

REGULAR MEETING  
MARCH 25, 2019  
TIME: 8:00 PM

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

CONVENED:  
ADJOURNED  
**RECEIVED**  
**CITY CLERK'S OFFICE**  
**CITY OF MARLBOROUGH**  
**2019 MAR 21 P 2:00**

1. Minutes, City Council Meeting, March 11, 2019.
2. Minutes, Special City Council Meeting, March 18, 2019.
3. PUBLIC HEARING On the Proposed Zoning Map Amendment from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, re: Rezoning land off Mill Street South, Order No. 18/19-1007484A.
4. PUBLIC HEARING On Petition from Massachusetts Electric, to install 461 feet of underground primary from P13 on Framingham Road up to Pad 1-99 on Beverly Drive and to install 262 feet of underground secondary from Pad 1-99 to HH 0-2, all work to remain in the public way, Order No. 19-1007568.
5. Communication from President Clancy, re: Proposed Amendment to Chapter 473 of the City Code, Small Cell Wireless Facilities Within Public Rights of Way.
6. Communication from the Mayor, re: Presentation at the March 11, 2019 Council Meeting by Post Road Residential.
7. Communication from the Mayor, re: Fire Department transfer request in the amount of \$60,000.00 which moves funds from various accounts within the Fire Department to Vehicle Repair and Maintenance.
8. Communication from City Solicitor, Donald Rider, re: Proposed amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants, in proper legal form, Order No. 19-1007547A.
9. Communication from Sudbury Companies of Minute and Militia re: Temporary sign placement at the corner of Route 20 and Hagar Road for the 2019 Colonial Faire and Muster at the Wayside Inn.
10. Application for Renewal of Junk Dealer/Second Hand Dealer License, Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.
11. Application for Renewal of Junk Dealer/Second Hand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
12. Petition from Comcast, to install new underground 3" PVC conduit for approximately 1055 feet and (3) 2' x 3' vaults starting at 46 Lizotte Drive to provide service to 130 Lizotte Drive.
13. Application for Special Permit from Thomas Coder, to demolish existing single story home and construct a new two story home at 21 Patten Drive.
14. Communication from the MA State Lottery Commission re: Eligibility to sell Keno To Go, Brasil Remessa, 576 Boston Post Road East.

**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.**

15. Minutes, Board of Assessors, February 5, 2019.
16. Minutes, Board of Health, February 11, 2019.
17. Minutes, Conservation Commission, February 7, 2019.
18. CLAIMS:
  - a) Robert Bucher, 4 Farm Road, residential mailbox claim (2b).
  - b) Anthony Long, 20 Kelleher Street, residential mailbox claim (2a).
  - c) Dorothy Magliozzi, 30 Farm Road, residential mailbox claim (2a).
  - d) Marlboro Softball League, 85 Sawin Street, other property damage and/or personal injury.
  - e) Gabrielle Miller, 38 Gikas Lane, pothole or other road defect.
  - f) Lauren Racine, 55 Littleton Road, Ayer, pothole or other road defect.
  - g) Brian Rotondo, 100 Stearns Road, residential mailbox claim (2a).

## REPORTS OF COMMITTEES:

19. ORDERED:
  1. That the City Council review the results of the FY19 abbreviated budget process.
  2. That the City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the FY20 City budget. The City Council will assess the results in April 2020 to determine if the practice will continue. Refer to the Finance Committee.

**Background:**

The City Council approved the abbreviated budget process for FY18 on April 24, 2017 (Order No. 17-1006856A) and FY19 on April 23, 2018 (Order No. 18-1007236). In its 2006 Financial Management Review of the City of Marlborough, the Massachusetts Department of Revenue recommended that the City adopt several best financial practices including approving the City budget with the salary and expenditure accounts for each department as opposed to the past practice of approving each individual line item. This recommendation was also made in the City's Fiscal Year 2016 audit performed by Roselli, Clark & Associates. Department Heads would not be able to add funds to their approved salary or expenditure accounts without City Council approval. The Auditor will provide a summary of all transfers within a department's budget each month to the City Council. .... Submitted by Councilor Ossing.

## UNFINISHED BUSINESS:

From Finance Committee

20. **Order No. 19-1007544 – Mid-Year Transfers for \$1,341,950.00:** The Finance Committee reviewed the Mayor's letter dated February 7, 2019 requesting mid-year transfers totaling \$1,341,950.00 in the Mayor's, Information Technology, Personnel, Police, Inspectional Services, Comptroller and Auditors Departments. **The Finance Committee voted 5–0 to approve all the transfers.**
21. **Order No. 19-1007566 – Transfer of \$182,500.00 from Undesignated Funds to IT Equipment Account:** The Finance Committee reviewed the Mayor's letter dated February 21, 2019 requesting the transfer of \$182,500.00 from the Undesignated Fund account to the IT Equipment account to purchase and install security camera systems at Jaworek School and Richer School. **The Finance Committee voted 5–0 to approve the transfer.**

From Urban Affairs Committee

22. **Order No. 16/17/18/19-1006443AAA-1: Communication from Code Officer regarding Application for Temporary, freestanding sign for VENTURE X at 11 Apex Drive; Approval from Walker Realty LLC attached to the Application.** The Urban Affairs Committee met with Ryan Gagne, CEO of RDG Enterprises, Inc. and owner of Venture X. Mr. Gagne explained the business model to the committee as a shared, co working space. There is the opportunity for flex space or private loft offices and the amenities fit each based on the scale of the space. Each space can be leased as either one-day per month or 24/7/365 access and provides businesses flexibility in the modern age. They have placed a marquee sign on the corner of the building, but their request for the temporary, freestanding sign is for about eight months. Their expectation is for them to be at a level of capacity for the business to survive and not require the necessity of the sign after that point. **Motion made by Councilor Juairé, seconded by the Chair, to approve the sign request from Venture X for a temporary sign for a period of eight months after the building permit is issued. The motion carried 5-0.**

From Legislative & Legal Affairs Committee

23. **Order No. 19-1007547: Communication from the Mayor, regarding amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants.** The Mayor's letter of February 7, 2019 was read into the record. In it he stated that the program has been successful, so he is asking the Council to amend the original Order No.12-1004062A to increase the number of positions available. Other changes were replacing the income requirement and deleting some language. **It was moved and seconded to amend the Mayor's Order to add in #2 the words "by the Council on Aging" after the word "lottery" and in #3 to remove deletion of "I" in its entirety. The motion carried 3-0.**

