer to **PUBLIC SERVICES COMMITTEE & PLANNING BOARD**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Zoning Ordinance Amendments – City Code §650-32 Medical Marijuana Treatment Center; Adult Use Marijuana Retail; Marijuana Accessories Retail; and Medical and/or Adult Use Marijuana Cultivator, Independent Testing Laboratory, Product Manufacturer or Transporter, in proper legal form, **MOVED TO ITEM 29** and **FILE**; adopted.

Councilor Juairé recused.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, Acceptance of Grant of Public Walking Trail Easement concerning Fairfield (fka Talia), in proper legal form, **MOVED TO REPORTS OF COMMITTEE** and **FILE**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable recommendation of proposed Ordinance Zoning Amendments, §650-32, Marijuana Ordinances, **FILE**; adopted.

Councilor Juairé recused.

ORDERED: That the Communication from the Planning Board re: Negative recommendation of proposed Ordinance Zoning Amendment, §650-36, Commercial Village Housing Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i), **FILE**; adopted.

ORDERED: That the Communication from Colie O'Donnell re: Support of Proposed Farm Road Retirement Community Overlay District, **FILE**; adopted.

ORDERED: 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 as follows:

1. In Section 650-5.B, insert the following new definition:

ANCILLARY RESIDENTIAL COMMUNITY

A single multifamily building containing up to thirty (30) dwelling units in a Retirement Community Overlay District that is incorporated as part of a retirement community or located on a lot adjacent to a retirement community.

2. Add to the Table of Use Regulations, Section 650-17, a category for “Ancillary Residential Community” under “Residential Uses”, as follows:

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Ancillary Residential Community (§ 650-22)	N	N	N	N	N	N	N	N	N	SP	SP	N

3. Add to Section 650-22 the following new Subsection C(14) as follows:

(14) Ancillary Residential Community: An Ancillary Residential Community shall be subject to the following requirements:

- (a) An Ancillary Residential Community shall be permitted: (i) as part of a retirement community and authorized in conjunction with the granting of a special permit for the retirement community or an amended special permit for the retirement community; or (ii) as a principal use through a separate special permit for a lot adjacent to a retirement community, provided that the organization governing the adjacent retirement community provides written consent to the filing of such special permit application.
- (b) The Ancillary Residential Community’s principal building shall face upon an existing street, or the street-facing side of the building shall be designed in a manner satisfactory to the City Council.
- (c) The Ancillary Residential Community’s principal building shall have a maximum height of 2 1/2 stories.
- (d) The Ancillary Residential Community’s principal building shall have a minimum front yard of 10 feet. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.
- (e) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room in a dwelling unit shall contain less than 120 square feet.
- (f) No part of any building in any Ancillary Residential Community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in the retirement community.
- (g) All site landscaping shall be designed so as to provide a clear sense of separation between the Ancillary Residential Community and the retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

- (h) The City Council may, as a condition of any special permit for an Ancillary Residential Community, require that the land area on which the Ancillary Residential Community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the Ancillary Residential Community will not be subdivided or its ownership further condominiumized, that the Ancillary Residential Community will remain as rental housing, and that ownership of the Ancillary Residential Community will remain consolidated.
- (i) The total number of units in an Ancillary Residential Community shall not exceed 30% of the combined total of retirement community and Ancillary Residential Community units.

SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.

ORDERED: That there being no objection thereto set **MONDAY JUNE 4, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, refer to **PUBLIC SERVICES COMMITTEE;** adopted.

ORDERED: That the Minutes, School Committee, April 24, 2018, **FILE;** adopted.

ORDERED: That the Minutes, Board of Assessors, March 28, 2018 (Amended) & April 18, 2018, **FILE;** adopted.

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

- a. Rosa Nguyen, 7 Uncatena Avenue, pothole or other road defect.
- b. Paul Valianti, 126 Edinboro Street, pothole or other road defect.
- c. Moteza Asgarzadeh, 8 Grant Street, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Wednesday May 8, 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, Delano, Doucette, Juaire, Tunnera, and Landers.

The meeting convened at 6:00 PM.

1. **Order No. 18-1007261 - Mayor Fiscal Year 2019 Operating Budget for \$162,833,467.00.** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of the Fiscal Year 2019 (FYI 9) operating budget for \$162,833,467.00.

Attachment 1 contains the projected tax implications based on the Mayor's FYI 9 budget. The Mayor's FY19 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$151.75 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2018.

Attachment 2 contains the projections for the state and local revenues for FYI9 that were used in developing the tax implications.

For the FYI9 budget, the City Council approved order 18-1007236 (April 23, 2018) for the abbreviated budget format that approves a salary amount and expenditure amount for each departments budget.

Councilor Oram Abstained from participation in the Parks and Recreation Department budget discussions.

The Finance Committee voted 5 -0 to approved a FY19 budget of \$162,833,467.00. This represents a 3.99% increase from the FY18 budget or an increase of \$6,251,945.00.

The Finance Committee adjourned at 9:26 PM.

Reports of Committee Cont'd:

**Marlboro City Council Finance Committee
Monday May 14, 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, Delano, and Juaire.

The meeting convened at 7:00 PM.

1. Order No. 18-1007262 – FY18 Capital Project Requests - Bond for \$5,450,000.00 and Undesignated Fund Transfers for \$3,957,138.00: The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of three bonds totaling \$5,450,000.00 for Capital Projects and a transfer of \$3,957,138.00 from the Undesignated Fund Account to purchase Department Equipment. The Finance Committee took the following actions:

- **Order No. 18-1007262-1: Street Construction.** The Finance Committee voted 5 - 0 to approve the \$3,500,000.00 bond for street construction.
- **Order No. 18-1007262-2: Sewer Construction.** The Finance Committee voted 5 - 0 to approve the \$1,800,000.00 bond for sewer construction. The Comptroller will provide a revised bond order to correct the written dollar amount.
- **Order No. 18-1007262-3: Water Main Construction.** The Finance Committee voted 4 – 1 (Councilor Oram opposed) to approve the \$150,000.00 bond for water main construction.
- **Order No. 18-1007262-4: Transfer \$3,957,138.00 from Undesignated Funds to Purchase Capital Equipment for the Department of Public Works (DPW), Public Facilities, Fire Department, Police Department, City Clerk and Council on Aging:**

The Finance Committee took the following actions:

- The Finance Committee voted 5 - 0 to approve the \$2,491,508.00 for DPW and Public Facilities Equipment.
- The Finance Committee voted 5 - 0 to approve the \$1,239,000.00 for Fire Department Equipment.
- The Finance Committee voted 5 - 0 to approve the \$206,500.00 for Police Department Equipment.
- The Finance Committee voted 5 - 0 to approve the \$5,130.00 for City Clerk Department Equipment.
- The Finance Committee voted 5 - 0 to approve the \$15,000.00 for Council on Aging Department Equipment.

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to advertise the three bonds.

Reports of Committee Cont'd:

2. **Order #18-1007263 – Transfer \$355,519.00 from PEG (Public, Educational and Government) Fees to Marlboro Cable Trust Fund:** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting a transfer of \$355,519.00 from the PEG Fund Account to the Marlboro Cable Trust Fund Account to fund the remainder of the FY19 budget for WMCT in Marlboro.

The Finance Committee voted 5 - 0 to approve the transfer.

Note that Councilor Ossing discussed the disclosure that was filed with the City Clerk's office per MGL c. 268A section 23(b)(3) on May 4, 2018.

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to approve the transfer.

3. **Order #18-1007266 – Grant for \$300,000.00 for Ghiloni Park Improvements:** The Finance Committee reviewed the Mayor's letter dated May 3, 2018 requesting the approval of a resolution to accept a \$300,000.00 Grant from the Land and Water Conservation Fund for improvements at Ghiloni Park. The Finance Committee noted and the Mayor acknowledged that the project will not move forward until the Mayor submits the final design and requested funding to the City Council for approval.

The Finance Committee voted 5 - 0 to approve the resolution accepting the Grant.

The Finance Committee agreed to support suspending the rules at the May 21, 2018 City Council meeting to approve the resolution accepting the Grant for \$300,000.00.

The Finance Committee adjourned at 8:50 PM.

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

City Council Legislative and Legal Affairs Committee
Tuesday, May 15, 2018, 5:30 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey and Councilor Delano. Also present were Councilors Clancy, Juare, Ossing and Assistant City Solicitor Cynthia Panagore Griffin.

Order No. 18-1007223: Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Proposed Order to Accept Grant of Public Walking Trail Easement from Fairfield Marlborough Limited Partnership.

Reports of Committee Cont'd:

The letter from Assistant City Solicitor Panagore Griffin included a proposed order to accept the public walking trail easement from Fairfield Marlborough Limited Partnership. The easement is granted per the Comprehensive Permit issued by the ZBA to the Gutierrez Company, the landowner prior to Fairfield. The easement will be accepted as a municipal easement for passive recreational pedestrian use from dawn to dusk. The trail begins at crosswalk over Ames Street at driveway entrance of Talia continuing thru the Talia apartment complex and connecting to trail to north on land now known as Apex Center. Directional signage and rules and regulations concerning usage may be posted by either party at their expense.

It was moved and seconded to accept the Grant of Public Walking Trail Easement from Fairfield Marlborough Limited Partnership. The motion carried 2-0.

The committee agreed to ask for a suspension of the rules to vote on this at the May 21st Council meeting to help Fairfield meet a deadline.

The Legislative & Legal Affairs Committee adjourned at 5:40 PM.

Councilor Delano reported the following out of Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: May 15, 2018

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

Convened: 5:45 PM – Adjourned: 7:09 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Doucette, and Tunnera; and Councilors Clancy, Oram, Ossing, and Robey

Absent: Urban Affairs Committee Member Councilor Landers

Order No. 18-1007137 (X17-1006983A): Communication from Attorney Falk on behalf of David Skarin, regarding Proposed Zoning Amendment, Rail Trail Overlay District, 19 Ash Street.

The Urban Affairs Committee met with Attorney Arthur Bergeron and his client David Skarin on their request for a proposed zoning amendment to create a Rail Trail Overlay District. Chairman Delano read from a Planning Board letter, dated April 24, 2018, in which they made a favorable recommendation to the City Council for the proposed zoning amendment with the following additional recommendations:

- Retail and restaurant use be allowed only along Lincoln Street.
- The property at 19 Ash Street be restricted to residential use only.
- The “Fossile Property” should be included in the Assabet River Rail Trail Overlay District.

Reports of Committee Cont'd:

Mr. Bergeron and his client had no objections to the first two recommendations of the Planning Board however the third recommendation would require they restart the process for a proposed zoning amendment. Chairman Delano explained the Fossile Property will be part of a rezoning request by the Mayor in the next several months and the Urban Affairs Committee agreed that it should not be included in this zoning proposal for that reason.

The following changes were agreed upon to the Proposed Zoning Amendment for the Rail Trail Overlay District:

- C. Eligible Uses, Dimensional Controls:
 - (1) a. and b. - Language shall be added to these two sections that these uses shall apply only to parcels with frontage on Lincoln Street.
 - It shall be stated that the property at 19 Ash Street be restricted to Residential Use Only.

Mr. Bergeron would make the requested changes to the proposed zoning amendment for **§650-37 – Rail Trail Overlay District** in collaboration with the City Solicitor.

The Urban Affairs Committee agreed to request a Suspension of the Rules at the May 21, 2018 City Council Meeting.

Motion made by Councilor Juaire, seconded by the Chair, to approve the proposed Rail Trail Overlay District as amended. The motion carried 4-0.

Motion made and seconded to adjourn. The motion carried 4-0. The meeting adjourned at 7:09 PM.

Suspension of the Rules requested – granted.

ORDERED: That the FY19 Budget in the amount of \$162,833,467.00 for review and appropriation in which this spending plan reflects an increase of 3.99% over the approved Fiscal Year 2018, **APPROVED**; adopted.

Attachment 1 contains the projected tax implications based on the Mayor's FYI 9 budget. The Mayor's FY19 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$151.75 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2018.

Attachment 2 contains the projections for the state and local revenues for FYI9 that were used in developing the tax implications.

For the FYI9 budget, the City Council approved order 18-1007236 (April 23, 2018) for the abbreviated budget format that approves a salary amount and expenditure amount for each departments budget.

Councilor Oram Abstained from participation in the Parks and Recreation Department budget discussions.

Suspension of the Rules requested – granted.

ORDERED: That the WMCT transfer request in the amount of \$355,519.00 which moves funds from PEG Fees to Marlborough Cable Trust to fund the remainder of WMCT’S FY19 Budget, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –										
DEPT:		Mayor				FISCAL YEAR:		2018		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
<u>\$362,461.56</u>	<u>\$355,519.00</u>	<u>27000099</u>	<u>47750</u>	<u>PEG fees</u>	<u>\$355,519.00</u>	<u>89000</u>	<u>25581</u>	<u>Marlboro Cable Trust</u>		<u>\$0.00</u>
Reason:		<u>To fund WMCT for FY19 operations</u>								
	\$355,519.00	Total			\$355,519.00	Total				

Councilor Ossing filed a disclosure statement in conjunction with this order per MGL c. 268a section 23(b)(3) on May 4, 2018.

Suspension of the Rules requested – granted.

ORDERED:

**A RESOLUTION
TO APPLY FOR AND ACCEPT GRANT FROM THE COMMONWEALTH OF
MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS FOR THE GHILONI PARK RENOVATION
PROJECT**

WHEREAS, Ghiloni Park is a much-used recreational facility in the city and is in need of upgrades to continue to better serve the residence of Marlborough and

WHEREAS, 66 acres of the Ghiloni Park is dedicated to recreation purposes under M.G.L. c. 45, § 14 and is under the care, custody, management and control of the Recreation Commission of the city of Marlborough; and

WHEREAS, Ghiloni park includes a softball field, several soccer fields, basketball courts, a beach volleyball court, playgrounds, a skate park, a jogging track, a fitness station, walking paths, and a nature trail; and

WHEREAS, the main focus of the Master Plan is to renovate the park and in the first phase of renovation add and improve parking and improve the walking trail to make it more accessible; and

WHEREAS, the Commonwealth of Massachusetts’ Executive Office of Energy and Environmental Affairs (“EOEEA”) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Land and Water Conservation Fund grant program; and

WHEREAS, the project cost as outlined in the Master Plan totals \$1,146,915 (One million one hundred forty-six thousand, nine hundred fifteen dollars), and the City Council has voted on April 6, 2015 to authorize the bond funding in the amount of up to \$ 3,095,000 (three million ninety-five thousand) for municipal outdoor recreational facilities.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to accept a LWCF grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the LWCF grant to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage.

APPROVED; adopted.

Suspension of the Rules requested – granted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the perpetual walking trail easement shown on a plan entitled "Public Access Route Talia", dated November 28, 2017, be accepted as a municipal easement for passive recreational pedestrian use, as hereinafter described:

DESCRIPTION

The perpetual walking trail easement of up to six (6) feet in width in the location approximately shown as "Pedestrian Route" on the plan entitled "Public Access Route Talia", dated November 28, 2017 and attached here as Exhibit A to the deed of easement entitled "Public Walking Trail Easement", dated January 10, 2018, by and through which deed of easement said perpetual walking trail easement is granted by Fairfield Marlborough Limited Partnership to the City of Marlborough, said deed of easement and Exhibit A thereto to be recorded with the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The perpetual walking trail easement of up to six (6) feet in width in the location approximately shown as "Pedestrian Route" on the plan entitled "Public Access Route Talia", dated November 28, 2017 and attached as Exhibit "A" to the deed of easement entitled "Public Walking Trail Easement", dated January 10, 2018, from Fairfield Marlborough Limited Partnership to the City of Marlborough, said deed of easement and Exhibit A thereto to be recorded with the Middlesex County South Registry of Deeds, be accepted as a municipal easement for passive recreational pedestrian use in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the MCDA transfer request in the amount of \$400,000.00 which moves funds from Open Space Stabilization to the Marlborough Community Development Authority to convey 19 properties to the City of Marlborough, including a large parcel on Winter Street abutting Stevens Park, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:		Mayor				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$1,035,628.06</u>	<u>\$400,000.00</u>	<u>83600</u>	<u>32918</u>	<u>Open Space Stabilization</u>	<u>\$400,000.00</u>	<u>24518102</u>	<u>50114</u>	<u>MCDA</u>	<u>\$0.00</u>
Reason:		<u>Real estate transfer with Community Development Authority</u>							
<u>\$400,000.00</u>		Total		<u>\$400,000.00</u>		Total			

Councilor Delano opposed.