From Public Services Committee

24. **Order No. 19-1007530: Communication from City Solicitor, Donald Rider, re: Cider Mill Estates Subdivision - Acceptance of Goodwin Street and McDermot Way as Public Ways.** The Public Services Committee met with City Solicitor Donald Rider and City Engineer Tom DiPersio regarding the Cider Mill Estates Subdivision and the acceptance of Goodwin Street and McDermot Way as public ways. Chairman Landers referenced the letter dated January 24, 2019 from the City Solicitor requesting the City Council accept Goodwin Street and McDermot Way as public ways including their appurtenant easements (drainage and flowage) as municipal easements. The acceptance plan and signed deed were included as attachments to that letter. The Planning Board at its regular meeting on February 11, 2019 voted to recommend Goodwin Street and McDermot Way be accepted as public ways, and that their appurtenant easements be accepted as municipal easements in the City of Marlborough. The committee discussed with the City Engineer that there were still several undeveloped lots and if the streets and/or sidewalks were damaged during the construction of those lots, then it was the responsibility of the developer to repair them at the direction of the Department of Public Works. **Motion made by Councilor Doucette, seconded by the Chair, to approve the acceptance of Goodwin Street and McDermot Way as public ways. The motion carried 3-0.**





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 21 A 7 20

**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**MARCH 11, 2019**

Regular meeting of the City Council held on Monday, March 11, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Juaire. Meeting adjourned at 9:50 PM.

ORDERED: That the Minutes of the City Council meeting, FEBRUARY 25, 2019, **FILE**; adopted.

ORDERED: That the Minutes of the Joint Convention meeting, FEBRUARY 25, 2019, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Map Amendment from Attorney Mark Bourbeau on behalf of Marlborough Hub, LLC, re: Rezoning of land off Valley Street, Order No. 19-1007552, all were heard who wish to be heard, hearing closed at 8:11 PM; adopted.

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

**Councilors Absent: Juaire.**

ORDERED: That the PUBLIC HEARING On the Proposed Order relative to changes to Municipal Aggregation, Order No. 19-1007578, all were heard who wish to be heard, hearing closed at 8:40 PM; adopted.

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

**Councilors Absent: Juaire.**

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area, Order No. 19-1007533, all were heard who wish to be heard, hearing closed at 9:12 PM; adopted.

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

**Councilors Absent: Juaire.**



ORDERED: That the Reappointment of Councilor Michael Ossing to the OPEB Board of Trustees for a two-year term, **APPROVED**; adopted.

ORDERED: That the Temporary Appointment of Steven Kerrigan as City Clerk effective upon the retirement of Lisa M. Thomas on March 15, 2019 at 5:00 PM; **APPROVED**; adopted.

ORDERED: Pursuant to M.G.L. c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a parcel of land in fee simple interest will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

Land of proposed purchase of fee simple interest: The parcel identified on the Assessors Map of the City of Marlborough as Map 41 Parcel 37B, containing 10.09 acres, located on Berlin Road, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 27781, Page 51. The person having a beneficial interest in this parcel is Ernest A. Houde, Jr. of 399 Berlin Road, Marlborough, MA.

The above-identified parcel satisfies the requirements of said M.G.L. c. 30B, § 16(e)(2), because:

(i) the parcel is uniquely situated because it abuts Map 41, Parcel 25, both of which are classified as Agricultural and Horticultural land pursuant to M.G.L. c. 61A; (ii) include wetlands and seasonal wetlands which feed Flagg Swamp and Flagg Brook which fall within the City's 2011-1018 Open Space and Recreation Plan to preserve and protect watershed to wetland and water resource areas; (iii) feeds into the Fort Meadow Reservoir, the City's recreational lake, which will be protected and preserved by the acquisition and (iv) supports a variety of wildlife.

It is further ordered that the Mayor is authorized to negotiate and enter into a purchase and sales agreement for the above-identified parcel subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not exceed more than 25% of the average assessed value of the parcel during the previous three years; and (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel, refer to **FINANCE COMMITTEE & OPEN SPACE COMMITTEE**; adopted.

ORDERED: That, pursuant to Mass. Gen. Laws c. 43, § 30 and c. 40, § 5B, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation from Stabilization – Open Space (account # 83600-32918) in the amount of \$150,000.00 as sufficient funds to pay for the proposed purchase of the parcel located at Berlin Road; provided, however, that the thirty-day period following the City’s publication in the Central Register of the proposed purchase has expired as required by law, refer to **FINANCE COMMITTEE & OPEN SPACE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor				FISCAL YEAR:	2019			
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$668,824.31	\$150,000.00	83600	32918	Stabilization-Open Space	\$150,000.00	19300006	58170	Open Space Acquisition	\$0.00	
	Reason:						For purchase of property on Berlin Rd			
	\$150,000.00	Total			\$150,000.00	Total				

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

ORDERED: That the Reappointment of Alfred Weaver to the OPEB Board of Trustees for a 3-year term to expire on March 11, 2022, **FILE**; adopted.

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

- I. Section 650-8, entitled “Boundaries established; Zoning Map,” is hereby amended:
  - a. by re-zoning the following property, presently zoned within the Limited Industrial District, as being zoned within the Residence A-1 District:  
Map 113, Parcel 5.
  - b. by re-zoning the following property, presently zoned within the Limited Industrial District and the Retirement Community Overlay District, as being zoned within the Residence A-1 District:  
Map 113, Parcel 6.
- II. The effective date of this zoning map amendment shall be the date passed by the City Council and signed by the Mayor.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, APRIL 29, 2019**; adopted.

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation of the Proposed Zoning Amendment to Chapter 650, §5 & §22 relative to Retirement Community Detached and Townhomes, and Retirement Community Multifamily, Order No. 18/19-1007452B, X18-1007198G, **FILE**; adopted.

ORDERED: That the Communication from the Planning Board, re: Recommendations and comments relative to the Proposed Zoning Amendment, Chapter 650, §15, §17 & §18 relative to Home Offices & Contractor Yards, Order No. 18/19-1007500A, **FILE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's/Second Hand Dealer's License, ecoATM, LLC, 601 Donald J. Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That consideration of the Mayor's veto of Council Order 17/18/19-1007034D, relative to Petition of AT&T to place small cell site on utility pole at 319 East Main Street, **REMOVED FROM THE TABLE**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That consideration of the Mayor's veto of Council Order 18/19-1007321C, relative to Petition of AT&T to place small cell site on utility pole #11-50 at Francis and East Main Streets, **REMOVED FROM THE TABLE**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That consideration of the Mayor's veto of Council Order 18/19-1007322C, relative to Petition of AT&T to place small cell site on utility pole #1 at 10 Neil Street, **REMOVED FROM THE TABLE**; adopted.

ORDERED: That the Mayor's veto of Council Order 17/18/19-1007034D, as set forth in the Mayor's letter dated January 14, 2019, relative to Petition of AT&T to place small cell facility on a utility pole at 319 East Main Street, be and is herewith **OVERRIDEN** by two thirds vote of the members of the City Council, pursuant to Section 55 of Division 1 of the City Charter; adopted.

**Yea: 9 – Nay: 1 – Absent: 1**

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

**Nay: Oram.**

**Absent: Juaire.**

ORDERED: That the Mayor's veto of Council Order 18/19-1007321C, as set forth in the Mayor's letter dated January 14, 2019, relative to Petition of AT&T to place small cell facility on utility pole #11-50 at Francis and East Main Streets, be and is herewith **OVERRIDEN** by two thirds vote of the members of the City Council, pursuant to Section 55 of Division 1 of the City Charter; adopted.

**Yea: 9 – Nay: 1 – Absent: 1**

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

**Nay: Oram.**

**Absent: Juaire.**



ORDERED: That the Mayor's veto of Council Order 18/19-1007322C, as set forth in the Mayor's letter dated January 14, 2019, relative to Petition of AT&T to place small cell facility on utility pole #1 at 10 Francis Street, be and is herewith **OVERRIDEN** by two thirds vote of the members of the City Council, pursuant to Section 55 of Division 1 of the City Charter; adopted.

**Yea: 9 – Nay: 1 – Absent: 1**

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

**Nay: Oram.**

**Absent: Juaire.**

ORDERED: That the Communication from Attorney Michael Dolan, re: New Cingular Wireless PCS, LLC ("AT&T") Small Cell Facility Petitions – Veto of City Council Orders, Order No. 17/18/19-1007034E, 18/19-1007321D & 18/19-1007322D, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, January 22, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Historical Commission, February 14, 2019, **FILE**; adopted.

ORDERED: That the Minutes, High School Council, March 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Library Trustees, June 5, 2018, September 4, 2018, November 6, 2018, December 4, 2018 & January 8, 2019, **FILE**; adopted.

ORDERED: That the Minutes, License Board, January 30, 2019, **FILE**; adopted.

ORDERED: That the Minutes, OPEB Trust, February 21, 2018 & March 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, February 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, January 29, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, January 30, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, February 19, 2019, **FILE**; adopted.

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

ORDERED: That the updated Minutes, Library Trustees, October 2, 2018, **FILE**; adopted.

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

- a) Kohar Berberian, 315 Sudbury Street, residential mailbox claim (2b).
- b) Paul Fiore, 111 Denoncourt Street, pothole or other road defect.
- c) Jason Irish, 46 Pleasant Street, pothole or other road defect.
- d) Steven Kludt, 6 Abigail Drive, Hudson, other property damage and/or personal injury.
- e) Paige Moreland-Bousquet, 10 Kelly Circle, Douglas, pothole or other road defect

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday March 4, 2019  
In Council Chambers**

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

Finance Committee Members Absent: None

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

The meeting convened at 7:26 PM.

1. **Order No. 19-1007544 – Mid-Year Transfers for \$1,341,950.00:** The Finance Committee reviewed the Mayor's letter dated February 7, 2019 requesting mid-year transfers totaling \$1,341,950.00 in the Mayor's, Information Technology, Personnel, Police Department, Inspectional Services, Comptroller and Auditors department. The Finance Committee voted 5 – 0 to approve all the transfers.
2. **Order No. 19-1007548 – Increase Council On Aging Revolving Fund Spending Limit for the Remainder of FY19:** The Finance Committee reviewed the Mayor's letter dated February 7, 2019 requesting the spending limit for the Council On Aging Revolving Fund be increased from \$40,000.00 to \$60,000.00 for the remainder of FY19. The increase is required to support the programs being offered by the Senior Center. The Finance Committee voted 5 – 0 to approve increase in the spending limit to \$60,000 for the remainder of FY19.
  - The Finance Committee agreed to support suspending the rules at the March 11, 2019 City Council meeting to approve the increase in the spending limit for the Council On Aging Revolving Fund from \$40,000.00 to \$60,000.00 for the remainder of FY19.
3. **Order No. 19-1007565 – Transfer \$510,832.30 from PEG (Public, Educational and Government) Fees to Marlboro Cable Trust Fund:** The Finance Committee reviewed the Mayor's letter dated February 21, 2019 requesting a transfer of \$510,832.30 from the PEG Fund Account to the Marlboro Cable Trust Fund Account to fund the FY20 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 February 25, 2019.
  - The Finance Committee agreed to support suspending the rules at the March 11, 2019 City Council meeting to approve the transfer.

## Reports of Committee Continued:

- 4. Order No. 19-1007566 – Transfer \$182,500.00 from Undesignated Funds to IT Equipment Account:** The Finance Committee reviewed the Mayor's letter dated February 21, 2019 requesting the transfer of \$182,500.00 from the Undesignated Fund account to the IT Equipment account to purchase and install security camera systems at Jaworek and Richer Schools. The Finance Committee voted 5 – 0 to approve the transfer.

**The Finance Committee adjourned at 8:08 PM.**

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

City Council Legislative and Legal Affairs Committee  
Monday, March 4, 2019, 6:30 PM– In Council Chambers  
Minutes and Report

Present: Chairman Katie Robey, Councilor Landers, Councilor Delano, & Councilors Clancy, Dumais, and Ossing.  
Also attending were Mayor Vigeant and Council on Aging Director Trish Pope.

**Order No. 19-1007547: Communication from the Mayor, regarding amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants.**

The Mayor's letter of February 7, 2019 was read into the record. In it he stated that the program has been successful, so he is asking the Council to amend the original Order No.12-1004062A to increase the number of positions available. Other changes were replacing the income requirement and deleting some language.

**It was moved and seconded to amend the Mayor's Order to add in #2 the words "by the Council on Aging" after the word "lottery" and in #3 to remove deletion of "I" in its entirety. The motion carried 3-0.**

**A Suspension of Rules will be requested to refer this to the City Solicitor to be placed in proper legal form.**

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 7:25 PM.

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

Meeting Name: City Council Public Services Committee  
Date: March 4, 2019  
Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 8:10 PM – Adjourned: 8:19 PM

Present: Chairman Landers; Public Services Committee Members Councilors Doucette and Irish; and Councilors Clancy, Dumais, Ossing, and Robey; Tom DiPersio (City Engineer, City of Marlborough); Donald Rider (City Solicitor, City of Marlborough)



## Reports of Committee Continued:

**Order No. 19-1007530: Communication from City Solicitor, Donald Rider, re: Cider Mill Estates Subdivision - Acceptance of Goodwin Street and McDermot Way as Public Ways.**

The Public Services Committee met with City Solicitor Donald Rider and City Engineer Tom DiPersio regarding the Cider Mill Estates Subdivision and the acceptance of Goodwin Street and McDermot Way as public ways. Chairman Landers referenced the letter dated January 24, 2019 from the City Solicitor requesting the City Council accept Goodwin Street and McDermot Way as public ways including their appurtenant easements (drainage and flowage) as municipal easements. The acceptance plan and signed deed were included as attachments to that letter. The Planning Board at its regular meeting on February 11, 2019 voted to recommend Goodwin Street and McDermot Way be accepted as public ways, and that their appurtenant easements be accepted as municipal easements in the City of Marlborough. The committee discussed with the City Engineer that there were still several undeveloped lots and if the streets and/or sidewalks were damaged during the construction of those lots, then it was the responsibility of the developer to repair them at the direction of the Department of Public Works.