ORDERED: That the transfer request for Marlborough Economic Development Corporation (MEDC) Land Acquisition in the amount of \$1,075,000.00 which moves funds from Undesignated to MEDC to satisfy a Purchase and Sales Agreement, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$8,284,083.16</u>	<u>\$1,075,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,075,000.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0.00</u>
Reason:		<u>Land acquisition per Fossile purchase & sale agreement</u>							
<u>\$1,075,000.00</u>		Total		<u>\$1,075,000.00</u>		Total			

ORDERED: That the Communication from the Mayor re: City of Marlborough Management Letter for FY2017, **FILE**; adopted.

ORDERED: That the City of Marlborough hereby accepts section 3 of c. 64N of the Massachusetts General Laws, as amended, to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent, said excise to be deposited into the General Fund, **TABLED UNTIL NEXT MEETING AND REQUEST THE MAYOR TO CLARIFY IF THE TAX PERTAINS TO EXCISE OR SALES**; adopted.

Councilor Juaire recused.

ORDERED: That pursuant to § 14 of Chapter 40 of the General Laws of Massachusetts, the City, acting by and through the City Council of the City of Marlborough, does hereby accept title, by deed or deeds of conveyance, from the Marlborough Community Development Authority to the fee simple interest in certain parcels of below-described land, said deed or deeds to be recorded herewith at the Middlesex County South Registry of Deeds:

That certain parcel containing about 91,476 square feet, or 2.1 acres, more or less, located on Winter Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 68, Parcel 52, and recorded at the South Middlesex County Registry of Deeds at Book 18454, Page 26;

That certain parcel containing about 35,076 square feet, or 0.81 acres, more or less, located on Newton Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 452, and recorded at the South Middlesex County Registry of Deeds at Book 12444, Page 415, but not including the buildings and structures thereon;

That certain parcel containing about 1,977.0 square feet, or 0.05 acres, more or less, also known as 0 Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 455, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 553;

That certain parcel containing about 2,014.0 square feet, or 0.046 acres, more or less, also known as 0 Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 461, and recorded at the South Middlesex County Registry of Deeds at Book 13427, Page 726;

That certain parcel containing about 640.0 square feet, or 0.15 acres, more or less, on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 69, Parcel 477A, and recorded at the South Middlesex County Registry of Deeds at Book 12537,192;

That certain parcel containing about 23,522.4 square feet, or 0.54 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 25, and recorded at the South Middlesex County Registry of Deeds at Book 12506, Page 480;

That certain parcel containing about 2,801.0 square feet, or 0.06 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 29A, and recorded at the South Middlesex County Registry of Deeds at Book 12558, Page 546;

That certain parcel containing about 2,625.0 square feet, or 0.06 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 30, and recorded at the South Middlesex County Registry of Deeds at Book 12697, Page 152;

That certain parcel containing about 435.6 square feet, or 0.01 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 30A, and recorded at the South Middlesex County Registry of Deeds at Book 12450, Page 321;

That certain parcel containing about 12,557.0 square feet, or 0.29 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 31, and recorded at the South Middlesex County Registry of Deeds at Book 12450, Page 321;

That certain parcel containing about 443.0 square feet, or 0.01 acres, more or less, located off of Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 33A, and recorded at the South Middlesex County Registry of Deeds at Book 12965, Page 119;

That certain parcel containing about 1,543.0 square feet, or 0.035 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 34, and recorded at the South Middlesex County Registry of Deeds at Book 12532, Page 584;

That certain parcel containing about 252.0 square feet, or 0.006 acres, more or less, located on Main Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 77A, and recorded at the South Middlesex County Registry of Deeds at Book 12910, Page 555;

That certain parcel containing about 26,775.0 square feet, or 0.615 acres, more or less, being a portion of Florence Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 128, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 553, but not including the buildings and structures thereon;

That certain parcel containing about 35,709.2 square feet, or 0.82 acres, more or less, located on and across Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 131, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 551, but not including the buildings and structures thereon;

That certain parcel containing about 2,808.0 square feet, or 0.06 acres, more or less, also known as a portion of Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 131A, and recorded at the South Middlesex County Registry of Deeds at Book 12558, Page 553;

That certain parcel containing about 348.0 square feet, or 0.117 acres, more or less, located off Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 135A, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 551;

That certain parcel containing about 7,835.0 square feet, or 0.18 acres, more or less, also known as a portion of Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 141, and recorded at the South Middlesex County Registry of Deeds at Book 13494, Page 551; and

That certain parcel containing about 436.0 square feet, or 0.01 acres, more or less, also known as a portion of Weed Street, Marlborough, MA and shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 142, and recorded at the South Middlesex County Registry of Deeds at Book 923, Page 170.

Yea: 10-Nay: 1

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

Nay: Delano.

ORDERED: Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain parcels of land located in various places in Marlborough, Massachusetts, as more particularly described herein, be taken by eminent domain as general corporate property, confirming and making clear the title of the City of Marlborough to said parcels of land and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the permanent easement interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

For each of the below parcels of land, the fee simple interest is hereby taken, by eminent domain, from owner the Marlborough Community Development Authority (hereinafter, "Owner" or the "CDA"), **exclusive of the structures or buildings located thereon**. The ownership of said parcels and each of them are supposed to be as stated herein, but said fee simple interest and each of them are hereby taken whether the ownership is as stated herein or otherwise. The CDA has agreed to accept \$1.00 (one dollar) as adequate compensation and damages for this taking, having waived and released the City of Marlborough from all claims resulting from said taking, and having waived its right to appeal or contest said taking.

DESCRIPTION OF LAND TAKEN

(continued)

Assessors' Map & Parcel No.	Owner's Book/Page (Middlesex County South Registry of Deeds)	Address or Street Location	Area (S.F. ± /Acres±)
68-52	18454/26	Winter Street	91,476.0/2.1
69-452	12444/415	Newton Street	35,076.0/0.81
69-455	13494/553	0 Main Street	1,977.0/0.05
69-461	13427/726	0 Main Street	2,014.0/0.046
69-477A	12357/192	Main Street	640.0/0.15
70-25	12506/480	Main Street	23,522.4/0.54
70-29A	12558/546	Main Street	2,801.0/0.06
70-30	12697/152	Main Street	2,625.0/0.06
70-30A	12450/321	Main Street	435.6/0.01
70-31	12450/321	Main Street	12,557.0/0.29
70-33A	12965/119	off Main Street	443.0/0.01
70-34	12532/584	Main Street	1,543.0/0.035
70-77A	12910/555	Main Street	252.0/0.006
70-128	13494/553	a portion of Florence Street	26,775.0/0.615
70-131	13494/551	on and across Weed Street	35,709.2/0.82
70-131A	12558/553	a portion of Weed Street	2,608.0/0.06
70-135A	12558/553	off Weed Street	348.0/0.117
70-141	12558/553	a portion of Weed Street	7,835.0/0.18
70-142	923/170	a portion of Weed Street	436.0/0.01

AWARD OF DAMAGES

The City Council hereby makes the award for damages to the owner of record, the Marlborough Community Development Authority, in the amount of \$1.00.

Yea: 10-Nay: 1

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

Nay: Delano.

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 BY ADDING THERETO AS FOLLOWS:

- 1. Section 650-17, entitled "Table of Uses," is hereby amended by inserting a new section for the use entitled "Adult use marijuana retail; marijuana accessories retail" as follows:

Adult use marijuana retail;	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
marijuana accessories retail (46)	N	N	N	N	N	N	SP	N	SP	N	N

- 2. Section 650-17, entitled "Table of Uses," is hereby amended by inserting a new section for the uses entitled "Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter" as follows:

Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter (47)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	N	N	SP	SP	N

- 3. Section 650-18, entitled "Conditions for Uses", is hereby amended by adding to said section a new paragraph (46), as follows:

- (46) Adult use marijuana retail; marijuana accessories retail:
 - (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
 - (b) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and
 - (c) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a Special Permit from the City Council (the "Special Permit Granting Authority").

4. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (47), as follows:
 - (47) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter:
 - (a) Shall only be located within those portions of the I and LI Districts located west of Interstate Highway Route 495;
 - (b) Shall be limited in number to one (1) of each type (cultivator, independent testing laboratory, product manufacturer or transporter), but in no event fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the City of Marlborough;
 - (c) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a Special Permit from the City Council (the "Special Permit Granting Authority");
 - (d) All aspects of a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building; and
 - (e) No outside storage or display of marijuana, related supplies, equipment, or educational materials is permitted.
5. The title of Section 650-32, "MEDICAL MARIJUANA TREATMENT CENTER", is hereby stricken and inserted in place thereof shall be the following new title for Section 650-32:

"MEDICAL MARIJUANA TREATMENT CENTER; ADULT USE MARIJUANA RETAIL; MARIJUANA ACCESSORIES RETAIL; AND MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER ".
6. Paragraph A. of Section 650-32 is hereby amending by inserting at the beginning thereof the following words:

"MEDICAL MARIJUANA TREATMENT CENTERS"
7. Section 650-32 is hereby amended by inserting after Paragraph A. therein the following new paragraphs A1. and A2.:

- A1. ADULT USE MARIJUANA RETAIL; MARIJUANA ACCESSORIES RETAIL. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, 935 CMR 500.000, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of adult use marijuana retail business establishments and marijuana accessories business establishments within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.
 - A2. MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, 105 CMR 725.000, 935 CMR 500.000, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of cultivators, independent testing laboratories, product manufacturers, or transporters, for the purposes of medical marijuana or adult use marijuana, within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.
8. Paragraph B. of Section 650-32 is hereby amended by striking therefrom the first paragraph in its entirety, and by inserting in place thereof the following new paragraph:
 - B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in Section 650-32 of the Code of the City of Marlborough entitled "Medical Marijuana Treatment Centers", Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 105 CMR 725.000, M.G.L. c. 94G and 935 CMR 500.002, all as amended, and unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:
 9. Paragraph B. of Section 650-32 is hereby amended by inserting, in alphabetical order within the current definitions of said Paragraph B., the following new definitions:

ADULT USE MARIJUANA, including the words MARIJUANA and CANNABIS as those words pertain to adult use marijuana, means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 96G, § 1, as amended; provided that Adult Use Marijuana, Marijuana or Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

ADULT USE MARIJUANA RETAIL means an entity licensed and registered under 935 CMR 500.050, as amended, as a Marijuana Retailer to purchase from a craft marijuana cooperative, marijuana cultivator, independent testing laboratory, product manufacturer or transporter and to sell or otherwise transfer the marijuana to consumers and to Marijuana Establishments.

MARIJUANA ACCESSORIES means 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, injecting, inhaling or otherwise introducing marijuana or cannabis into the body.

MARIJUANA ACCESSORIES RETAIL means a retail business open to the public where an entity sells marijuana or cannabis accessories to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR means an entity licensed and registered under 105 CMR 725.100 and/or 935 CMR 500.000, as amended, to cultivate, process and package marijuana, to deliver to Medical Marijuana Treatment Centers and/or to other Marijuana Establishments, but not to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA INDEPENDENT TESTING LABORATORY means a laboratory that is licensed by the Cannabis Control Commission and is (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission, (ii) independent financially from any Medical Marijuana Treatment Center or any licensee or Marijuana Establishment for which it conducts a test, and (iii) qualified to test marijuana in compliance with 105 CMR 725.031 and M.G.L. c. 94C, § 34 and/or 935 CMR 500.160 and M.G.L. c. 94G, § 34.

MEDICAL AND/OR ADULT USE MARIJUANA PRODUCT MANUFACTURER means an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and/or to Medical Marijuana Treatment Centers, but not to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA TRANSPORTER “marijuana transporter” means an entity, not otherwise licensed by the Cannabis Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments and/or to Medical Marijuana Treatment Centers, not for sale to consumers.

MARIJUANA ESTABLISHMENT means a licensed marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licenses marijuana-related business, except a Medical Marijuana Treatment Center.

10. Paragraph C. of Section 650-32 is hereby amended by striking from the first paragraph the words “Medical marijuana treatment center”, and by inserting in place thereof the following words:

“a Medical Marijuana Treatment Center, adult use marijuana retail business, marijuana accessories business, or medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter,”

11. Paragraph C.15.b. of Section 650-32, entitled “Medical Marijuana Treatment Centers”, is hereby amended by inserting at the end of said paragraph, after the words “pick-up/drop-off area”, the following words:

“for clients, customers and products;”

12. Section 650-32 is hereby amended by inserting, after Paragraph F., a new paragraph F.1. as follows:

F1. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:

- a. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and
- b. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five hundred (500) foot distance in this paragraph F.1. is measured in a straight line from the nearest point of the building in which the school or daycare center in question is located to the nearest point of the building within which the proposed adult use marijuana retail business, marijuana accessories retail business, and medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.

13. Paragraph G. of Section 650-32 is hereby amended by inserting at the end of said paragraph, after the words “Medical Marijuana Treatment Center”, the following words:

“(except for the administration of marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary), an adult use marijuana retail business, a marijuana accessories retail business, and to a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter.”
14. Section 650-32 is hereby amended by inserting therein a new paragraph H. as follows:

H. The number of Special Permits issued to adult use marijuana retail business establishments shall not exceed the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Licensing Board pursuant to M.G.L. c. 138, § 15.
15. Section 650-32 is hereby amended by inserting therein a new paragraph I. as follows:

I. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be an allowable home occupation use or an allowable accessory use.
16. Section 650-32 is hereby amended by inserting therein a new paragraph J. as follows:

J. Social consumption establishments and mixed-use establishments for the consumption of adult use marijuana and/or of medical marijuana are prohibited.
17. Section 650-32 is hereby amended by inserting therein a new paragraph K. as follows:

K. Direct delivery to a consumer or client from a marijuana cultivator or product manufacturer is prohibited.
18. The effective date of these amendments shall be the date of their passage.

Councilor Juairé recused.

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

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM.



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 21, 2018

ORDERED:

That there being no objection thereto set **MONDAY JUNE 4, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 18-1007288



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 31 4:10:57
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 31, 2018

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

Re: Grant Acceptance – Council on Aging

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant in the amount of \$3,500.00 for the Marlborough Council on Aging from the Massachusetts Councils on Aging.

Executive Director Trish Pope was alerted to the availability of some short-term grant funding and immediately applied on behalf of Marlborough. These funds will be used to fund materials and supplies to help share information about Marlborough's Dementia-Friendly and Age-Friendly programs and services.

Due to the requirements of the grant program, the funds must be expended by the end of Fiscal Year 2018.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Council on Aging and Senior Center

40 New Street
Marlborough, Massachusetts 01752
Telephone (508) 485-6492 Facsimile (508) 460-3726

Patricia A. Pope
EXECUTIVE DIRECTOR

May 23, 2018

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

Re: MCOA Grant Award

Dear Mayor Vigeant,

I am pleased to submit to you a grant award in the amount of \$3,500.00 from the Massachusetts Council on Aging (MCOA). This grant money will be used for efforts to foster Marlborough in becoming an Age Friendly community. The Age Friendly initiative will only build on the success of Dementia Friendly Marlborough. I ask that you forward this grant to the City Council for their action.

I would like to thank the MCOA for the opportunity that this grant affords the City of Marlborough. I am available should you or the Council have any questions.

Sincerely,

Patricia A. Pope
Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: May 23, 2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia Pope

NAME OF GRANT: Dementia and Age-Friendly Capacity Building

GRANTOR: Massachusetts Council on Aging

GRANT AMOUNT: \$3500.00

GRANT PERIOD: 5/7/18-6/30/18

SCOPE OF GRANT/ Materials and Supplies

ITEMS FUNDED Printing, copying, postage, training, website and webmaster

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? Reimbursement Grant

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: As soon as possible due to the short window for funds
to be expended and reimbursed.

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



**Massachusetts
Councils On Aging**

May 11, 2018

Dear Grantee:

Congratulations on your grant award! Enclosed are two copies of the contract. Please review the contract. Once it has been reviewed and approved, please have the appropriate personnel sign both copies and return one copy to MCOA. The other copy is for your records.

Sincerely,

Shari Cox

Fiscal Manager



MCOA Direct Grant Agreement (FY2018)

This Direct Grant Agreement (this "Agreement") is entered into by and between the Massachusetts Association of Councils on Aging, Inc. ("MCOA"), and Marlborough COA (the "GRANTEE").