**Motion made by Councilor Doucette, seconded by the Chair, to approve the acceptance of Goodwin Street and McDermot Way as public ways. The motion carried 3-0.**

**Motion made and seconded to adjourn. The motion carried 3-0. Meeting adjourned at 8:19 PM.**

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

Meeting Name: City Council Urban Affairs Committee

Date: February 26, 2019

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 6:59 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Tunnera and Doucette; Councilors Clancy, Dumais, Ossing, and Robey; Donald Rider (City Solicitor, City of Marlborough);

**Order No.16/17/18/19-1006443AAA-1: Communication from Code Officer regarding Application for Temporary, freestanding sign for VENTURE X at 11 Apex Drive; Approval from Walker Realty LLC attached to the Application.**

The Urban Affairs Committee met with Ryan Gagne, CEO of RDG Enterprises, Inc. and owner of Venture X. Mr. Gagne explained the business model to the committee as a shared, coworking space. There is the opportunity for flex space or private loft offices and the amenities fit each based on the scale of the space. Each space can be leased as either one-day per month or 24/7/365 access and provides businesses flexibility in the modern age. They have placed a marquee sign on the corner of the building, but their request for the temporary, freestanding sign is for about eight months. Their expectation is for them to be at a level of capacity for the business to survive and not require the necessity of the sign after that point.

## Reports of Committee Continued:

**Motion made by Councilor Juaire, seconded by the Chair, to approve the sign request from Venture X for a temporary sign for a period of eight months after the building permit is issued. The motion carried 5-0.**

**Order No.18/19-1007460: Communication from Solicitor Rider together with Proposed Zoning Petition from Councilor Delano, Chairman of the Urban Affairs Committee, to vest the ZBA with jurisdiction over applications for special permits that seek to increase or intensify the existing nonconforming nature of single or two-family residential structures, as it currently rests with the City Council.**

The Urban Affairs Committee met to discuss the proposed zoning petition that would allow the Zoning Board of Appeals (ZBA) the jurisdiction to review the applications for special permits from the owners of single-family and two-family residential structures who look to increase or intensify the existing nonconforming nature of their residence by either expanding the residence or constructing a garage or deck as examples. These types of cases were not previously before the City Council, but recent court rulings have dictated these requests must go before the City Council as the Special Permit granting authority. By approving this proposed zoning petition, the City Council may delegate their authority to the ZBA. The Planning Board at its regularly scheduled meeting on January 7, 2019 voted to make a favorable recommendation to the City Council on the proposed zoning amendment.

**Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed zoning petition. The motion carried 4-1 (Landers opposed).**

**Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 6:59 PM.**

**Suspension of the Rules requested – granted**

**ORDERED:** That no more than sixty thousand dollars (\$60,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2019, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That the Transfer request in the amount of \$510,832.30 which moves funds from PEG Fees to Marlborough Cable Trust to fund the operation of WMCT for FY20, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Mayor		FISCAL YEAR: 2019							
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$545,477.04	\$510,832.30	27000	33010	Receipts Reserved-PEG Funds	\$510,832.30	89000	25581	Marlboro Cable Trust	\$0.00
Reason:		To fund WMCT operations with PEG fees							
	\$510,832.30	Total			\$510,832.30	Total			

ORDERED: That the Amendment to Senior Citizen Property Tax Work Off Program, to increase number of allowed participants, refer to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM**; adopted.

City Council President Clancy recognized retiring City Clerk Lisa M. Thomas for her dedicated service to the City of Marlborough. She was then presented with a proclamation from the City Council in addition to a gift from the members of the City Council and City Clerk's staff.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:50 PM; adopted.





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 19 A 11:25

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

**MARCH 18, 2019**

Special meeting of the City Council held on Monday, March 18, 2019 at 6:50 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Robey (Councilor Robey arrived at 6:54 PM). Meeting adjourned at 6:56 PM.

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

1. Section 650-12, entitled "Nonconforming uses," is hereby amended by deleting the words

"except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling," and inserting in place thereof the following words: -

except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3).

2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended by adding to subsection B thereof, entitled "Powers and duties," after sub-subsection (2), entitled "Variances," the following new sub-subsection (3), entitled "Lawful pre-existing nonconforming single-family dwellings and two-family houses":

- (3) Lawful pre-existing nonconforming single-family dwellings and two-family houses.
- (a) As of right. Lawful pre-existing nonconforming single-family dwellings and two-family houses may be altered, reconstructed, extended or structurally changed as a matter of right upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or change would not increase or intensify the existing nonconforming nature of the dwelling or house in question. Upon such a determination, an application to the Board of Appeals for a special permit need not be made, and the owner may apply to the Building Commissioner for a building permit.
  - (b) By special permit. Upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would increase or intensify the existing nonconforming nature thereof, the owner of such dwelling or house shall be required to apply to the Board of Appeals for a special permit to allow such alteration, reconstruction, extension or structural change. The Board may grant a special permit to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board determines, by a finding under M.G.L. c. 40A, § 6, that the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use; and provided, further, that any such special permit shall comply with the requirements of the Zoning Ordinance of the City of Marlborough, as may be amended from time to time, including but not limited to Section 650-12, entitled "Nonconforming uses," as well as Section 650-59.A(1) pertaining to the powers and duties of special permit granting authorities. Application for a special permit to allow such alteration, reconstruction, extension or structural change shall be made to the Board pursuant to the procedures set forth in Subsection C(5) of this Section 650-58.
  - (c) By variance. Upon the determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would create a new nonconformity(ies), the owner of such dwelling or house shall be required to apply to the Board of Appeals for a variance to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board shall decide upon a variance petition pursuant to the Board's powers and duties set forth in Subsection B(2), and pursuant to the procedure set forth in Subsection C(1)-(4), of this Section 650-58.
3. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended by adding to subsection C thereof, entitled "Procedure," after sub-subsection (4), the following new sub-subsection (5), entitled "Special permit procedure":

(5) Special permit procedure. Except as set forth below, the provisions set forth in Section 650-59.B and C, pertaining to the procedures and rules applicable to special permit granting authorities, as such provisions may be amended from time to time, shall, so far as apt, be applicable to the Board of Appeals acting upon an application for a special permit proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house, In particular, each special permit application to the Board of Appeals filed under this subsection shall contain the information as itemized in Section 650-59.C(4), and shall be accompanied by a preliminary site plan which shall contain the information as itemized in Section 650-59.C(5).