GRANTOR		GRANTEE	
Massachusetts Association of Councils on Aging 116 Pleasant Street, Suite 306 Easthampton, MA 01027 413-527-6425 Primary Contact : Betsy Connell Email: elizabeth@mcoaonline.com		Grantee: Marlborough COA Address: 40 New Street, Marlborough MA 01752- Phone: 508-485-6492 Primary Contact: Patricia Pope Email: ppope@marlborough-ma.gov	
GRANT PERIOD	May 7, 2018 to June 30, 2018		
Maximum Funds Awarded for Period	\$3500		
Project: Dementia and Age-Friendly Capacity Building			
Funding Source:	FY'18 Service Incentive Grant monies from the MA Executive Office of Elder Affairs.		
Method of Payment	<input checked="" type="checkbox"/> Cost Reimbursement	<input type="checkbox"/> Advance Payment and periodic cost reimbursement payments. See schedule details in Section III C.	
Approved for MCOA by:		Approved for GRANTEE by AUTHORIZING AGENT:	
Name: David P. Stevens		Name:	
Title: Executive Director		Title:	
Signature: Sign on page 9.		Signature: Sign on page 9.	



WITNESSETH

WHEREAS, it is the mission of MCOA to support the independence of older adults in the Commonwealth of Massachusetts by advocating for programs and services to meet their needs, promote the growth and quality of Councils on Aging and senior centers, and strengthen the professional skills of Council on Aging staff; and

WHEREAS, the GRANTEE wishes to provide certain services, as detailed below, in furtherance of MCOA's mission; and

WHEREAS, in compensation for the GRANTEE's services, the parties desire to enter into an agreement whereby MCOA will distribute certain funds received under a Fiscal Year 2018 contract with the Massachusetts Executive Office of Elder Affairs;

NOW, THEREFORE, in consideration of the mutual promises and representations set forth herein, it is agreed by and between the parties hereto as follows:

I. PURPOSE

The GRANTEE understands and agrees that the purpose of this Agreement is to implement new programs for the benefit of older adults, generally sixty (60) years of age and older, in the Commonwealth of Massachusetts, based upon the program description and project requirements set forth in **Exhibit 1** hereto.

The primary requirements of all funded projects, to be undertaken during the period shall include:

- Designating a program-level staff member to serve as the project manager who will take responsibility for working with MCOA on initiative components including the implementation and evaluation of the project.

- Focusing upon increasing the participation of older adults throughout the time period of the initiative.
- Increasing local public awareness of the needs of older adults to lead healthy and fulfilling lives and the relevant issues underlying the initiative(s).
- Providing reports of participation figures, lessons learned during the project period, participant feedback, and required financial and end-of-grant reporting.
- Sharing best practices and project implementation tools.
- Participating in periodic conference calls and/or responding promptly to periodic emails aimed at gathering information, such as case studies and best practices that will be helpful to MCOA, the Executive Office of Elder Affairs, or other organizations in their resource development and/or project management efforts.
- Hosting MCOA staff for project site visits, if appropriate.

In the event that the GRANTEE is unable to perform any of the above-described services, or any of the services described in Exhibit 1 and the GRANTEE's response to MCOA's Request for Proposal, consistent with the letter and spirit of this Agreement, the GRANTEE shall immediately so notify MCOA in writing, and MCOA shall have the right (but not the obligation) to terminate this Agreement for cause.

II. PARTIES' RELATIONSHIP

A. Grantee's Legal Authority

The GRANTEE represents that the GRANTEE is in compliance with all applicable state and federal requirements and standards, and that it possesses the legal authority pursuant to any proper, appropriate and official motion, resolution or action passed or taken, giving the GRANTEE authority to enter into this Agreement, receive the funds authorized by this Agreement, and to perform the services the GRANTEE has obligated itself to perform under this Agreement.

The person or persons signing and executing this Agreement on behalf of the GRANTEE, or representing themselves as persons authorized to sign and execute this Agreement on behalf of the GRANTEE, do hereby represent that they have been fully authorized by the GRANTEE to execute this Agreement on behalf of the GRANTEE and to validly and legally bind the GRANTEE to all terms, conditions, performances and provisions set forth in this Agreement.

MCOA shall terminate this Agreement for cause, effective immediately, if it becomes apparent to MCOA that the GRANTEE, or any person acting or purporting to act on behalf of the GRANTEE, lacks legal authority to enter into this Agreement. In such event, the GRANTEE shall immediately reimburse and repay MCOA for any and all monies received from MCOA under the terms of or in connection with this Agreement.

B. Independent Contractors

Each of the parties is an independent contractor and neither party is, nor shall be considered to be, an agent, distributor or representative of the other. Neither party shall act or represent itself, directly or by implication, as an agent of the other or in any manner assume or create any obligation on behalf of, or in the name of, the other. Neither party has authorization to enter into any contracts, assume any obligations or make any warranties or representations on behalf of the other party. Nothing in this Agreement shall be construed to establish a relationship of co-partner or joint venture between the parties. MCOA shall not be responsible and shall have no obligation to GRANTEE, the employees of GRANTEE or any governing body to withhold Federal, State, or local income tax, or MCOA's employee portion of FICA or other payroll taxes, and other taxes relating from any individual assigned by GRANTEE to provide services under this Agreement; GRANTEE shall indemnify, defend and hold MCOA harmless from all liabilities, costs and expenses, including without limitation reasonable attorneys' fees resulting from all third party claims brought against MCOA for any FICA, FUTA, or SUI contributions and any other payroll taxes or any claims of any nature, by GRANTEE or other resources providing the Services under this Agreement.

C. Indemnification

The GRANTEE shall indemnify, defend and hold harmless MCOA for any and all liabilities, costs, claims and expenses, including, without limitation, reasonable attorneys' fees, arising from any third party claims brought against MCOA for personal injury or death or damage to real property or intangible or tangible personal property, to the extent caused by the negligent acts or omissions of the GRANTEE.

D. Lobbying Prohibited

The person signing this Agreement on behalf of the GRANTEE certifies, to the best of his or her knowledge and belief, that:

1. The GRANTEE will not attempt to influence any member of the Congress, or any State or local legislator, to favor or oppose any legislation or appropriation with respect to this Agreement.

2. Grant funds shall not be used for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, or any State or local legislature.
3. Grant funds shall not be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriation pending before the Congress, or any State or local legislature.

E. Subcontracting Restrictions

The GRANTEE shall not subcontract or delegate any work under this Agreement to any third party except with MCOA's prior written consent, which must include MCOA's written approval of any sub-contracting agreement. The GRANTEE shall be solely responsible for the performance of any subcontractor, subsidiary or affiliate, and shall be liable for and indemnify, defend and hold MCOA harmless for any wrongdoing by any such subsidiary, affiliate or subcontractor, including without limitation the misuse or misappropriation of any funds.

F. Publicity

1. Either party may freely use in advertising, publicity, web sites, press releases, or otherwise, the name of the other party, or refer to the existence of this Agreement and the project(s) funded herein.
2. Any materials produced with grant funding should contain an acknowledgement to the effect that "This [service] has been produced in [part] [full] from a grant awarded to the Massachusetts Councils on Aging by the Massachusetts Executive Office of Elder Affairs and Department of Mental Health. Any opinions expressed herein are solely those of [GRANTEE]."
3. Use of MCOA's logo is encouraged.

III. ADMINISTRATIVE PROVISIONS

A. Term of Agreement

The term of this Agreement shall be the Grant Period specified in the table at page 1 above.

B. Grantee's Reporting Requirements

1. The GRANTEE's reporting requirements are detailed in Exhibit 1.
2. Provide a 2-page final report by Friday, July 13, 2018, containing supporting documentation of work conducted through the grant, including number of events/activities conducted, number of individuals provided outreach, what your organization learned, and with what entities you plan to share that knowledge, as well as how you plan to utilize that knowledge in furthering the development of your organization's Dementia and/or Age Friendly efforts.
3. The GRANTEE shall respond promptly to the MCOA's emails and communications, and web-based surveys aimed at gathering information, such as case studies and best practices, which will be helpful to the other organizations in their outreach and enrollment efforts. The GRANTEE shall share samples of materials and tools that are developed under this project.

C. Total Funds Awarded

The GRANTEE shall be compensated in accordance with the payment schedule shown on Page 1 and at Section III.D. below. Payments will be distributed by check only after the parties' execution of this Agreement, and in satisfaction of complete and valid invoices submitted by the GRANTEE to MCOA. It is expressly understood that in no event shall the total distribution of funds to the GRANTEE under the terms of this Agreement exceed the amount set forth in the table on Page 1.

D. Payment Schedule

Disbursements to the GRANTEE shall be in the form of reimbursement for the GRANTEE's actual expenditures, following MCOA's receipt and approval of an invoice for the prior service period.

The GRANTEE shall be solely responsible for ensuring the accuracy of all invoices and any supporting documentation submitted to MCOA. MCOA shall terminate this Agreement for cause, effective immediately, if it becomes apparent to MCOA that the GRANTEE has, knowingly or otherwise, submitted falsified invoices other documentation.

MCOA may, with the consent of the GRANTEE, adjust or correct any invoice. A copy of any adjusted or corrected invoice shall be promptly sent to the GRANTEE.

Contingent upon MCOA's receipt of grant funding from the Executive Office of Elder Affairs, all complete and valid invoices shall, to the extent possible, be satisfied by MCOA within thirty (30) days of receipt. MCOA shall promptly notify the GRANTEE of any expected delay of payment beyond the specified period.

Any variance in spending of ten percent (10%) or greater will require a written explanation.

The GRANTEE agrees that it must incur all project costs before Friday June 29, 2018

The GRANTEE is encouraged to prepare invoices on a monthly basis.

E. Termination

1. Termination for Cause

In the event that either party fails to substantially perform under the terms of this Agreement, the other party shall be entitled to terminate this Agreement for cause in accordance with Section 3 ("Notice of Termination") below.

If the GRANTEE fails to provide any of the services contemplated herein, or fails to make sufficient progress, so as to endanger performance, MCOA shall notify the GRANTEE of such unsatisfactory performance in writing. The GRANTEE shall have ten (10) business days in which to respond with a written plan, acceptable to MCOA, for promptly addressing the deficiencies. The GRANTEE's failure to respond satisfactorily within the appointed time shall entitle (but not obligate) MCOA to terminate this Agreement for cause.

2. Termination for Convenience

Either party shall be entitled to terminate this Agreement without cause on thirty (30) days written notice. In the event of such termination, and subject to Section III.B ("Total Funds Awarded") above, the GRANTEE shall be entitled to equitable compensation for any allowable services actually and satisfactorily performed under this Agreement through the effective date of termination, and such compensation shall constitute the extent and entirety of the GRANTEE's recourse against MCOA in connection with this Agreement.

3. Notice of Termination

Termination shall be effectuated by one party's delivery to the other party of a Notice of Termination, specifying whether the termination is for cause or for convenience. In the event of termination for cause, the Notice of Termination shall also include a brief description of reason(s) for termination. Except as otherwise provided in this Agreement, the effective date of termination shall be ten (10) days from a party's receipt of a Notice of Termination for cause, and thirty (30) days from a party's receipt of a Notice of Termination for Convenience. Notice of Termination shall be delivered by hand or certified mail to the party's address first set forth above.

IV. MISCELLANEOUS

A. Severability

The provisions of this Agreement are severable and if for any reason a clause, sentence, paragraph or other part of this Agreement shall be determined to be invalid by a court, federal agency, board or commission having jurisdiction over the subject matter thereof, such invalidity shall not affect those provisions of this Agreement which can be given effect without the invalid provision.

B. Successors and Assigns

The GRANTEE shall not assign, transfer or delegate any of the rights or obligations under this Agreement without the prior written consent of MCOA. This Agreement and all of its provisions shall inure to the benefit of and become binding upon the parties and the successors and permitted assigns of the respective parties.

C. Survival

Any provision of this Agreement which by its nature must survive termination or expiration in order to achieve the fundamental purposes of this Agreement shall survive any termination or expiration of this Agreement.

D. Governing Law

This Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Massachusetts without giving effect to choice of law principles. Any action

brought under or in relation to this Agreement shall be brought in a court having subject matter jurisdiction and located in Hampshire County, Massachusetts.

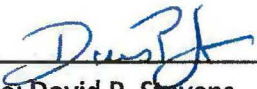
E. Entire Agreement

This Agreement, together with the Exhibits hereto, constitutes the parties' entire agreement concerning the work and services to be performed hereunder.

IN WITNESS HEREOF, the parties hereto have caused this instrument to be executed on the day and year first above written.

**MASSACHUSETTS ASSOCIATION OF
COUNCILS ON AGING, INC.**

GRANTEE

By: 
Name: David P. Stevens
Title: Executive Director
Date: 11 Apr 2018

By: 
Authorizing Agent Name:
Title: _____
Date: _____

By: 
Primary Contact (Implementation Manager)
Name:
Title: Executive Director
Date: 5/24/18

Exhibit 1:

Dementia and Age-Friendly Capacity Building Project Description and Requirements

The Massachusetts Councils on Aging (MCOA) is using state Service Incentive Grant funding for SFY'18 from the Executive Office of Elder Affairs to provide direct grants to COAs or to local non-profits leading local Dementia and/or Age-Friendly initiatives, and whose activity includes the local COA board or COA director in its work, which are seeking to undertake 1 of 2 goals:

- 1) To learn what their community residents' opinions are about what their community needs to become more age friendly; or
- 2) To prepare to undertake a large-scale community-wide DF education effort by procuring outreach materials needed for upcoming work over the next 12 months.

Both efforts need to have a work plan that meets the following criteria:

1. It is aimed at reaching diverse groups of residents – diverse in race, language, age, gender, etc.
2. It will include the participation of people who live in diverse neighborhoods, housing stock and will work in multiple business sectors of the community (as showcased in Dementia Friendly America materials).
3. The AF assessment activity must include questions for community members about what they think would make their communities more dementia-friendly, too. This is required to underscore that an age friendly community plans for the needs of people living with ADRD and their caregivers, too.

The purpose of this project is to increase the community's capacity to achieve their work plan goals for the coming 12 months. Applicants must demonstrate a direct correlation between use of these funds and increasing their capacity to further support dementia friendly and/or age-friendly community grassroots efforts.

The majority of project funding will secure: community assessments of Dementia and/or Age-Friendly initiatives, surveys, outreach tools and materials, consultants, facilitators, postage, paper, copying, printing, and other training supplies, (flyers, banners, website, handouts).

Address all questions about allowable costs to Betsy Connell, MCOA Director of Behavioral Health, Email: elizabeth@mcoaonline.com .

1. Lead Contracting Agency:

Marlborough COA

2. Accountability Requirements:

Grantees must agree to comply with the following:

- To incur all project costs before Friday, June 29, 2018
- To attend and present a brief overview (15 minutes) of your project at the Grantee Summit that will be attended by all Grantees and members of the community in August 2018.
- To submit a project-end itemized expense sheet.

3. Reporting

To provide a 2-page final report by Friday, July 13, 2018, containing supporting documentation of work conducted through the grant, including number of events/activities conducted, number of individuals provided outreach, what your organization learned, and with what entities you plan to share that knowledge, as well as how you plan to utilize that knowledge in furthering the development of your organization's Dementia and/or Age Friendly efforts.

10. Attribution for Funding from Grant Source in Key Project Documents:

Please include an attribution statement in key project documents, such as press releases, training materials, reports, and outreach flyers, as follows: *"Funding for this project was provided in part by the Massachusetts Association of Councils on Aging under a Service Incentive Grant from the Massachusetts Executive Office of Elder Affairs."*

**Budget for DF/AF Capacity Building Grants
in FY'2018 (5/7/18 through 6/29/18)**

Organizational Entity: Marlborough Council on Aging

You must include a description and relevant calculations for each line item. You must use the allocated funding for dementia and/or dementia and age-friendly provision only.

Allowable Expense Categories	Amount Requested	Justification/Details
Personnel Cost: i.e.: Consultants/Facilitators	\$500.00	<i>Translation of materials. Interpreter available at all gatherings.</i>
Supplies	\$500.00	<i>Banners,</i>
Printing , Copying, Postage	\$500.00	<i>Printing of materials and postage</i>
Training Supplies	\$500.00	<i>Food costs,</i>
Other (Define)	\$1500.00	<i>Website, Webmaster and updating</i>
Totals <i>(Request from MCOA not to exceed \$4,000)</i>	\$3500.00	

Allowable costs: consultants, facilitators, postage, paper, copying, printing, and other training supplies, (flyers, banners, website, handouts).



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 31 A 10 51
Arthur G. Vigeant
MAYOR
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 31, 2018

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

Re: Gift Acceptance - Marlborough Police Department

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a gift in the amount of \$100.00 from Irene Grassby of Marlborough for the Marlborough Police Department.

On behalf of Chief Giorgi and the members of the department, we would like to thank Ms. Grassby for her gift and her kind card that she wrote to officers. The gift will be used by the Department to help fund teambuilding events, such as retirement celebrations for officers.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Police Department

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

David A. Giorgi
Chief of Police

May 3, 2018

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

Dear Mayor Vigeant:

The Marlborough Police Department has received a \$100 gift from Ms. Irene Grassby of 29 Pleasant St. in Marlborough. Ms. Grassby wrote a thoughtful card to the department wishing the officers "strength and peace."

I have attached a copy of the card sent by Ms. Grassby and I am requesting that the gift award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

David A. Giorgi
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: POLICE DATE: 5/3/2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: CHIEF DAVID A. GIORGI

NAME OF GRANT: _____

GRANTOR: MS. IRENE GRASSBY(RESIDENT)

GRANT AMOUNT: \$100

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED DONATION

IS A POSITION BEING
CREATED: N/A

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? N/A

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

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

ANY OTHER EXPOSURE TO CITY? N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO

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

Marlboro, Police Dept.

...so very much.

Wishing you strength & peace.

Thank you very much.

Irene Grassby

 UNITED STATES POSTAL SERVICE		POSTAL MONEY ORDER	
Serial Number	Year, Month, Day	Post Office	U.S. Dollars and Cents
24710347664	2018-04-23	017210	\$100.00
Amount		One Hundred Dollars and 00/100 *****	
Pay to	Marlboro Police Dept.		Clerk 03
Address	Marlboro ma 01752		From Irene Grassby
Memo	Donation		Address 89 Pleasant St A4 Marlboro ma 01752
© 2018 United States Postal Service. All Rights Reserved.		SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS	
⑆00000800⑆		24710347664⑆	



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
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 31 10:57
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 31, 2018

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

Re: Appointment of Chief David Giorgi as the Keeper of the Lockup

Honorable President Clancy and Councilors:

I am pleased to appoint Chief David Giorgi as the Keeper of the Lockup for the City of Marlborough in accordance with Massachusetts General Laws, Chapter 40, Section 35 for a term of one year.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 35** KEEPER; APPOINTMENT; OATH; PENALTY FOR FAILURE TO APPOINT KEEPER

Section 35. The mayor of each city, except Boston, and in Boston the police commissioner, and the selectmen of each town required to maintain a lockup shall annually, by a writing recorded with the town clerk, appoint a keeper of the lockup, who shall have the care and custody thereof and of persons committed thereto. He shall accept the appointment within three days after notice thereof, shall be sworn and shall hold office for one year unless sooner removed. If the selectmen neglect to appoint a keeper, each selectman shall forfeit ten dollars for each month during which such neglect continues; and if the mayor, except in Boston, or in Boston the police commissioner, neglects for three months to appoint a keeper, he shall forfeit thirty dollars and ten dollars additional for each subsequent month of such neglect.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 24 P 3 12

City of Marlborough
Commonwealth of Massachusetts

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen Hughes
Philip Hodge
Sean N. Fay
George LaVenture
Greg Gallagher
Christopher Russ

Krista Holmi, Administrator
Phone: (508) 624-6910 x33200
Email: planning_board@marlborough-ma.gov
kholmi@marlborough-ma.gov

May 22, 2018

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

RE: Council Order#18-1007198 Proposed Zoning Amendment, Article VI Section 650-22, Retirement Community Overlay District.

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on May 21, 2018, the Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a *conditional* favorable recommendation to the City Council for the proposed zoning amendment. Motion Carried.

The Board provided the following reasons in reaching its recommendation:

- The developer established that the proposed overlay district would result in a development meeting a demonstrated need for a diversified housing stock in the City of Marlborough;
- The developer established that the proposed overlay district would benefit the City by providing an age-restricted (Age 55+) housing option with a positive fiscal impact to the City of Marlborough;
- The developer established to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district for this area would not unduly burden abutters.

While the Planning Board favorably views the amendment of the Retirement Community Overlay District for the Crowley Drive area, the Planning Board recommends additional restrictions to provide further City protections:

- In Section 3.D. (2) The Planning Board favors restricting units to studio, one (1), two (2) and two (2) bedroom with a study;
- In Section 3 D. (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 a public way.* The Board's consensus is that these limits may be appropriate for the proponent's development, but the restriction provides too little protection for potential abutters in other areas of the City.

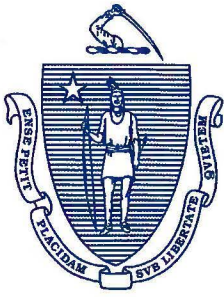
- In Section 3. D. (10) *A minimum of 1.0 parking space per dwelling unit shall be provided in a multifamily retirement community.* The Board's consensus is that (1) parking spot per dwelling unit is inadequate.
- The Board would prefer a proposal that would apply only to contiguous parcels in the Crowley Drive neighborhood, and not one that would allow the contemplated multi-family units in other parts of the City. Although the consensus of the Board was that the developer met its burden as outlined above, the Board did not favor an amendment that would apply to other areas of the City, and members expressed concern that the proposed amendment could be used as basis for less desirable multi-family units that would not be appropriate in other areas of the City.

Sincerely,

Barbara L. Fenby /CH

Barbara L. Fenby
Chairperson

cc: City Clerk
File



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

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



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

May 18, 2018

City of Marlboro
Health Department
Marlboro, MA 01752

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH
MAY 21 A 11:51

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

May 31, June 6, 13, 20, 27

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

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

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

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

Sincerely,

Timothy D. Deschamps

Executive Director

cc: City/Town Clerk
Police Department

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:54 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Henry DeBardleben, 118 Broadmeadow St., Unit E, Marlborough, MA: Development at Marlborough airport.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 P 3:55

I'm concerned about the environmental impact of building on the land currently occupied by the Marlborough airport. Being so close to Callahan State Forest, there is a variety of wildlife that live in and utilize that land; hawks, owls, foxes, coyotes and deer to name a few.
What will be the impact on said wildlife?
Have/will any studies be done?

Henry DeBardleben
118 Broadmeadow St.
Unit E
Marlborough, MA 01752

--

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 30 P 4: 28

05/30/2018

Please find attached an additional signature page for the written protest attached and related to the proposed zoning amendment, 650-8 for the retirement overlay district order no 18-1007136(marlborough airport,

Signature page is for Levon R. Gulbankian

regards,

Gina DiMatteo



4/11/2018

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Parties in Interest (see attached signatures)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 APR 17 A 8:45

City of Marlborough

Office of the Mayor, City Council, Urban Affairs committee, Planning Board and City Clerk,
140 Main Street
Marlborough, MA 01752

Re: The Proposed Zoning Amendment, Section 650-8, Retirement Community Overlay District, ORDER NO. 18-1007136(Marlborough Airport Property) and Special Permit

As the property owners of the land immediately adjacent (within 300') and in accordance with, MGL chapter 40A (Zoning) Section 5 (adoption or changes of zoning ordinances or by-laws; procedure), we are writing to place on file, prior to final action by the council, a written protest against such change and to force a $\frac{3}{4}$ vote of all members.

We feel strongly that the proposed amendment is not in the best interest of the surrounding community. This includes: business operations, existing residents or the prospective "New" residents.

1. This change is inconsistent. The proximity of the proposed development is dis-similar in character to adjacent properties. As previously expressed this will potentially cause conflict between LI /BUSINESS property owners, hosted businesses and "New" residents.
2. It is unclear, from a landowner's perspective, how the new requirements of the " Retirement Community Overlay" will affect the future use of our existing properties zoned Limited Industrial / Business.
3. Traffic on Farm Road is already a problem. An additional High-Density community will only exacerbate the problems for existing residents and businesses.
4. **No Communication to Parties in Interest.** The overlay is in-consistent with LI and zoning districts. According to table of use, LI requires **Special Permit**. There is no Special Permit. Had there been a special permit request, Chapter 40a, Section 11. Requires written notification to parties in interest, "**notice shall be sent by mail, postage prepaid.**" Parties in interest" as used in this chapter includes abutters, and abutters to the abutters within three hundred feet of the property line.
5. A public hearing is scheduled on Monday May 7, 2018 for proposed changes to the zoning ordinance chapter 650-22. Though they are being proposed for a different community. The changes, if approved, would apply to this one. The proposed changes have the potential to significantly impact the final design of this residential community. Including, changes in the unit style and density. The impacts of which cannot be effectively assessed at this time by effected residents and business owners.

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

RECEIVED
CITY CLERK'S OFFICE

Signature Page:

In accordance with MGL chapter 40A (Zoning) Section 5 (adoption or changes of zoning ordinances or by-laws), I am signing to "protest the proposed zoning changes" related to:


Proposed Zoning Amendment to Chapter 650 §8, Retirement Community Overlay District, 685 Farm Road, Order No. 18- 1007136, XI 7/18-1006963C

Business Name or Resident and Address:

Gulbanjian Mobile Home Village
1038 Broadmeadow st. Marlboro MA. 01752

Representative: <Please Print>

Levon R Gulbanjian



Signature

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:55 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Asif Hasan: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 29 P 3:59

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

As a resident/business of Marlborough, I am writing at this time to convey my full backing for the proposed zoning change, which I understand will allow the Marlborough Airport Property to seek a special permit for the development of a multi-unit residential retirement community.

I enthusiastically support the change and strongly encourage the Council to approve the zoning amendment.

As the Mayor and City Council are well aware, the area of proposed development, although situated in part adjacent to several businesses on Farm Road, is also proximate to many apartments, condominiums and single family homes - many of which are currently located in the existing Limited Industrial district.

I feel strongly that a retirement community will not adversely impact traffic or the health and safety of the area notwithstanding its Farm Road location. Future retiree-owners can assess for themselves whether they want to reside in an area that obviously has a variety of businesses, a health club, retail uses and residential uses surrounding the project. From our vantage a retirement community development is an ideal use for the property and for Marlborough.

Thank you for your consideration.

Very truly yours,

Asif Hasan
241 Boston Post Road W
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:56 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Tony Cerqueira: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 P 3:59

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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I feel strongly that a retirement community will not adversely impact traffic or the health and safety of the area notwithstanding its Farm Road location. Future retiree-owners can assess for themselves whether they want to reside in an area that obviously has a variety of businesses, a health club, retail uses and residential uses surrounding the project. From our vantage a retirement community development is an ideal use for the property and for Marlborough.

Thank you for your consideration.

Very truly yours,

Tony Cerqueira
34 Marien Lane
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:53 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From: Andrew Tsou: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 P 3 55

May 28, 2018

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

By way of introduction, my name is Andrew Tsou. I'm one of the trustees of the homeowners association of the condominium complex "**The Willows of Marlborough**" located at 116-124 Broadmeadow St., Marlborough, MA. I am writing to you at this time to express the **support of the trustees for the proposed retirement community by Capital Group Properties** on Farm Road, in place of the existing Marlborough Airport.

We trustees met with the team from Capital Group Properties and were briefed by them on the proposed retirement community plans. We understand that for the development of this multi-resident retirement community, the city will have to grant a special permit to the developers by changing the zoning restrictions of the land on which the Marlborough Airport is located. We support this change as we believe that a retirement community development is an ideal use for this property and for the city of Marlborough.

Thank you for your consideration.

Very truly yours,

Andrew Tsou
Trustee
Willows of Marlborough Condominium Association
124 Broadmeadow St, Unit D, Marlborough, MA

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:44 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Clifford Drezek: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 29 P 3:47

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

As a resident/business of Marlborough, I am writing at this time to convey my full backing for the proposed zoning change, which I understand will allow the Marlborough Airport Property to seek a special permit for the development of a multi-unit residential retirement community.

I enthusiastically support the change and strongly encourage the Council to approve the zoning amendment.

As the Mayor and City Council are well aware, the area of proposed development, although situated in part adjacent to several businesses on Farm Road, is also proximate to many apartments, condominiums and single family homes - many of which are currently located in the existing Limited Industrial district.

I feel strongly that a retirement community will not adversely impact traffic or the health and safety of the area notwithstanding its Farm Road location. Future retiree-owners can assess for themselves whether they want to reside in an area that obviously has a variety of businesses, a health club, retail uses and residential uses surrounding the project. From our vantage a retirement community development is an ideal use for the property and for Marlborough.

Thank you for your consideration.

Very truly yours,

Clifford Drezek
PO Box 509
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:39 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From William Gonzalez: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 29 P 3 47

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

As a resident/business of Marlborough, I am writing at this time to convey my full backing for the proposed zoning change, which I understand will allow the Marlborough Airport Property to seek a special permit for the development of a multi-unit residential retirement community.

I enthusiastically support the change and strongly encourage the Council to approve the zoning amendment.

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Thank you for your consideration.

Very truly yours,

William Gonzalez
P.O. BOX 5688
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Tuesday, May 29, 2018 3:15 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Joan Campbell: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 29 P 3 34

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

As a resident/business of Marlborough, I am writing at this time to convey my full backing for the proposed zoning change, which I understand will allow the Marlborough Airport Property to seek a special permit for the development of a multi-unit residential retirement community.

I enthusiastically support the change and strongly encourage the Council to approve the zoning amendment.

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Thank you for your consideration.

Very truly yours,

Joan Campbell
118 D Broadmeadow St
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Friday, May 25, 2018 2:54 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Kevin Labadini: 685-685R Farm Road Retirement Community Overlay District Proposal

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 29 P 3:34

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Kevin Labadini Clean and Green Car Wash and Detail Center
355 Boston Post Road West
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Friday, May 25, 2018 2:54 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Matthew Evangelous: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 P 3:34

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Matthew Evangelous
128 S. Bolton St
ZIP Code: 01752

Steven Kerrigan

From: City Council
Sent: Friday, May 25, 2018 2:55 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Sharon Bessette: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 7 48

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Sharon Bessette
c/o RMA Management LLC, 40 Mechanic Street
ZIP Code: 01752

Steven Kerrigan

From: City Council
Sent: Friday, May 25, 2018 2:56 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Kenneth Lacourse: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 7:48

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Kenneth Lacourse
40 Mechanic Street, Marlborough
ZIP Code: 01752

Steven Kerrigan

From: City Council
Sent: Friday, May 25, 2018 2:56 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Gary Lynde: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 7 48

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Gary Lynde
7 Ash St
ZIP Code: 01752

Steven Kerrigan

From: City Council
Sent: Friday, May 25, 2018 2:57 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Lynn Faust: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 7 48

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Lynn Faust
40 MECHANIC STREET, SUITE 300
ZIP Code: 01752

Steven Kerrigan

From: City Council
Sent: Friday, May 25, 2018 2:58 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Amy Crue: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 7 48

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Amy Crue
65 Boston Post Rd West
ZIP Code: 01752

Lisa Thomas

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 29

From: City Council
Sent: Thursday, May 24, 2018 2:34 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Alexis Barrile: 685-685R Farm Road Retirement Community Overlay District Proposal

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Alexis Barrile
31 Tremont St Apt 2
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Thursday, May 24, 2018 2:30 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From John Phillip: 685-685R Farm Road Retirement Community Overlay District Proposal

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CITY OF MARLBOROUGH

2018 MAY 29 A 9 29

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

John Phillip
65 W. Boston Post Road, Suite 200
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Thursday, May 24, 2018 11:22 AM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Keith Burke: 685-685R Farm Road Retirement Community Overlay District Proposal

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 29

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Keith Burke
151 Ewald Ave
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Thursday, May 24, 2018 11:18 AM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Evelyn Fontanez : 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 29

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Evelyn Fontanez
799 Farm Rd Apt 13
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Thursday, May 24, 2018 11:12 AM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Geovannie Figueroa : 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 28

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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Thank you for your consideration.