Each application filed under this subsection shall be filed with the Office of the City Clerk in accordance with MGL Chapter 40A, on a form provided by that Office, and shall be accompanied by a filing fee in the amount calculated to be the same as for special permit applications submitted to the City Council under Section 650-59.C(3). The application for the special permit shall be made in writing by the applicant or its duly authorized agent, who shall file the following number of sets of application materials at the Office of the City Clerk, which shall keep the original and forward all copies to the Board of Appeals, which shall distribute those copies as follows:

<b>Number of Sets</b>	<b>Office</b>
8	Board of Appeals
1	Building Department
1	Office of the City Council
1	City Engineer
1	Legal Department
1	Conservation Officer (if wetlands are affected)

The Board of Appeals shall hold a public hearing on each special permit application filed under this subsection. The procedures for the public hearing and for the notice thereof to parties in interest shall be in conformance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough, as either or both may be amended from time to time; provided, however, that the Board shall hold the public hearing on a special permit application on the same evening as it would be holding the public hearing on any variance petition that may be associated with the same proposed work (alteration, reconstruction, extension or structural change) on the same dwelling or house.



Within 90 days after the close of the public hearing on the special permit application filed under this subsection, the Board of Appeals shall take final action on a decision to grant or deny the requested special permit; provided, however, that no special permit shall be granted by the Board under this subsection if any variance petition that may be associated with the same proposed work (alteration, reconstruction, extension or structural change) on the same dwelling or house is denied by the Board.

The Board may adopt rules and regulations for the issuance of special permits under this subsection in accordance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough, as either or both may be amended from time to time.

**APPROVED; adopted.**

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

**Councilors Robey & Landers Opposed.**

ORDERED: There being no further business, the special meeting of the City Council is herewith adjourned at 6:56 PM; adopted.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 11, 2019

## ORDERED:

That the PUBLIC HEARING On the Proposed Zoning Map Amendment from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, re: Rezoning land off Mill Street South, Order No. 18-1007484, be and is herewith **CONTINUED UNTIL MARCH 25, 2019 AT 8:00 PM.**

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

ADOPTED

ORDER NO. 18/19-1007484A



## IN CITY COUNCIL

---

Marlborough, Mass., FEBRUARY 25, 2019

**ORDERED:**

That there being no objection thereto set **MONDAY MARCH 25, 2019** as **DATE FOR PUBLIC HEARING** On Petition from Massachusetts Electric, to install 461 feet of underground primary from P13 on Framingham Road up to Pad 1-99 on Beverly Drive and to install 262 feet of underground secondary from Pad 1-99 to HH 0-2, all work to remain in the public way, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 19-1007568

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 20 P 12:55



*City of Marlborough*  
*Office of the City Council*

140 MAIN STREET  
MARLBOROUGH, MA 01752  
TELEPHONE (508) 460-3711, FACSIMILE (508) 460-3710

March 21, 2019

Marlborough City Council  
City Hall  
Marlborough, MA 01752

RE: Proposed Amendment to Chapter 473 of City Code –  
Small Cell Wireless Facilities within Public Rights of Way

Dear Fellow Councilors:

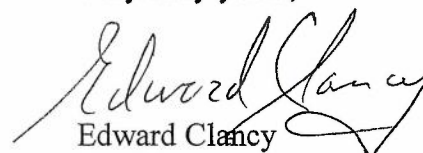
On September 27, 2018, the Federal Communications Commission released a Declaratory Ruling and Third Report and Order (“Ruling and Order”). This Ruling and Order will govern the wireless industry’s deployment of small cell facilities within public rights of way and is designed to support advanced 4G and 5G services from wireless companies. As the FCC notes, “today’s action is the next step in the FCC’s ongoing efforts to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure necessary to support these new services.”

The FCC’s Ruling and Order took effect in mid-January of this year. Cities and towns have until on or about April 15, 2019 to establish and publish aesthetics standards pertaining to small cell deployment on poles located within public rights of way.

Accordingly, enclosed is a proposed amendment to Chapter 473 of the City Code. It would establish not only aesthetic standards, but also an application and fee structure along with a process for annual re-certification of wireless equipment on poles. The proposed language is the result of joint efforts by me, Councilor Ossing, Karen Boule, and the Legal Department.

Thank you for your consideration of this matter.

Very truly yours,

  
Edward Clancy  
President

Enclosure

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 473, ENTITLED "POLES, WIRES AND CONDUITS," AS FOLLOWS:

I. By adding to Chapter 473 a new Article III, entitled "Small Cell Wireless Facilities within Public Rights of Way," as follows:

**Sec. 473-27. Purpose.**

- A. The purpose and intent of this Article III is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of small cell wireless telecommunications facilities in the City of Marlborough. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with small cell wireless facilities. This Article III provides standards necessary to:
- (1) preserve and promote harmonious land uses and the public rights of way in the City;
  - (2) promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the City;
  - (3) provide for the orderly, managed, and efficient development of small cell wireless telecommunications facilities in accordance with federal and state laws, rules, and regulations; and
  - (4) encourage new and more efficient technology in the provision of small cell wireless telecommunications facilities.
- B. This chapter is not intended, nor shall it be interpreted or applied, to:
- (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
  - (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management;
  - (3) unreasonably discriminate among providers of functionally equivalent services;
  - (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; or
  - (5) otherwise authorize the City to preempt any applicable federal or state law.



**Sec. 473-28. Application Process.**

Applications for permits to install small cell wireless facilities shall be processed as follows.

- A. Fees. Applications shall be submitted to the City Council by filing with the City Clerk's Office in accordance with subsection D below, accompanied by the application filing fee of \$500.00 per application, payable to the City of Marlborough. The \$500.00 fee will cover up to five (5) locations. Each application for more than 5 installations is subject to a separate fee of \$100.00 per installation.
- B. Public Hearing Notices. The applicant must also pay for legal notices of the public hearing to be mailed to abutters directly abutting, and across the street from, the property where the pole for the proposed small cell wireless facility currently is, or is proposed to be, located. The applicant is responsible for obtaining the abutters list for each pole location contained within the application.
- C. Pre-Submittal Verification by DPW Engineering. No application will be filed as provided in subsection D below unless and until the Engineering Division of the City's Department of Public Works ("DPW Engineering") shall have first verified that the applicant has assembled, to DPW Engineering's satisfaction, all of the application contents listed in subsection E below.
- D. Payment of Application Filing Fees and Number of Application Copies. The applicant shall pay all application filing fees to the City Clerk's Office and shall file the following number of sets of application materials at the offices set forth below:

<b>Number of Sets</b>	<b>Office</b>
3	City Clerk's Office
1	City Engineer
1	Building Commissioner
12	City Council Office