Very truly yours,

Geovannie Figueroa
38 Kane Drive
ZIP Code: 01752

Lisa Thomas

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 29 A 9 28

From: City Council
Sent: Thursday, May 24, 2018 11:01 AM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda From Keannah Figueroa : 685-685R Farm Road Retirement Community Overlay District Proposal

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Keannah Figueroa
38 Kane Drive Marlborough, MA
ZIP Code: 01752

Lisa Thomas

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 28

From: City Council
Sent: Thursday, May 24, 2018 10:55 AM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Diane Mullahy: 685-685R Farm Road Retirement Community Overlay District Proposal

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Diane Mullahy
799 Farm Road
ZIP Code: 01752

Lisa Thomas

From: City Council
Sent: Thursday, May 24, 2018 10:54 AM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Bette Ann Barberio, 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 28

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Bette Ann Barberio
805 Farm Road
ZIP Code: 01752

Steven Kerrigan

To: City Council
Subject: RE: For June 4, 2018 Agenda From Peo Nathan: 685-685R Farm Road Retirement
Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 A 9 28

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

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Thank you for your consideration.

Very truly yours,

Peo Nathan
65 Boston Post Rd W
ZIP Code: 01752

~*~

Steven Kerrigan

From: City Council
Sent: Wednesday, May 30, 2018 4:48 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Joe Trola: Support of airport project

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAY 30 P 5:03

I would like to voice my support regarding the development of the airport based on the following reasons

- 1 the capital group properties shares an excellent reputation in similar projects they have done in the metro west area. if you haven't visited them I suggest it's worth the trip
- 2 the projected tax revenue is approximately \$350000 more than if left as existing zoning (no children added to our school system)
- 3 regarding the noise issue. I believe the city of Marlboro has a noise ordinance which the existing businesses have to abide by. how many complaints have there been with the existing housing that is presently in that area
- 4 the new buyers of these units could be made aware of the ordinance prior to purchase
- 5 No disrespect to the exiting businesses in that area but does the city want to replicate what's there now on the airport parcel vs a well-designed landscape property that would enhance that area
- 6 the business in that area have been there for many years and I can understand their concerns(no different than the fish and game which was there forever and suddenly all the housing got built around them and people complained of the noise)

I believe for that reason they should be afforded consideration and I think the noise ordinance will cover their concerns as a developer and more importantly as a citizen of Marlboro we have an unique opportunity for a well develop project which will only enhance that area
I ask each of you to consider the approval of this project

Joe Trola
Ryan Development LLC
4 Lan Drive, Westford, MA 01886

Steven Kerrigan

From: City Council
Sent: Wednesday, May 30, 2018 4:25 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Mrs. Ann Barberio: 685-685R Farm Road Retirement Community Overlay District Proposal

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 30 P 5:03

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

Dear Mayor Vigeant and Members of the Council:

As a resident/business of Marlborough, I am writing at this time to convey my full backing for the proposed zoning change, which I understand will allow the Marlborough Airport Property to seek a special permit for the development of a multi-unit residential retirement community.

I enthusiastically support the change and strongly encourage the Council to approve the zoning amendment.

As the Mayor and City Council are well aware, the area of proposed development, although situated in part adjacent to several businesses on Farm Road, is also proximate to many apartments, condominiums and single family homes - many of which are currently located in the existing Limited Industrial district.

I feel strongly that a retirement community will not adversely impact traffic or the health and safety of the area notwithstanding its Farm Road location. Future retiree-owners can assess for themselves whether they want to reside in an area that obviously has a variety of businesses, a health club, retail uses and residential uses surrounding the project. From our vantage a retirement community development is an ideal use for the property and for Marlborough.

Thank you for your consideration.

Very truly yours,

Mrs. Ann Barberio
805 Farm Road, Marlboro, MA
ZIP Code: 01752

Steven Kerrigan

From: City Council
Sent: Wednesday, May 30, 2018 5:01 PM
To: Lisa Thomas
Cc: Steven Kerrigan
Subject: For June 4, 2018 Agenda: From Robert Bakalyar: 685-685R Farm Road Retirement Community Overlay District Proposal

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CITY OF MARLBOROUGH

2018 MAY 30 P 5:03

Mayor Arthur Vigeant
Members of the City Council
Office of the City Clerk
City of Marlborough
City Hall 140 Main Street
Marlborough, MA 01752

Re: 685-685R Farm Road Retirement Community Overlay District Proposal

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I feel strongly that a retirement community will not adversely impact traffic or the health and safety of the area notwithstanding its Farm Road location. Future retiree-owners can assess for themselves whether they want to reside in an area that obviously has a variety of businesses, a health club, retail uses and residential uses surrounding the project. From our vantage a retirement community development is an ideal use for the property and for Marlborough.

Thank you for your consideration.

Very truly yours,

Robert Bakalyar
799 Farm Road #5 Marlborough MA
ZIP Code: 01752

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

April 19, 2018 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

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CITY OF MARLBOROUGH

2018 MAY 18 P 4: 13

Acceptance of Minutes: Minutes of April 5, 2018 were reviewed and voted unanimously to accept as edited.

Members Present: Edward Clancy-Chairman, Allan White, John Sakrin, William Dunbar, David Williams and Karin Paquin. Also, Priscilla Ryder – Conservation Officer.

Absent: Dennis Demers

Public Hearings:

Notice of Intent

228 Littlefield Ln. - Neil Goulding

Valeria Cost of Godard consulting and Mr. Goulding, the owner, were both present. Mr. Costa explained that they want to construct a 693 S.f. pool and deck area behind the house. Work is within the 100' buffer zone but, no work is proposed in the 20' buffer zone. Ms. Ryder noted that she and Mr. Dunbar inspected the new wetland flagging. Several flags were moved based on the site visit which are reflected on the revised plan provided

The slope behind the pool will be 3:1. Chairman Clancy asked whether there should be a flatter shelf between the edge of the pool and the slope. He asked if the building department has weighed in. There was discussion about cut and fill for this project and if any fill will need to be imported to make the grade. The 20' wetland buffer will be permanently marked in the field when this work is done. Haybales and silt fencing will be used as erosion control and will be placed just above the 20' buffer zone location. If dewatering is needed they will install a dewatering basin.

After some discussion, the Commission closed the hearing and voted unanimously 6-0 to issue a standard Order of Conditions noting the additional above and the following: 1. If based on requirements of the building department, the pool needs to shift closer to the wetland, then the applicant will be required to return to the Commission for an amended plan. If the pool moves further away from the wetland then no further review would be required. 2. Because this pool and back yard is so close to the wetland, the Commission recommends the owners use organic practices to manage the yard in order to better protect the species of plants animals, insects and reptiles that use this area as their homes.

Notice of Intent (Continuation) – Draft Conditions

149 Hayes Memorial Dr. - Marlborough/Northborough Land Realty Trust

Israel Lopez of Gutierrez Co. and Will Park of SMMA were both present. Mr. Park indicated that Tom DiPersio had reviewed the plans and approved the drainage calculations. Ms. Ryder concurred. As that was the only item the Commission was waiting for, the hearing was closed.

The Commission reviewed a set of draft conditions that had been further amended. The Commission reviewed them and made a few edits, including for #49 that the O&M plan run with the land and not the deed. Mr. Park also noted that there is an existing Order of Conditions on the project and that they

have requested a Certificate of Compliance for that since it was never started. Ms. Ryder noted this will go on the next agenda. There being no further discussion, the Commission voted unanimously 6-0 to issue the Order of Conditions as drafted and amended.

Discussion: - All discussion items were continued to the May 17th agenda.

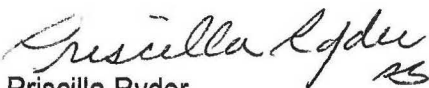
- Review Apex snow removal practice.
- Felton Conservation Land – annual mowing license renewal
- Panther Trail permit process update

Correspondence/Other Business:

- MWRA Wachusett Aqueduct Pumping Station – Order of Conditions (212-1132) Letter dated 3/28/2018 – regarding minor changes. Ms. Ryder noted that she had walked the site with Mary White from the MWRA. The additional work they are doing is within the existing open channel which is considered to be part of the water conveyance system for the MWRA and is exempt from our review. The rest of the project governed by the Order of Conditions, DEP 212-1132, is underway and some spring cleanup was needed but, in general the project is moving along well. The Commission requested that Ms. Ryder let the MWRA know they agree this is an exempt activity and no further review is necessary.
- OAR – Water Quality Monitoring Program Final Report 2017 Field Season – Feb. 2018 – Ms. Ryder noted the availability of this report if anyone wanted to read it.
- E-mail – Withdraw generic trail construction Notice of Intent. – Ms. Ryder noted that she and Ms. Paquin met with DEP and determined that the project would need a more specific Notice of Intent and not a generic permit. The project has been withdrawn. A new Notice of Intent will be submitted for the next meeting.

Adjournment – There being no further business, the meeting was adjourned at 8:30 PM.

Respectfully submitted,



Priscilla Ryder

Conservation Officer



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CITY OF MARLBOROUGH

2018 MAY 21 P 1:14

BOH MEETING MINUTES –4/10/18

Attending

Robin Williams, Chairwoman

James Griffin, Vice Chair

Joseph Tennyson, MD, Member

Also in attendance: Cathleen Liberty, Director of Public Health and Tina Nolin, Clerk

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Review of March meeting minutes, accepted by Chair Williams, Vice Chair Griffin and Member Tennyson.

ADMINISTRATIVE

11 High Street - update

Director Liberty updated the Board that no work had started on the property, she had emailed the owner to let him know of the three (3) month extension, starting April 1st and ending July 1st, approved by the Board at the March meeting. He had not acknowledged or responded to that communication. Director Liberty said she would continue to keep the Board informed of anything new in the coming weeks.

BOARD BUSINESS

PUBLIC HEALTH ISSUES

Kratom Powder

Director Liberty informed the Board that the FDA had recalled all Kratom powder products, negating for now the need to move forward on making regulations for such products.

Draft Bodyworks Regulations

Director presented the first draft of regulations for Bodyworks that had been adapted from the City of Newton's regulations. Chairman Williams motioned to table the discussion and vote until next month's meeting when the Board has a little more time to review. Member Griffin 2nd the motion; Board vote: 3-0 to table Bodyworks regulations until next month.

Draft Regulations (Non-Medical Recreational Cannabis)

Director liberty informed the Board that the City had adopted a 6-month moratorium on non-medical marijuana stores and sales of edibles. This means that the Board has until December to draft and get in place regulations pertaining to this substance and these establishments. The city's legal department would be working on the ordinance which the regulations should mirror.

Member Griffin requested that given the time frame they had for getting these regulations in place he would like to see this on the agenda for every meeting between now and December. He also requested that they ask some of the people who worked on the template regulations to come to a meeting to discuss issues with them. Director Liberty agreed, saying she would talk to Cheryl Sbarra.

MONTHLY REPORTS

- **Nurse's Report**
Director Liberty submitted the Public Health Nurse's report and accepted to be placed on file..
- **Sanitarians' Reports**
Presented by Director Liberty - reports were submitted and accepted to be placed on file.

OTHER BUSINESS UNKNOWN AT TIME OF POSTING

Director Liberty discussed the sewer back up that occurred at Joy Asia and that the owner was instructed to cease and desist operations until the drains located in the interior of the business were cleaned.

ADJOURN

Motion – to adjourn meeting at 7:09 PM – Chair Williams

Second – Member Tennyson

3-0 vote to adjourn Board of Health Meeting at 7:09 PM, Chairwoman Williams: yes; Vice Chair Griffin: yes; Member Tennyson: yes.

Next Board of Health meeting will be on Tuesday, May 8, 2018

Respectfully submitted,



Chair Williams

5/15/2018

Dated

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1A

2018 MAY 22 P 12:19

April 23, 2018

Call to Order

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

1. Meeting Minutes

A. April 2, 2018

On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of April 2nd. (Fay abstained). Motion carried.

2. Chair's Business

A. Set Public Hearing Date: Proposed Zoning Amendment, Section 650-36 new definitions: Ancillary Auto Sales and Modification to Table of Use Regulations Section 650-17. Council Order 18-1007224. Hearing set for Monday, June 4, 2018.

3. Approval Not Required (None)

As time allowed, item 5 was moved up in the agenda.

5. Pending Subdivision Plans - Engineer's Report

Subdivision Status Report – City Engineer DiPersio indicated progress on two subdivisions, Slocumb (Blackhorse Farms) and Mauro Farms. Slocumb: The City now has as-built Mylars. A draft Council order for acceptance is in progress. Mauro: Acceptance plans have been received. A draft Council order for acceptance has been prepared. Deed for open space is still necessary. Q: Member Hodge requested an update on Goodale Estates. Mr. DiPersio indicated that progress has been slow. A crushing operation of site ledge has been ongoing. Mr. Hodge asked about the bonding status of the subdivision. He had heard that the developer may be having financial difficulties. Mr. DiPersio was unaware of the financial status of the developer and explained that the bond was not yet in place.

4. Public Hearings

A. Proposed Zoning Amendment to further amend Chapter 650-36 – Commercial Village Housing Overlay District, Council Order 18-1007134.

Chairperson Fenby opened the hearing at 7:05 p.m. Ms. Hughes read the public hearing legal 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:

Attorney Robert Buckley of Reimer and Braunstein and developer, Eric Katz of Katz Group were present. The proposed overlay district is on the site of an approved, 23-lot, single-family traditional subdivision on the corner of Ames and Forest Street. Mr. Buckley explained that the proposed overlay district provides a more suitable use for the site as it sits in what he described as a transitional zone. Mr. Buckley stated that the development is consistent with recent housing studies indicating that a diverse housing stock is necessary in the City, and that this proposed development would target the fastest growing population, 50+. The development planned is for owner-occupied condominium units containing amenities and layouts for the targeted market.

Mr. Katz spoke to address the market and concept plan. Katz Group has a 20-year history with this type of housing and has 15 other developments to their credit. The conceptual plan includes three, 4-story buildings, each unit on one level with two bedrooms and underground parking. There would be 32 units/building. Katz Group has three similar developments currently under construction. The owner-occupied concept allows individuals to “age in place” and provides a more stable community with less turnover than a rental environment. The plan also showed a potential retail component at the corner of the development. Single-family development would be prohibited in the zone if adopted.

Speaking in Favor of the Amendment: Speaking in Opposition to the Amendment:

No individuals spoke in favor or in opposition to the proposed amendment.
Chairperson Fenby declared that portion of the Public Hearing closed.

Questions and Comments from the Planning Board:

Ms. Hughes asked for further explanation of what was meant by “transitional zone.” Mr. Buckley explained that the site is “in between” - adjacent to other business, multi-family and multi-use areas, not just traditional single-family homes. Mr. Fay expressed concern for the “as-of-right” retail element of the proposed amendment. Mr. Buckley stated that the developer would submit a “Master Plan” to the City Council for approval. Mr. Fay wondered whether there would be any rental restrictions on the owners. Mr. Katz said the development will not allow rentals. Mr. Fay asked what the developer’s standard is for the public interest. This proposed development is adjacent to a residential community that has already dealt with other high-impact projects (particularly, the Apex project). This proposal will significantly increase the housing density in the area surrounding the Glen Street neighborhood. The developer explained that Marlborough, in a way, is a victim of its own success. There is a fair amount of rental property in the City, but little housing inventory to allow residents to age in place. This development has the advantage of addressing that need without adding the burden of educating school-age children. Ms. Hughes asked the developer to explain what he meant by age-targeted vs. age restricted. Mr. Katz explained that in their company’s experience, the age-targeted designs are essentially self-selecting for an older population. Two-bedroom units in the 1400-1800 ft² range and no “children-targeted” amenities such as playgrounds makes these developments less desirable to families. Sales efforts are also directed to an older population. Mr. LaVenture commented that the “as-of-right” uses are very broad. Mr. Buckley explained that the proposed retail area is modest – in the 5,000 to 10,000 ft² range. He offered that a good fit retail tenant would be a Lambert’s Market style business. Chairperson Fenby declared the hearing closed at 7:24 pm.

B. Proposed Zoning Amendment to Section 650-8 – Boundaries Established; Zoning Map, Marlborough Village District, Council Order 18-1007195.

Councilor Delano and developer representative, Arthur Bergeron of Mirick O’Connell were present to address the proposed amendment. Councilor Delano and Mr. Bergeron explained that the proposed amendment essentially expands the boundary of the existing Commercial Village Overlay District to include the stairway adjacent to a planned Main St. development parcel. Attorney Bergeron explained that the expansion of the District will allow the developer to make necessary improvements to the stairway.

Speaking in Favor of the Amendment: Speaking in Opposition to the Amendment:

No individuals spoke in favor or in opposition to the proposed amendment.
Chairperson Fenby declared that portion of the Public Hearing closed.

Questions and Comments from the Planning Board:

There were no questions from the Board. Chairperson Fenby declared that portion of the hearing closed.

On a motion by Mr. Fay and seconded by Ms. Hughes, the Board voted to make a positive recommendation on the proposed zoning amendment. Motion carried.

- C. Continuation of Public Hearing on Proposed Zoning Amendment to further amend Chapter 650, several subsections as it pertains to the Medical and Recreational (Adult Use) of Marijuana, Council Order No. 18-1007163-2.

On a motion by Ms. Hughes, seconded by George LaVenture, the Board voted to reopen the public hearing of April 2, 2018 on the above referenced amendment. Councilor Delano and Assistant Solicitor Panagore Griffin were present to address the Board. Councilor Delano explained that Ms. Panagore Griffin had worked to revise the proposed ordinance following recommendations by the Urban Affairs Committee. He explained that changes were limited and straight forward. Councilor Doucette was also present. He questioned the Board on their earlier recommendation to restrict the eastern siting boundary to Dicenzo Boulevard. Ms. Hughes explained that the current boundary (Phelps St.) would allow siting of these establishments in areas with higher concentrations of children. Councilor Doucette countered that by further reducing the allowed areas, businesses would be driven into locations with forward facing access along RT 20, including the plazas near Stephen Anthony's and Subway. It was Council's position that these sites were less appropriate than other potential locations along RT 20 which would be available with a less restrictive boundary.

Mr. Fay questioned why the 500' buffer included in the proposed zoning amendment was measured from a property's center vs. the border of a property. Mr. LaVenture also asked how other "exclusionary zoning boundaries" currently work. Mr. Delano said that the center was less restrictive by design to ensure that the City was not effectively preventing medical or adult use businesses within the City. This zoning is an effort to allow reasonable access. Businesses still require a special permit granted by City Council. Mr. Fay reiterated a familiar concern - that a future, changed composition of City Councilors may have viewpoints very different from existing Councilors. Putting the power with an uncertain future body poses risks. Councilor Delano explained that he would not characterize the City Council as pro-marijuana. The voters of Marlborough cast their votes in favor of marijuana legalization, and the Council is doing its job by enacting appropriate zoning legislation. Chairperson Fenby declared the public hearing closed.

6. Preliminary/Open Space / Limited Development Subdivisions (None)

7. Definitive Subdivision Submission (None)

8. Signs (None)

9. Informal Discussion

A. Metropolitan Area Planning Council (MAPC) – Mark Racicot, Land Use Planning Division Director Meredith Harris from the Marlborough Economic Development Corporation was present to introduce Mr. Racicot to the Board. Ms. Harris explained that the MAPC has worked closely with the City on various issues. Mr. Racicot described MAPC's function. MAPC is a regional planning agency headquartered in Boston that serves 101 cities and towns in Metro Boston. The MAPC has been working with MEDC since 2012, providing technical and planning resources to the City. Currently his organization is working with both the Urban Affairs Committee and MEDC to develop design review guidelines for multi-family housing in the City. Mr. Fay commented that recently the Planning Board has been "buried in overlay districts". The Board welcomes an approach to evaluate these recent developer-introduced zoning amendments. The Board is particularly concerned with a method to weigh the benefit of the development against the neighborhood impact.

Mr. Racicot explained that the approach is to help identify the City's goals and to provide the City with a means to evaluate what is in the City's best interest. In addition to a design review guideline, the MAPC is working with the City to develop a development review checklist that he described as a type of "score sheet" to further evaluate proposals. Developers will also produce better projects for the City if they have guidelines up front.

For example, the guidelines would define height restrictions in developments abutting residential neighborhoods. Guidelines can also assist in defining how a developer can meet the required affordable housing component. Mr. Racicot described the three methods: 1) On-site 2) Off-site 3) Payment in Lieu of Units. On-site may be preferred, but if a payment is made, what is a reasonable cost to a developer? His advice to the City – Lock down as many development details as possible in the form of a recordable document.

Mr. Racicot explained that the City's guidelines serve as an advertisement, attracting the most desirable projects to the City. The guidelines are a working document. The first deliverable is anticipated in the May 1 timeframe. The document can be used as a means-test for the developer or as a point for discussion. Mr. LaVenture asked what other communities are using these means for evaluating proposals. Mr. Racicot indicated that design review guidelines are fairly common. Development review checklists or score sheets are not common. Mr. LaVenture asked whether these guidelines or checklists could create difficulties with developers. Mr. Racicot was unaware of any specific examples, but he offered that the special permit process allows a degree of influence by the City Council. Solicitor Rider also added that the guidelines could be formalized by incorporation into the special permit process. Mr. LaVenture indicated that he likes having a "yardstick" to assist in review. Solicitor Rider said by its nature, the special permit process is an exercise in discretion. The design review guideline should be consistent with the objectives of zoning, as set forth in the zoning ordinance. He would like to see how other cities and towns are using these tools.

Chairperson Fenby suggested moving from a broad discussion to a specific example before the Board – the Assabet River Rail Trail Overlay District. Mr. Racicot described that when first proposed, the Overlay District spanned the entire length of the rail trail from downtown to the Hudson Line. MAPC encouraged the developer to take a more targeted approach. Having too many parcels included in the overlay could result in unintended consequences, he explained. Thriving businesses should not be encouraged to leave. On the other hand, certain parcels may require incentives to redevelopment. Chairperson Fenby thanked Mr. Racicot for the valuable discussion and very much appreciated MAPC participation.

B. Informal Discussion – Joe May and Counsel Sem Aykanian, Hemenway Street/Concord Rd. Discussion Attorney Aykanian was in attendance to represent his client, Joe May. Mr. May wishes to create a building lot between two existing parcels along Concord Rd. For a lot to be entitled to an endorsement by the Planning Board as an ANR, the lot must front one of three types of ways, must meet minimum frontage requirements and must also have Planning Board determination of vital access.

Attorney Aykanian began by explaining that in the late 1800's cities and towns could declare a road as a public way. To demonstrate Hemenway Street as a public way, Mr. Aykanian showed the Board an 1890 map listing Hemenway St. Mr. May does not intend to use Hemenway St. for access to the proposed lot, but he wishes to use Hemenway as the basis for creation of the necessary frontage. Hemenway St. is not open to vehicular traffic and current maintenance of the pathway is limited to clearing of felled trees. Attorney Aykanian addressed the issue of vital access by presenting an email written by Marlborough Fire Chief, Kevin Breen. The email described potential access to the proposed home site near the back of the lot via the unimproved pathway (road) called Hemenway St. Mr. Fay wondered about the requirements for obtaining a curb cut. Mr. DiPersio stated that the curb cut would be on the way that has present and adequate access (Concord Rd.) Mr. Fay wondered why Mr. Aykanian referenced the Ball case, in which the Leverett Planning Board denied an ANR for access reasons. Mr. Aykanian said that he felt that the email from Chief Breen addressed the basis for rejection. The Planning Board has remaining questions about determining adequate access. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to request that Chief Breen be invited to the Board to further explore considerations of safety and access to the proposed lot. Motion carried.

10. Unfinished Business

A. Proposed Zoning Amendment - Council Order No. 18-1007136 Retirement Community Overlay District Section 650-8 (Marlborough Airport Property)

On a motion by Mr. Hodge and seconded by Ms. Hughes, the Board voted to make a negative recommendation (without prejudice) to the City Council for the proposed zoning amendment. Motion carried with Mr. Fay voting in opposition. In its decision, the Board cited the uncertainty presented by an additional proposed zoning amendment to Section 650-22- Retirement Community Overlay District, currently pending in the City Council (Council order 18-1007198). Thus, the Board is currently unable to evaluate the potential impact of expanding the District (at the site of the Marlborough Airport) under Council order 18-1007136; the Planning Board's public hearing on Council order 18-1007198 is scheduled for May 7, 2018. Mr. Fay expressed that the Board should make its determination on the expansion of the Overlay District as presented and as affected by the pending Council order.

B. Proposed Zoning Amendment- Council Order No. 18-1007137, Assabet River Rail Trail Overlay District. (ARRTOD).

On a motion by Mr. Fay and seconded by Ms. Hughes, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment with the following additional recommendations:

- Retail and restaurant use be allowed only along Lincoln Street. The consensus of the Board was that potential retail/restaurant uses along Ash Street would have too great of a potential impact on established residential neighborhoods near the proposed redevelopment project.
- Assessor's Map 43, Parcel 29 (19 Ash St.) be restricted to residential use only.
- Include the "Fossile Property"- Assessor's Map 69, Parcels 337, 338, 338A, 339 and 339A in the Assabet River Rail Trail Overlay District.

Motion Carried.

11. Correspondence: (None)

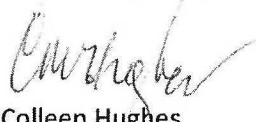
12. Public Notices of other Cities and Towns:

On a motion by Ms. Hughes, seconded by Mr. Hodge, the Board voted to accept and file item 12A, notices. Motion carried.

Adjournment: On a motion made by Mr. Russ, seconded by Mr. LaVenture, it was voted to adjourn at 9:15 pm. Motion carried.

/kih

Respectfully submitted,


Colleen Hughes
Clerk

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

RECEIVED
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CITY OF MARLBOROUGH 1A

2018 MAY 22 P 12:19

May 07, 2018

Call to Order

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

1. Meeting Minutes

A. April 23, 2018

On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to accept and file the minutes of April 23rd. Motion carried.

2. Chair's Business

A. Communication with the Mayor – Chairperson Fenby shared that she had discussed having regular meetings scheduled with Mayor Vigeant. She would like to involve other members in these regular updates without violating open meeting laws. It was suggested that one member be consistent, and a second member participate on a rotating basis. On a motion by Mr. LaVenture and seconded by Mr. Russ, the Board voted to schedule regular meetings with Mayor Vigeant and Chairperson Fenby, with a second member participating on a rotating basis. Meetings would take place periodically prior to regular meetings of the Planning Board. Motion carried.

On a motion by Mr. LaVenture and seconded by Mr. Fay, the Board voted to move item 9A. up in the agenda. Motion carried.

9. Informal Discussion

A. Hemenway St. Proposed ANR Discussion – Fire Chief Breen

Present for the discussion was Joe May, property owner. Mr. Fay began by posing a question. Does the land owner's "path" provide present and adequate access, or just "illusory access"? Chief Breen explained that at the request of the owner, Assistant Fire Chief Gogan visited the area in July of 2016. The area of Hemenway St. that the land owner is proposing to use as the basis for establishing frontage was described by the Chief as more of a trail than a road. Using Hemenway St. for emergency access would be problematic in its existing condition. Chief Breen explained that the email he sent regarding access was motivated by a desire to provide Mr. May with a level of customer service. Chief Breen described the proposed lot's current access and acknowledged that traditional firefighting apparatus such as a ladder truck could not travel on the path. Solicitor Rider showed the Board a series of photos illustrating both access to the way (Hemenway) as well as access to the lot via Concord Rd. Chief Breen explained that Mr. May did not wish to access the lot from Hemenway St. Hemenway St. would be used for establishing frontage on a public way. Mr. Fay acknowledged that sometimes establishing whether a lot meets the standard for an ANR is complicated. This lot does not clearly meet the required standard. Mr. Fay suggested that Mr. May hire an engineer, file a plan, and allow the Board to make a formal decision.

3. Approval Not Required (None)

4. Public Hearings

- A. Public Hearing: Proposed Zoning Ordinance to Amend Chapter 650-22, Retirement Community Overlay District, several subsections pertaining to "purpose" and "permitted uses", Council Order 18-1007198.

Chairperson Fenby opened the hearing at 7:05 p.m. Mr. Fay read the public hearing legal 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:

Owner Representative, Attorney William Pezzoni, Day Pittney LLP, began the presentation by describing the purpose of the proposed amendment. The proposed amendment is designed to provide diversified housing options for seniors 55 and older who wish to live independently in a multifamily residential community. If the amendment were enacted in the Retirement Community Overlay District, a single building independent senior living multifamily community would be allowed (subject to other conditions) in addition to the existing detached and townhouse style dwellings. Need was presented by offering the following points:

- A. Limited housing options for seniors within Marlborough. Total number of independent senior living units in Marlborough is 150 units. The rest are either skilled nursing communities or assisted living and memory care units.
- B. High quality multifamily senior housing options are limited. Seniors interested in this option must look outside Marlborough.
- C. Growing senior population within an 8-mile radius of Marlborough. Nearly 7500 households aged 75+ with this population growing 3% each year.
- D. Within this same 8-mile radius, 625 independent living units have an average age of 16.75 years. There is a strong market for new, high quality, high amenity offerings.

Mr. Pezzoni referenced the Multifamily Market and Fiscal Impact Analysis Report of 2017 which indicated that age-restricted (55+) housing provides the greatest fiscal impact for Marlborough. Communities with a diverse housing stock, he explained, have greater economic stability and resilience over time.

Brian Blaisser, Robinson & Cole LLP, presented in representation of Cameron Contractors (proposed developer). Mr. Blaisser described the attraction of this type of development. The single, multifamily building would offer residents a luxury-style product with built-in amenities. While units would have kitchens, a dining hall and other services would provide residents with a resort-style, community experience. Mr. Blaisser also described another service offered to residents that provides "triage" health services that could reduce 911 calls.

Speaking in Favor of the Amendment:

No individuals spoke in favor of the proposed amendment.

Speaking in Opposition to the Amendment:

Katie Robey, 97 Hudson St., spoke as both a City Councilor and private citizen. Ms. Robey pointed out that any change made to the current overlay district language would not only affect the overlay for this site, it could apply to other retirement community overlay districts in the City. She reinforced that as currently written, detached and townhouse-style units were allowed; this amendment adds the multifamily component. She also pointed out two additional changes, new designation allowing up to 3 stories and 200' frontage vs. a maximum 2.5 stories and 250' frontage under the existing overlay. Attorney Pezzoni and Ms. Robey also discussed allowable uses of the underlying district. (Industrial or Limited Industrial in addition to age-restricted housing.)

Gina DiMatteo of 721 Farm Road in Marlborough also spoke in opposition. She is an abutter to the proposed retirement community overlay district at the site of the Marlborough Airport. She is concerned that the increased density allowed under this proposed amendment could adversely affect the overlay proposed at the airport.

Chairperson Fenby declared that portion of the Public Hearing closed.

Questions and Comments from the Planning Board:

Mr. Fay questioned whether the current setback proposed would be adequate to protect abutters. Mr. Fay also asked whether there was a way to propose an overlay district that would apply only to this lot, and perhaps to additional lot owned by the current owner that is adjacent to the property the developer would like to utilize for the currently proposed project. Mr. Fay expressed his opinion that the underlying project was perfect for the proposed site and fits into the neighborhood well. Ms. Fenby feels that the provision of only one parking spot per unit is inadequate (for units ranging from studio to 3 bedroom). Mr. LaVenture asked what the % of commercial vs. living space would be in the development. He feels that a maximum ratio should be in effect. The developer's representative said that the amenities are provided for the benefit of the community, and there were no plans to provide services to the general public. Mr. LaVenture also questioned whether there was a conflict in the language as defined in Section 3D. 5. Vs. 3D 12. (relative to distances from the principal building to the lot line.) Mr. Hodge wondered if there were any safeguards prohibiting any general multifamily housing on the site. (Response - Only retirement community would be allowed.) Mr. Hodge expressed concern of using medical triage services vs. calling 911. He wondered whether the service would be an intermediate step that could induce emergency response delays. The developer's representative said there is nothing in the service that prevents any resident from calling 911 directly. The service offers an alternative to using 911 services for non-emergency calls. Mr. Gallagher has heard the developer's perspective that this proposed amendment will fill a housing need for the City. Has the City indicated that this zoning amendment fits into their overall plan for housing in the City? Where are there similar developments? The proponent indicated that there are independent senior living developments in N. Andover, Cohasset and Holliston. They also specifically mentioned Sable Lodge in South Portland, ME as another property by this developer. (74 Running Hill Rd. South Portland, ME 04106). Mr. Pezzoni informed the Planning Board that he has been a member of the MEDC Board since its inception. He feels that the diversity in housing studies confirms the City's need for more multifamily housing options.

Chairperson Fenby declared the public hearing closed.