- E. Contents of Application. Applications shall include the following information:
  - (1) Applicant's name, address, telephone number and email address.
  - (2) Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the applicant with respect to the application.
  - (3) Detailed drawings and descriptions of the equipment to be mounted on the pole(s) in question, including:
    - a. Type of equipment;
    - b. Specifications of equipment (including but not limited to dimensions and weight);
    - c. Equipment mount type and material;
    - d. Power source or sources for equipment, including necessary wires, cables, and conduit;
    - e. Expected life of equipment;

- f. Coverage area of equipment, including:
    - i. Amount of antennas
    - ii. Antenna model
    - iii. Antenna length
    - iv. Antenna height
    - v. Typical coverage area radius;
  - g. Hardening, including:
    - i. If there is a battery backup
    - ii. If there is a generator backup; and
  - h. Renderings/photo simulations and elevation of equipment.
- (4) Detailed map with locations of the poles on which equipment is to be located, including specific pole identification number, if applicable, and the geographic areas the equipment will service.
  - (5) Detailed map showing existing and proposed small cell installations within 500 feet of the application site.
  - (6) Certification by a registered professional engineer that the pole will safely support the proposed equipment.
  - (7) Written consent by the pole owner to the proposed installation.
  - (8) Affidavit from a radio frequency engineer outlining the network/network service requirements in Marlborough and how each installation addresses that need in Marlborough. Such affidavit should characterize, through or with coverage maps, the current level of coverage and how the desired installation(s) will change the current level of coverage, including current and proposed coverage, and the breakdown of “excellent,” “good,” and “poor” reception areas.
  - (9) Liability insurance certificate, naming the City of Marlborough as an additional insured.
  - (10) Description as to why the desired location is superior to other similar locations, from a community perspective, including but not limited to:
    - a. Visual aspects; and
    - b. Proximity to single-family residences.
  - (11) Description of efforts to locate the equipment on existing poles which currently exist or are under construction. A good faith effort to locate on such poles is required and evidence of such efforts must be included within the application.
  - (12) An affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within sixty (60) days of being no longer in good repair or no longer in use.
- F. Placement of Application on Agenda. Once the application has been submitted and all filing fees have been paid, the City Clerk’s Office will place the application on the City Council agenda for the scheduling of a public hearing.
- G. Shot Clocks. The City Council shall have sixty (60) days from the application’s filing date for processing an application for collocation of a small cell wireless facility using a pre-existing pole, and ninety (90) days for processing an application for attachment of

small cell wireless facility proposing a new pole. These shot clocks may be extended by mutual written agreement of the City Council and the applicant, such agreement to be timely filed with the City Clerk's Office and a copy of that filing to be submitted for informational purposes on the agenda for the next regular Council meeting; provided, however, that by vote of the standing Council committee to which any given application has been referred by the full Council, that committee may, by simple majority vote at a duly noticed public meeting, authorize the following committee members to sign the written extension agreement on behalf of the full Council: a) the chairman of the committee; or, b) in his or her absence or incapacity, its vice-chairman; or, c) when a quorum of the committee is otherwise not present, the Council President or Vice-President sitting for that meeting as an ex officio member of that committee.

- H. Council Decision. The City Council may grant, grant with conditions, or deny the application based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, failure to meet applicable engineering standards, and/or failure to meet applicable aesthetic requirements as hereinbelow set forth.

**Sec. 473-29. Annual Re-Certification and Affidavit.**

- A. Annual Re-Certification and Affidavit. Each year on July 1, the small cell wireless equipment owner shall submit an affidavit which shall list, by location, all small cell wireless installations it owns within the City of Marlborough, and shall certify:
- (1) each such installation that remains in use;
  - (2) that such in-use installations remain covered by liability insurance naming the City as an additional insured; and
  - (3) each such installation which is no longer in use.
- B. Annual Re-Certification Fee. The equipment owner shall pay to the City of Marlborough an annual re-certification fee of \$250.00 per installation which remains in use.
- C. Facility No Longer in Use. Any small cell wireless facility which is no longer in use shall be removed by the owner, at the owner's expense, within sixty (60) days of the City Council's receipt of the annual re-certification affidavit.
- D. Non-Removal of Facility No Longer in Use. Any small cell wireless installation which is not removed by the owner, at the owner's expense, within sixty (60) days after being listed in the annual re-certification affidavit as no longer in use shall be subject to a fine of \$100/day until such installation is removed by the owner.
- E. Failure to Timely Submit Re-Certification/Remove Facility No Longer in Use. Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the 60-day period, no further applications for small cell wireless installations will be accepted by the City Clerk's Office until such time as the annual re-certification has been submitted and all fees and fines have been paid.

**Sec. 473-30. Aesthetics and Additional City Requirements.**

**A. Poles.**

- (1) No small cell wireless equipment shall be installed on double poles.
- (2) Within the public right of way, only pole-mounted antennas shall be permitted and all telecommunications towers within the meaning of City Code sec. 650-25.A are prohibited.
- (3) Absent City Council permission, no new poles are permitted within the public right of way that are not replacing an existing pole. If an applicant proposes to replace a pole in order to accommodate the small cell wireless facility, the pole shall match the appearance of the original pole to the extent feasible, including size, height, color, materials and style, unless another design better accomplishes the objectives of this section as determined by the Council. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven (7) feet.
- (4) If a new pole is permitted by the City Council to be placed within the public right of way, the new pole shall be designed to resemble existing poles in the right of way, including size, height, color, materials and style, unless another design better accomplishes the objectives of this section as determined by the Council. Such new poles that are not replacement poles shall be located no closer than ninety (90) feet to an existing pole.
- (5) Small cell wireless installation equipment (meters, boxes, etc.) shall be mounted on the pole a minimum of eleven (11) feet above ground level.
- (6) No small cell wireless installation equipment shall be replaced or altered on a pole without a re-application, hearing and approval from the City Council, unless the equipment is no longer functioning and it is being replaced with the same or substantially similar equipment.
- (7) The maximum height of any antenna mounted to an existing pole shall not exceed 24 inches above the height of the then-existing pole; provided that in any event:
  - a. no small cell wireless facility shall be located on a pole that is less than twenty-six (26) feet in height; and
  - b. no facility shall exceed thirty-five (35) feet in height, including but not limited to the pole and any antenna that protrudes above the pole.
- (8) Pole-mounted equipment shall not exceed six (6) cubic feet in dimension.
- (9) Not more than one (1) small cell wireless facility shall be mounted per pole.

**B. Location.**

- (1) Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right of way, or safety hazards to pedestrians and motorists.
- (2) A facility shall not be located within any portion of the public right of way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.
- (3) Each pole-mounted small cell wireless telecommunications facility must be separated by at least 1,500 feet.

- (4) All new wires needed to service the wireless telecommunications facility must be installed within the width of the existing pole so as to not exceed the diameter and height of the existing pole.
- C. Americans with Disabilities Act Compliance. All facilities shall be built and maintained in compliance with the Americans with Disabilities Act (ADA)/Architectural Access Board (AAB).
- D. Residential Neighborhoods. If an applicant seeks to place a small cell wireless facility in a residentially-zoned neighborhood, the applicant:
- a. Should seek to avoid attaching to poles that are within twenty-five (25) feet of an existing driveway so that the property owner can plant trees that could shield the wireless equipment from view; and
  - b. Should seek to avoid poles where the installation and/or ongoing maintenance will require significant tree trimming due to the wireless equipment.
- E. Satisfactory Material, Construction and Work. The small cell wireless facility shall be of such material and construction, and all installation and maintenance work shall be done in such manner, as to be satisfactory to the City Council and DPW Engineering. If the DPW Engineering shall determine that such material, construction and/or work is (a) placing or tending to place at risk the public health, safety, and welfare, (b) interfering or tending to interfere with pedestrian and/or vehicular traffic, and/or (c) causing or tending to cause damage to the public right of way or any property adjacent to the location of the pole in question, the DPW Engineering shall forthwith notify the City Council, which shall review that determination for possible further action as to the applicant.
- F. Indemnification. The applicant shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of the applicant, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to the applicant for its small cell wireless facility. Such indemnification shall not be limited by the amount of the applicant's liability insurance naming the City as an additional insured.
- G. City Streets and/or Sidewalks. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of an applicant in conjunction with its small cell wireless facility is prohibited, as is all underground installation associated with the small cell wireless facility; provided, however, that the grounding rod proposed to be installed as part of the small cell wireless facility is permitted as long as:
- 1) The applicant installs the rod immediately adjacent to the pole so as to cause minimal disturbance to the surface of the street or sidewalk; and
  - 2) The applicant restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the DPW Engineering.



- H. Repair of Damage. The applicant shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a wireless telecommunications facility in the public right of way. The applicant shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the applicant fails to complete such repair within the number of days stated on a written notice from the City Engineering Division, the Division shall cause such repair to be completed at the applicant's sole cost and expense.
- I. Visual Impact Minimization. The small cell wireless facility shall be color-coordinated so as to best minimize the visual impact of the facility.
- J. Side of Pole on which to Mount Equipment. The small cell wireless facility's equipment cabinet, circuit breaker box, and electric meter main shall be mounted on the side of the pole facing away from the roadway.
- K. Future Road Reconstruction/Repair. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of the pole shall result in the applicant's moving its small cell wireless facility to another pole in a timely fashion after having been notified by the DPW Engineering about the road project; provided, however, that any such relocation shall require further City Council approval.
- L. Construction and/or Installation Schedule. Prior to the commencement of construction and/or installation of the small cell wireless facility, the applicant shall provide the DPW Engineering with a written construction and/or installation schedule satisfactory to DPW Engineering.
- M. Removal Bond. Prior to the commencement of construction and/or installation of its small cell wireless facility, an applicant shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the small cell wireless facility from the pole in question and for the repair and/or restoration of the public way, in the vicinity of the pole in question, to the condition the public way was in as of the date when the relevant application was submitted to the City Clerk's Office, said amount to be determined by DPW Engineering. The amount of the bond shall be the total of the estimate by DPW Engineering plus an annual increase of 3% for the operating life of the small cell wireless facility. The applicant shall notify the City CPO and DPW Engineering of any cancellation of, or change in the terms or conditions in, the bond.

N. Each Requirement a Permit Condition. Each and every requirement set forth in sections 29 and 30 of this Chapter 473 shall be deemed to be continuing conditions on the applicant's pole location permit granted by the City Council.

O. Failure to Comply with Conditions. An applicant's failure to comply with any of the City Council's conditions to the Council's satisfaction or, as applicable, DPW Engineering or the City CPO, shall result in the City Council's review of the applicant's pole location permit(s).

II. This amendment shall become effective immediately upon passage.

ADOPTED  
In City Council  
Order No. 19-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 21 A 10:20

*Edmund J. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

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

March 20, 2019

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

RE: Presentation at the 3/11/19 City Council Meeting by Post Road Residential

Dear President Clancy and Councilors:

I would like to address comments regarding Marlborough's office/commercial vacancy rate made by representatives from Post Road Residential at the March 11, 2019 City Council Meeting during the Public Hearing on the Proposed Zoning Amendment to create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area (Order No. 19-10007533).

During the public hearing representatives from the company gave a presentation regarding trends in Marlborough's vacancy rate that do not match or correlate to data we have available through both our Assessor's office and the Marlborough Economic Development Corporation (MEDC). In an uncited graphic the applicant showed a graph that stated Marlborough's vacancy rate for Q3 of 2018 being 20%. According to the Assessor's Vacancy Report which was completed in Q3 of 2018, Marlborough's General Office vacancy rate was 15%.

Between the MEDC and the Assessor's office Marlborough has taken a "boots on the ground" approach of tracking and updating the vacancy rate in order to accurately reflect the office/commercial market in Marlborough. I would argue that using general figures and trends from the MetroWest region is misleading and would like to point out that Marlborough's office vacancy rate has dropped significantly in recent years from a high of 34% in 2012. Marlborough continues to be attractive to new and expanding companies such as Exagrid, Allegro Microsystems, IPG Photonics, Candela and the handful of companies justifying the construction of two new office buildings at the Apex Center.

Additionally, while it may be true that the highest level of investment and job growth in the life science and tech industries is occurring in Boston and Cambridge – that does not mean investment and job growth is not occurring in suburban markets. According to Cushman and Wakefield, a well-respected real estate firm in Boston, due to high prices and limited availability in Cambridge “*the suburbs have experienced a surge of life science leasing activity in the last two years,*” accounting for over 2M square feet of new leases executed since 2016.

Marlborough is ranked among the “Top 5 Best Places for Job Seekers in Massachusetts” by consumer advocacy website, NerdWallet, and has one of the lowest unemployment rates in the state. Marlborough has achieved the highest ranking of a BioReady Community by MassBio and we continue to be known as a well-established life science/lab cluster in the Commonwealth. This combined with our central location, affordability, and access to both talent and infrastructure has led to more than 100 life science, advanced manufacturing and high-tech corporations, including five of the largest life science and medical device firms in Massachusetts, choosing Marlborough as their home.

I realize that Post Road Residential may have expertise in residential housing, however, I do believe they are unfamiliar with the commercial market in Marlborough. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Arthur G. Vigeant  
Mayor



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 21 A 10:20  
*Arthur G. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

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

March 20, 2019

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

**Re: Transfer Request – Marlborough Fire Department**

Honorable President Clancy and Councilors:

Enclosed for your approval is a transfer request for \$60,000 for vehicle repair and maintenance for the Marlborough Fire Department. I have also enclosed a letter from Chief Kevin Breen with additional information.