5. Pending Subdivision Plans: Updates and Discussion

A. Subdivision Status Report- Engineer's Report

Mauro Farms- City Engineer DiPersio indicated that there is one outstanding Order of Conditions and the applicant should seek a Certificate of Compliance. Before the City accepts the deeds to the roadway, its easements and the open space parcels, the City will want to make sure that there is a Certificate of Compliance on record. The City received a copy of the deed indicating that parcel 33 has been transferred to Mr. Ebert (abutter). Slocumb-nearing completion. Waiting for Legal determination on next step. Mr. Fay asked whether there were any updates on the Goodale Estates subdivision. There had been a couple of inquiries at the Engineering office regarding a possible auction on the property, however this has not been confirmed. The developer may just be seeking refinancing.

A. Marlborough Hub, LLC

Mr. Fay read the 4-09-18 letter from Board of Health Director Liberty indicating that the subdivision plans were reviewed and approved by the Board of Health.

Mr. Fay read the 4-29-18 letter from Conservation Officer, Priscilla Ryder, providing the following comments:

- 1) A portion of the site falls within the 100' buffer zone to the adjacent stream that runs through Design Pak Lofts. Therefore, the applicant will need to file for a wetland permit with the Conservation Commission.
- 2) The Conservation Commission would like the applicant to confirm the soil conditions in the location of the old railroad line to determine if it is clean. If contamination exists, a treatment/removal plan will be required.

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the letters were accepted and placed on file. Motion carried.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board waived the reading of the May 7, 2018 letter

from Assistant City Engineer Collins regarding the Engineering Department's preliminary plan review comments. The letter was accepted and placed on file. Motion carried.

The Board expressed its appreciation for the thoughtful review and asked whether City Engineer DiPersio had any additional comments.

- 1) Mr. DiPersio indicated that the current 40' width of the right-of-way would require a waiver from the 50' standard. The applicant should request the waiver and the Planning Board should specify whether the applicant must show the layout using the standard 50' layout first.
- 2) The applicant should indicate whether the roadway will remain a private way in perpetuity.
- 3) The roadway is being developed using a "Lane" status. The maximum number of potential dwelling units with this designation is eight. The development proposed contains 4 duplexes (8 units) and there are two existing dwelling units (#138 and #140) bringing the total number of potential dwelling units to 10. The request for pavement width of 26 feet servicing 10 lots would require a waiver of the Planning Board.

6. Preliminary/Open Space/Limited Development Subdivisions (None)

7. Definitive Subdivision Submission (None)

8. Signs (None)

10. Unfinished Business

- A. Proposed zoning ordinance to further amend Chapter 650, several subsections as it pertains to Medical and Recreational (Adult Use) Marijuana - Council Order 18-1007163-2.

On a motion by Mr. LaVenture and seconded by Mr. Gallagher, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment noting the following additional recommendations:

- With respect to the five hundred (500) foot distance between marijuana facilities and schools/daycares. Modify language as follows: *The five hundred (500) foot distance... is measured in a straight line from the nearest point of the building...* The Board suggests: *The five hundred (500) foot distance... is measured in a straight line from the nearest point of the property line...*
- Section 650-18 Modify *Shall have "frontage"* to read *Shall have "primary access" on Massachusetts State Highway Route 20 (Boston Post Road)*
- Section 650-18 Modify *Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street* to read *Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to the westerly side of Dicenzo Boulevard.*

Motion carried.

- B. Proposed Zoning Amendment, Section 650-36, Commercial Village Housing Overlay District, Council Order No. 18-1007134.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a negative recommendation to the City Council for the proposed zoning amendment. Motion Carried.

The Board provided the following reasons in reaching its recommendation:

- The developer did not establish that the proposed overlay district would result in a development that was preferable to any other potential use of the subject parcel;
- The developer did not establish to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district would have been unduly burdensome to single family residential abutters;
- The developer did not establish that the proposed overlay district would benefit the City in any compelling way;
- MAPC's finding of a particular housing need should not be used as justification that a particular type of housing should be allowed on every available parcel absent a finding that a proposed overlay district fits into the specific neighborhood involved, and approval of the overlay district would benefit the City;
- What a developer wants to build on a property, or the attractiveness of a proposed project, should not be used as the principal justifications for an overlay district.

11. Correspondence: (None)

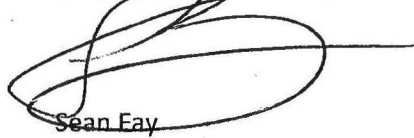
12. Public Notices of other Cities and Towns:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file item 12A, notices. Motion carried.

Adjournment: On a motion made by Mr. Russ, seconded by Mr. LaVenture, it was voted to adjourn at 8:30 pm. Motion carried.

/kih

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sean Fay", written over a horizontal line.

Sean Fay
Acting Clerk

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CITY OF MARLBOROUGH
2018 MAY 23 A 8:50

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING APRIL 10, 2018
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS,
PATRICIA CARLSON, DEREK CHAVES, DAVE
DOUCETTE.

DEBRA MCMANUS CALLED THE MEETING TO ORDER
AT 4:05 PM.

OLD BUSINESS

- LAURA GREGORY RAISED THE GLASSES ON HER OWN.
- DEREK WILL FOLLOW WITH MARK ABOUT INSTALLATION OF NVDA.
- SUMMER CAMP SCHOLARSHIP IS APPROVED FOR \$4,000, MOTION PASSES UNANIMOUSLY.
- ADA TRANSITION COMMITTEE REQUESTS A REPRESENTATIVE FROM THE COMMISSION TO PARTICIPATE.

- CONTACT LENS EXAM, DEB WROTE LETTER. MOTION TO APPROVE \$165 TO VISION ASSOCIATES.
- MOTION TO REIMBURSE DEB FOR PRINTER INK. MOTION PASSES UNANIMOUSLY
- NOTE FROM NICK MILANO: APPOINTMENTS NEED TO BE RENEWED!
- JOINT COMMITTEE ON PUBLIC HEALTH REQUESTING CONSTITUENTS INPUT ON ASSISTED SUICIDE.

4:07 MOTION TO ACCEPT MINUTES, AS AMENDED, PASSES UNANIMOUSLY.

TREASURERS REPORT

4:10 MOTION TO ACCEPT PASSES UNANIMOUSLY, \$6,168.47 AS OF 4/10/18

NEW BUSINESS

- PLOWING THE SIDEWALK BETWEEN GRANGER BLVD AND FLORENCE STREET IS AN ISSUE. JOHN HAS CONTACTED THE DPW MULTIPLE TIMES FOR A RESOLUTION.
- WALK LIGHT AT GRANGER AND FLORENCE ISN'T FUNCTIONING. JOHN REPORTED TO THE DPW.
- THE COMMITTEE HAS BEEN REMINDED TO SUBMIT MEETING MINUTES IN A TIMELY MANNER.

- THE MASS OFFICE ON DISABILITY IS HOSTING A CONFERENCE ON 6/6/18 IN WEBSTER FROM 11:00AM – 2:00PM
- THE SENIOR CONFERENCE IS THURSDAY APRIL 19TH, 2018, ALL DAY AT ASSABET HIGH SCHOOL.
- DEB READ THE 2013 CITY ADA STATUS REPORT UPDATE.

MOTION TO ADJOURN 4:55 PM PASSES UNANIMOUSLY

OUR NEXT MEETING IS TUESDAY MAY 1, 2018 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,
DEREK CHAVES



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

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2018 MAY 25 P 2: 23

Minutes Meeting Date – May 22, 2018

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

Date of Appeal: April 17, 2018.

Name and Address of Applicant: Christopher King, 114 Kosmas St., Marlborough, MA 01752

Nature & Basis of Appeal: To construct a 25' x 25' 4" attached 2 story addition consisting of a 2-car garage with living space above. The required minimum

Section of the Zoning Ordinance involved: Table 650-41 of the Marlborough General Code.

The property is located in Zoning District A-1. The lot contains 27,718 sq. ft. of area. The shape and topography of the lot - The lot is rectangular in shape.

Lots in the area are of similar in size and shape.

Proposal: The applicant proposes to construct a 25' x 25' 4" attached 2 story addition consisting of a 2-car garage with living space above. According to the denial letter from the Building Dept. dated April 13, 2018 "it does not comply with Chapter 650 Article 41 "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. The zoning code states that in the A-1 zoning district the required side yard setback is 20 ft. vs. the proposed 16/17 ft. side yard setback. With a deviation of 2-3 ft.

The proposed addition will provide an additional bedroom for their third child, a private office and a garage in which both vehicles can fit. (currently only one car barely fits in the existing garage)

The stated **hardship** by the applicants were the following:

- Unable to move the proposed addition further back on the property to meet the setback requirements without considerable added financial hardship due to ledge removal, compromising the fluidity of the interior layout and negatively impacting the aesthetic exterior appearance of the home as it is compared to the neighborhood.
- The lot is predominantly ledge.
- The proposed addition will be located on the driveway, which would facilitate the construction of a two-car garage without the added cost of having to remove ledge for a foundation.
- Moving the proposed addition back on the lot to conform to the current setback would make for a very irregular interior layout.

The proposed addition will not have a negative impact on the appearance of the neighborhood and no substantial detriment to the public good. And would not substantially derogate from the intent

and purpose of the zoning ordinance as there still will be significant open space between their house and their abutting neighbor's house.

The applicants stated they did a remodeling a few years back, and it was very expensive to cut away the ledge.

The applicants showed the Board a couple of pictures of existing ledge on their property.

Board member, Ralph Loftin, asked the applicant if ledge is the norm for most lots on Kosmas St. Answer – yes. Mr. Loftin felt that if this is true, then this lot is not unique and ledge is shared by the surrounding lots, thus there is no hardship. And, this may be a personal financial hardship to the applicants due to the added expense of cutting away the ledge to conform to the zoning set back.

The applicant presented 2 letters of support. One from 133 Kosmas St. and one from 104 Kosmas St. (letters are placed on file)

Speaking in Favor: No one appeared.

Speaking in Opposition: No one appeared.

A motion was made by Thomas Golden, seconded by Thomas Pope to grant a variance according to the shape, soil condition and topography of the lot. After some discussion, the Board voted 4-1 to grant a variance.

The Board finds that due to the amount of ledge on the property, the only feasible location for the addition is where it is proposed.

With no other testimony taken or given, the public hearing was closed.

Plans: Proposed Additions, 114 Kosmas St. Prepared by Bruce Saluk & Associates, Inc. dated: June 23, 2017. Scale 1"= 20'

Respectfully submitted,

Paul Giunta
Chairman



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

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2018 MAY 25 P 2: 23

Minutes Meeting Date – May 22, 2018

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

Date of Appeal: April 17, 2018.

Name and Address of Applicant: Edward LeBlanc, 133 Ahlgren Circle, Marlborough, MA 01752

Nature & Basis of Appeal: To construct a farmer's porch. The minimum front yard setback for Zoning District Rural Residential (RR) is 40 ft. vs. the 32.3 ft proposed. Being Map 52, Parcel 59 of the Assessor's Maps.

Section of the Zoning Ordinance involved: Table 650-41 of the Marlborough General Code.

Notice was sent by Certified Mail to parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of the property lines, including owners of land in another municipality, all as they appear on the most recent applicable tax lists.

The property is located in Zoning District Rural Residential (RR). The lot contains 24,328 sq. ft. ± Located on the lot is an existing split-level ranch with an inground pool.

The shape and topography of the lot - The shape of the lot is almost a square. As you face the lot, there are wetlands at the rear right corner of the lot. Most homes on Ahlgren Circle are similar in design and lot area.

The applicants were before the Board on April 3, 2018 with the same petition, in which they Withdrew Without Prejudice. (Reference ZBA Case # 1445-2018)

At the April 3, 2018 meeting, the Board had concerns in how the applicants answered the following questions on their application:

- a. Question #1 – What is the soil condition, shape or topography of YOUR lot or structure which distinctly affects your lot, as distinguished from other lots in the zoning district which it is located. **Answer-None.**
- b. Question #2 – What is the hardship that is caused by the soil condition, shape or topography of your lot or structure stated above. Personal inconvenience is not a hardship. A hardship imposes a substantial financial penalty or directly affects your use of the land or structure as it is zoned. **Answer – None**

According to the above answers, the Board found it hard to make an informed decision on the petition. Mr. Giunta explained to the applicant what the definition of a Hardship is according to Mass General Law Chapter 40A.

The applicants “Withdrew Without Prejudice”.

This evening, May 22, 2018, they are back with the same petition, but with a different explanation of their “hardship” as noted on their application.

The applicants presented a petition with 14 signatures. Petition stated in part “by signing this petition you are indicating you are in favor of allowing Edward J LeBlanc and Kathleen M LeBlanc to construct a farmer’s porch at 133 Ahlgren Circle”. (Petition is in Board’s file)

The applicants stated that when they purchase this house (133 Ahlgren Circle) it was located in Zoning District A1, which allows for a 30-ft. front yard setback. Now it is currently in a Rural Residential Zoning District. They provided copies of the City’s Assessor’s cards, it does state it is in Zoning District A-1.

According to the city’s assessor’s maps, most homes on Ahlgren Circle are in Zoning District Rural Residential. It appears that 2 corner lots are in Zoning District A-1.

The stated **hardship** by the applicants were the following:

- c. The farmer’s porch will include a 6-ft. wide stair entry and sliding railing for handicap van drive up access. The applicant’s mother has end stage of Parkinson’s and is confined to a wheelchair. As her illness progresses, they are planning on having her move in for constant care. This would include the ability to get her to and from doctor appointments.
- d. Adding a farmer’s porch will be very tasteful to the house and the neighborhood vs. a handicapped ramp.

The Board asked if they had an alternative if a variance was not granted. They stated maybe a wheel chair lift.

Ralph Loftin, Board Member, stated according to Mass General Law Chapter 40A, the law states clearly that the applicants do not have a “hardship” that is caused by the soil condition, shape or topography of their lot. And the soil condition, shape or topography of their lot or structure which distinctly affects their lot as distinguished from other lots in the zoning district which it is located. He proceeded to state that Personal inconvenience is not a hardship. Also, a variance should not be granted, because it does not affect the applicants “use” of their property as zoned.

Speaking in Favor:

- 145 Ahlgren Circle – Michelle Byrne, stated the applicants put in a lot of time and money into this filing. The applicants were before the Board a month ago and they were given false hope that if they re-filed because their original application was incomplete, that the Board would look favorably on their petition. Considering there are no abutters speaking in opposition to their petition, the Board should take that into consideration in their vote. Also, if the lot in question was zoned A-1, the lot should be “grandfathered” as being located in an A-1 zoning district with a minimum required 30 ft. front yard setback. The proposed farmer’s porch would improve the neighborhood and add to the applicant’s property value.

Speaking in Opposition: No one was present to speak in opposition

On a motion made by Robert Levine and seconded by Thomas Pope to approve the petition. After some discussion, the Board voted 3-2 not to grant a variance.

The Board finds that the applicants had other alternatives to help their ailing mother into the house, i.e. a handicapped ramp.

With no other testimony taken or given, the public hearing was closed.

Plans:

Ahlgren Circle, Certified Plot Plan, located at 133 Ahlgren Circle, Assessor's Parcel #52-59. Marlborough, MA. Prepared by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA Scale 1" = 30' Dated: November 2, 2017.

Respectfully submitted

Paul Giunta
Chairman

Marlborough Public Library Board of Trustees

Meeting Minutes

April 3, 2018

Bigelow Auditorium, Marlborough Public Library

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2018 MAY 29 A 7 47

Meeting called to order by Ray Hale at 7:07pm

Board Members Present: Robyn Ripley, Nena Bloomquist, Tom Abel, Ray Hale, Karen Bento William Brewin, Rustin Kyle, and Janice Merk

Also Present: Margaret Cardello, Library Director; Samantha Khosla, prospective trustee

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the March 2018 meeting was passed (Abel/Ripley).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for March 2018 was passed (Abel/Bento).*
3. **Director's Report:** (see attached for more details)
 - Several instances of vandalism occurred in March, and Margaret is working with the Police to resolve them.
 - The city's Facilities department has provided the library with 4 wireless panic buttons, which have been deployed throughout the building. Staff training was conducted on the usage of the buttons.
 - Once again, the library will be participating in the Mayor's Summer Internship program and City's SCRPT program this year. The SCRPT program allows senior citizens to work off a portion of the property tax bill.
 - The Library's FY19 Budget was presented to the Mayor on March 12. This budget is less than \$5K over the state certification minimum. Margaret requested \$5K in Page money to be transferred to Library Materials which would bring that line item total to \$110,000. The library is required to spend \$127,500 on materials, so the balance must be covered by state aid funds. The budget doesn't include salaries as union contracts are still being negotiated with the city.
 - The staff had a demo of the new ScanPro microfilm scanner on March 28 and was very impressed with the quality and performance of the device. A \$4,500 Brigham Family Trust grant, along with a \$7,500 donation from Digital Credit Union, will cover the cost of the scanner. The generosity of both organizations will be recognized with prominent labelling on the machine. *A motion was passed*

to allow Margaret to allocate \$10,585 from the Brigham Family Trust grant and DCU donation to purchase the ScanPro scanner (\$10,035) and cover the installation and training set up fee (\$450). (Merk/Kyle)

- Margaret has submitted a request to the city's Human Resources department to have 13 library staff members attend the 2018 Massachusetts Library Association Conference in Framingham in May. Total cost would be \$2,150. Staff would attend for a full day, or part of the day, depending on the sessions they wish to attend, and share the knowledge they acquire with the rest of the organization. *A motion to allow Margaret to spend up to \$2150 from state aid to cover costs if city does not approve the request was passed. (Bloomquist/Brewin)*
- Margaret noted that some libraries in Massachusetts have started storing the Narcan nasal spray in the event of a patron drug overdose. The board suggested Margaret speak with the Marlborough Police and Fire departments to get their input and report back to the trustees on the feasibility of doing the same in Marlborough.

Committee Reports:

- Foundation:
 - Nena reported that the Foundation has raised \$119,563 to date. Members of the Foundation are continuing to educate the public on the library renovation by speaking to community organizations. Presentations are scheduled for the Kane School Parent-Teacher Organization on April 3, and the Whitcomb Middle School PTO on April 11.
- Friends:
 - No updates to report.

4. Old Business:

- Ray Hale notified the board that Margaret's Annual Performance Review has been completed. Ray will meet with Margaret on April 4 to discuss it.
- Minor updates were made to the Director's Contract and Job Description to reflect the duties and responsibilities of the position for the next three years. The revisions to the Job Description include adding a reference to participation in professional associations and expanding the job responsibilities to include identifying and managing capital projects to maintain/improve the library. The Contract was revised to include Margaret's responsibilities for guiding the upcoming library renovation project. Both documents will be sent to the Assistant City Solicitor and the City Auditor for review and, once approved, will be signed.
- The MLBC has notified Margaret that Marlborough will receive \$23,852.53 for second half of FY2018. The total state aid received in FY18 is \$46,674.71.
- Nena shared the final scores for the MPL Scholarship essays. The four winners will each receive \$500.

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2018 MAY 30 P 12:05



**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 on Wednesday, April 25, 2018 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins, City Councilor Christian Dumais, City Councilor Kathleen Robey, Officer Andy Larose – MPD Traffic Services Unit, City Solicitor Don Rider and local resident Doris Maffioli. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, March 25, 2018.

MOTION was made, seconded, duly VOTED:
TO APPROVE – Accept and Place on File.

Chief Giorgi made a motion to suspend the rules and take the agenda items out of order as Ms. Maffioli was in attendance for Old Business Items 3c. All in Favor.

3-Old Business

3c) Request to open Sandini Road as two-way street for residents.

Ms. Maffioli, a longtime resident of Conrad Road, was not at the last meeting and wanted to know what was going on with this issue. Chief Giorgi advised that this issue was discussed at length at last month's meeting. He said that he recently sent a memo to Councilor Dumais explaining that the Traffic Commission does not feel that making the roadway a two-way street for residents will work. A sticker system would be extremely difficult for the Police Department to enforce and if it were allowed on this street, it would set a precedent and open up the same type of thing to residents of other streets. He could not find another community where this type of sticker system occurs. It was also discussed that many residents cut through the Do Not Enter signs anyways. It is a "Catch 22" because it keeps traffic out of the neighborhood but it is also an inconvenience to

residents. There is a purpose for the Do Not Enter signs and if it is altered, it defeats the purpose. Other traffic will also enter the neighborhood as well.

Ms. Maffioli explained how it is extremely inconvenient for her because she travels back and forth from Northboro frequently and it takes much longer for her to get home when she has to circle around via Hayes Memorial Drive. She also mentioned that you can't take a right on red at Ames Street, even at 11:00pm, when there is no one else in the area. Tim Collins explained that the No Right Turn on Red is there for the westbound traffic and the U-turn.

Ms. Maffioli said that she sometimes does go down Sandini. She asked what would happen if an officer was there and stopped her. When the officer saw her license and knew she lived there, does he have to give her a ticket?

Chief Giorgi explained that some neighbors are in favor of the sticker system and others are not. It is too difficult to try to implement and it is not something that will work right now. Councilor Dumais was here at the last meeting to discuss the issue on behalf of the residents and he has all this information.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE.

2 – New Business

2a) Discussion of Ch. 586, Section 33: “Municipal Off-street Parking Areas” relative to parking decks on Weed Street.

Chief Giorgi advised that there are people inhabiting their cars in the City's parking garage. He asked Don Rider, the City Solicitor, if he would look at the language in this section of the Traffic Rules and Regulations Manual and see if language could be added that would prevent this from occurring.

Don Rider explained that he amended subsection D, as a discussion starter. He pointed out that this language would affect all off-street parking areas, not just the parking deck. It also pertains to anytime of the year for 365 days. It refers to “overnight occupancy” for more than one consecutive night or “day to day occupancy” for three or more consecutive days is prohibited. He also added specific timeframes for “overnight”. He was trying to make the language very specific. He gave an example of a similar situation in LA in 2014 where the statute said that no person shall use a vehicle as “living quarters” when parked on the street. The Court struck it down because the statute did not define “living quarters”. Any vagueness in the wording needs to be avoided.

Officer Larose said that part of the issue is that people keep leaving the vehicle and returning. Is it not a continuous period of occupancy if they leave for a period of time to get a pizza or something? Lisa Thomas brought up a few other instances where groups of people were congregating on the top floor of the parking deck. It also seems to be a public safety issue.

Commissioner Ghiloni said that we shouldn't be bothering groups of people in the lot unless there is an issue. If kids are skateboarding, for example, the police can be called. All did agree, however, that living in the vehicle is a health and safety issue. Officer

Larose said that they have seen human waste outside the vehicle and trash etc. to be cleaned up. The language should be applied to all city owned lots to prevent people from just moving to another lot. It was also questioned as to if signs were needed to advise the public to the new condition. Don Rider said that if overnight occupancy is prohibited it would become an enforcement issue for the Police Department. It is something that would need to be monitored. There is a video monitor there. Commissioner Ghiloni said that the overnight issue is the big problem. At 6:00am they are asleep in their vehicle with drapes and towels over the windows. Overnight parking on all floors can't be prohibited as this is where people park their cars during storms and the winter parking ban.

Commissioner Ghiloni also noticed that there is the timeframe of 11/15 to 4/1 in the wording, however, we would want this language applied all year. Tim Collins advised that the time frame was used initially when there were meters used in the City. Councilor Robey said that we do need the time frame as we don't want people parking there overnight all the time. The purpose was initially to use the garage for overnight parking during the winter parking ban.

Officer Larose noted that there are many references to metered parking and said that if we are going to make changes to this chapter and section we should update the whole thing. Tim Collins advised that the Traffic Commission discussed this before and decided to leave the wording about the meters in, in case the meters ever came back.

There was also discussion about time limit parking on certain levels and discrepancies between the language and the actual signage in place. The entire section needs to be reviewed.

MOTION was made, seconded, duly VOTED to TABLE for the next meeting in order to continue the conversation and clarification of the entire section.

3-Old Business

3a) Request for stop signs on Weed St. at Florence St.

Update: Commissioner Ghiloni advised that this is all in process. It has been referred to City Council. The issue was over ownership. The City does not own this area and is trying to obtain ownership from the CDA.

MOTION was made, seconded, duly VOTED to TABLE.

3b) Traffic Regulations at the 1st LT Charles W. Whitman School.

Tim Collins passed out diagrams and proposed language for all the regulations in this parking lot. He split the parking lot up into separate sections since there are no street names here and he wanted it to be clear. The sections are referred to as:

- South Parking Lot
- Bus Drop Off Lane

- Bus/Van Drop Off Lane
- Loop Driveway
- North Parking Lot
- East Parking Lot
- Maintenance Alley
- Loading Dock Area

The specific schedules addressed are:

- Prohibited Right Turns
- One-Way Streets
- Stop Intersections
- Do-Not-Enter Streets
- No Stopping, Standing or Parking Anytime
- Parking Prohibited Certain Hours
- Crosswalk Locations

Mr. Collins highlighted each specific area on the diagram as it was addressed. New signage will be added as necessary. Commissioner Ghiloni advised that any new signs would not be added until school is out to avoid any confusion.

MOTION was made, seconded, duly VOTED to ACCEPT the language for the regulations as drafted and explained by Tim Collins. Chief Giorgi will create the regulations using this language and forward to Lisa Thomas for advertisement.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:09 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 April 25, 2018, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, March 25, 2018.
- Copy of Chapter 586-33 "Municipal Off -Street Parking Areas", from the Rules and Regulations Manual.

Additional Handouts:

- Copy of Draft language for revised Chapter 586-33, "Municipal Off-street Parking Areas.

- Copy of City Council Order No. 18-1007159, regarding winter overnight parking ban.
- Copy of City Council Order No. 18-1007159A, regarding winter overnight parking ban.
- Diagrams and proposed wording for regulations at 1LT. Charles Whitcomb School.

**Minutes
Retirement Board Meeting of
April 24, 2018**

**RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAY 29 P 3:47**

The monthly meeting of the Marlborough Retirement Board was held on April 24, 2018. Gregory Brewster, David Keene, William Taylor, Daniel Stanhope and Margaret Shea were present.

1. The meeting was called to order at 8:15 a.m.
2. The Board reviewed the minutes of the meeting of March 27, 2018. A motion was made and seconded to approve. Vote unanimous.
3. The Board reviewed the draft 2018 Annual Statement Pages. A motion was made and seconded to accept and place on file.
4. The Board discussed the accidental disability application of John McGrath. A motion was made and seconded to request that PERAC schedule a medical panel review. Vote unanimous.
5. The Board reviewed PERAC memorandum #17 regarding the implementation of Vernava decision. The director told the members that she will notify the City and School Payroll Departments to withhold deductions from regular compensation supplementing workers' compensation. After discussion, a motion was made and seconded to accept and place on file. Vote unanimous.
6. The Board reviewed Michael Sacco's client memo regarding the Vernava implementation and the Boelter v. Wayland case. A motion was made and seconded to accept and place on file.
7. James Rice has applied for superannuation retirement. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
8. The following individuals are scheduled for a refund of their annuity savings accounts: Laurel Engal-Quinn and Jana Amoroso. A motion was made and seconded to approve. Vote unanimous. The Middlesex County Retirement Board has requested the transfer of Gregory Lee and Kelly Parente's annuity savings account. The Massachusetts Teachers' System requested the transfer of Erin Derby's account. A motion was made and seconded to approve transfers. Vote unanimous.
9. The Board reviewed documents related to the FY19 COLA. The Board discussed holding the FY19 COLA vote at the May meeting.
10. Review of the operating budget as of April 2018 was the next item on the agenda. A motion was made and seconded to accept and place on file. Vote unanimous.

11. New Business/Old Business was the next item on the agenda. There was no old business to discuss. Under new business, the director had distributed information regarding the upcoming MACRS Conference. The registration was \$320 per member. A motion was made and seconded to approve Gregory Brewster and William Taylor's attendance at MACRS. Vote unanimous. The Board reviewed a preliminary 1st quarter analysis from the Meketa Group that showed .9% loss for the first quarter. From the first of the year to April 20, 2018, the system has lost .3%. The Board reviewed the answers to the questions posed by Councilor Ossing regarding the increase in the COLA base to \$14,000. The Board also discussed a variety of office-related issues.
12. The review of the March cash reconciliation was the next item on the agenda. The reconciliation was not available so a motion was made and seconded to table to the May meeting. Vote unanimous.
13. A motion was made and seconded to approve the following warrants; retiree payroll for April 30, 2018, 092018, and 102018. Vote unanimous.
14. A motion was made and seconded to adjourn the meeting. Vote unanimous.



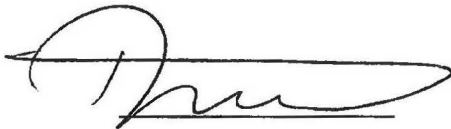
Gregory P. Brewster
Chairman



David Keene



Diane Smith



Daniel J. Stanhope



William S. Taylor



IN CITY COUNCIL

Marlborough, Mass., **MAY 7, 2018**

ORDERED:

That the following Transfer Request which moves money from Undesignated Funds to various Capital Outlay accounts as outlined in the spreadsheet below, be and is herewith refer to **FINANCE COMMITTEE**.

CITY OF MARLBOROUGH BUDGET TRANSFERS --

Available Balance	DEPT: Various					FISCAL YEAR: 2018				Available Balance
Amount	FROM ACCOUNT:				TO ACCOUNT:					
Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:				
<u>\$8,284,083.16</u>	<u>\$3,957,138.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,239,000.00</u>	<u>19300006</u>	<u>58512</u>	<u>Capital Outlay-Fire</u>	<u>\$2,604.75</u>	
	Reason:	<u>To fund equipment requests</u>								
					<u>\$2,491,508.00</u>	<u>19300006</u>	<u>58731</u>	<u>Capital Outlay-DPW</u>	<u>\$9,622.19</u>	
					<u>\$206,500.00</u>	<u>19300006</u>	<u>58593</u>	<u>Capital Outlay-Police</u>	<u>\$19,291.32</u>	
	Reason:									
					<u>\$5,130.00</u>	<u>19300006</u>	<u>56300</u>	<u>Capital Outlay-Voting Equipme</u>	<u>\$0.00</u>	
	Reason:									
					<u>\$15,000.00</u>	<u>19300006</u>	<u>52451</u>	<u>Capital Outlay-COA</u>	<u>\$0.00</u>	
	Reason:									
	<u>\$3,957,138.00</u>	<u>Total</u>			<u>\$3,957,138.00</u>	<u>Total</u>				

ADOPTED

ORDER NO. 18-1007262-4



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 31, 2018

Edward Clancy
President
Marlborough City Council

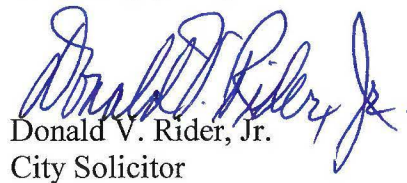
RE: Assabet River Rail Trail Overlay District
Order No. 18-1007137B (X17-1006983A)

Dear President Clancy and Members:

Enclosed in proper legal form is the revised draft of the proposed zoning amendment to create the Assabet River Rail Trail Overlay District.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Brian R. Falk, Esquire

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH NOW ORDAINS THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY ADDING A NEW SECTION 650-36, ENTITLED “ASSABET RIVER RAIL TRAIL OVERLAY DISTRICT,” AS FOLLOWS:

ARTICLE VI

§ 650-36 – ASSABET RIVER 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 complementary 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.
- (2) The City Council may, by special permit in accordance with Section 650-59, permit a “Rail Trail Development,” defined in Subsection C herein, on any lot or combination of lots located in the ARRTOD (a “Development Parcel”), provided that the Rail Trail Development complements 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 uses:
 - a. Retail sales and services, up to 5,000 square feet of gross floor area per such establishment, provided that the Rail Trail Development has frontage along Lincoln Street.
 - 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 such establishment, provided that the Rail Trail Development has frontage along Lincoln Street.
 - c. Residential uses, with such density as deemed 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 variance authority shall continue subsequent to initial occupancy.

ADOPTED
In City Council
Order No. 18-1007137B (X17-1006983A)
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

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) (Residential use only).
3. Assessors Map 56, Parcel 125 (269 Mechanic Street) (Residential use only).
4. Assessors Map 56, Parcel 96 (3-7 Longley Street) (Residential use only).
5. Assessors Map 56, Parcel 85 (297 Lincoln Street).
6. Assessors Map 69, Parcel 345 (283 Lincoln Street).
7. Assessors Map 69, Parcels 340 (305 Lincoln Street), 341 (297 Lincoln Street), 342 (301 Lincoln Street) and 343 (293 Lincoln Street).



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 23, 2018

ORDERED:

That the City of Marlborough hereby accepts section 3 of c. 64N of the Massachusetts General Laws, as amended, to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent, said excise to be deposited into the General Fund, be and is herewith refer to **FINANCE COMMITTEE**.

Councilor Juairé recused.

ADOPTED

ORDER NO. 18-1007242