Upon your approval, a total of \$60,000 will be transferred from various line items within the Marlborough Fire Department's FY19 budget for vehicle repairs and maintenance.

Thank you and please do not hesitate to contact me or Chief Breen if you have any questions.

Sincerely,

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

Enclosure





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

March 20, 2019

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

**REF: Transfer Requests**

Dear Mayor Vigeant:

I am submitting for your approval the following transfer request within our FY2019 budget as identified in the attached detail sheets:

<b>Vehicle Repair &amp; Maintenance</b>	<b>12200006-52560</b>	<b><u>\$ 60,000</u></b>
	<b>TOTAL</b>	<b>\$ 60,000</b>

This FY2019 transfer request is related to Vehicle Repair and Maintenance. There are several factors contributing to this request. Recently, we have experienced an increased number of repairs for existing (older) apparatus including some that are proving to be quite costly. The bulk of these repairs are on aged equipment and are necessary for us to complete, as we prepare to send our newer, 2015 KME Engine back to the dealer for extensive warranty work including repainting. This will require the use of our spare engine(s) for approximately two months. Additionally, we have recently completed preventative maintenance work on some trucks (Engines and Ladders) and learned we must take immediate action on identified safety issues. If approved, we are confident this transfer request will carry us through FY2019. Thank you for your anticipated support and please feel free to contact me if you have any questions or require additional information.

Sincerely,

Kevin J. Breen  
Fire Chief

W Enclosures

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		FIRE			FISCAL YEAR:		2019		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$8,960.00</u>	<u>\$7,000.00</u>	<u>12200001</u>	<u>51210</u>	<u>Civil Defense Director</u>	<u>\$7,000.00</u>	<u>12200006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint.</u>	<u>\$18,962.78</u>
	Reason:	<u>Unfilled position</u>				<u>Unanticipated repairs on older fleet</u>			
<u>\$8,500.00</u>	<u>\$8,500.00</u>	<u>12200003</u>	<u>51412</u>	<u>HAZMAT PAY</u>	<u>\$8,500.00</u>	<u>12200006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint.</u>	<u>\$18,962.78</u>
	Reason:	<u>Positions unfilled first half of fiscal year</u>				<u>Unanticipated repairs on older fleet</u>			
<u>\$73,461.84</u>	<u>\$10,000.00</u>	<u>12200003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$10,000.00</u>	<u>12200006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint.</u>	<u>\$18,962.78</u>
	Reason:	<u>Positions unfilled first half of fiscal year</u>				<u>Unanticipated repairs on older fleet</u>			
<u>\$144,472.63</u>	<u>\$20,000.00</u>	<u>12200003</u>	<u>51490</u>	<u>Holiday</u>	<u>\$20,000.00</u>	<u>12200006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint.</u>	<u>\$18,962.78</u>
	Reason:	<u>Retirements, positions unfilled first half of FY</u>				<u>Unanticipated repairs on older fleet</u>			
<u>\$72,535.54</u>	<u>\$14,500.00</u>	<u>12200003</u>	<u>51430</u>	<u>Longevity</u>	<u>\$14,500.00</u>	<u>12200006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint.</u>	<u>\$18,962.78</u>
	Reason:	<u>Retirements</u>				<u>Unanticipated repairs on older fleet</u>			
	<u>\$60,000.00</u>	<u>Total</u>			<u>\$60,000.00</u>	<u>Total</u>			

Department Head signature:



Auditor signature:



Comptroller signature:





*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](mailto:LEGAL@MARLBOROUGH-MA.GOV)

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
PARALEGAL

March 21, 2019

Edward J. Clancy  
President  
Marlborough City Council

RE: Senior Citizen Property Tax Work-Off Program  
Order No. 19-1007547A

Dear President Clancy and Members:

At its March 4, 2019 meeting, the Legislative & Legal Affairs Committee recommended a few revisions to the proposed order that had been placed on the February 11, 2019 Council agenda, namely:

- To insert the words “by the Council on Aging” after the word “lottery” in para. 2 of the proposed order.
  - Note: This insertion has instead been made after the words “lottery shall be held” in para. 2 of the proposed order.
- To keep provision l) from the 2012 order.
  - Note: This necessitated re-numbering the 2012 order’s provision l) as provision k), and its provision n) as provision l).

Lastly, for convenience I also attached a copy of the 2012 order itself and inserted the words “(copy attached)” at the top of the proposed order.

As so revised, the enclosed order is in proper form for the Council’s vote.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 21 A 9:42

ORDERED:

That the City Council of the City of Marlborough hereby amends City Council Order No. 12-1004062A (copy attached), as follows:

1. By deleting provision f) in its entirety and inserting in place thereof the following:

The applicant seeking the reduction must have annual gross income, as calculated by the Department of Revenue, that qualifies for the senior circuit breaker tax credit in the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations.

2. By deleting provision i) in its entirety and inserting in place thereof the following:

If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held by the Council on Aging to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 30 (fractional volunteers can be combined to equal one participant) without prior City Council approval.

3. By deleting provisions k) and m) in their entirety.

4. By re-numbering provision l) as provision k), and provision n) as provision l).

ADOPTED

In City Council

Order No. 19-1007547B

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



# IN CITY COUNCIL

JULY 23, 2012

Marlborough, Mass., \_\_\_\_\_ PAGE 1

ORDERED:

## **Suspension of the rules requested – granted**

THAT the City Council for the City of Marlborough hereby accepts the provisions of M.G.L. c. 59, § 5K, which authorizes the City to establish a program for persons over the age of sixty (60) to volunteer their services to the City in exchange for a reduction, not to exceed \$1,000.00 in a given tax year, in the real property tax obligations of such persons;

AND, FURTHER, THAT, pursuant to M.G.L. c. 59, § 5K, the City Council for the City of Marlborough hereby adopts the following provisions regarding the implementation of this program:

- a) The program is to begin in Fiscal Year (tax year) 2013;
- b) The individual applying to participate in the program must have attained the age of sixty (60) years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation;
- c) The applicant seeking the reduction must have resided in the City for at least five (5) consecutive calendar years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation;
- d) The property as to which the tax reduction is sought must be owned by, or serve as the primary residence of, the applicant seeking the reduction. Qualified rental properties must be owner-occupied;
- e) The property as to which the tax reduction is sought shall be eligible for only one (1) abatement per tax year, no matter how many individuals may be the record owners of that property;
- f) The applicant seeking the reduction must have an annual gross income less than \$52,000 if a single filer, less than \$65,000 if filing as Head of Household, or less than \$78,000 if filing married or jointly, for the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations;
- g) No individual is eligible to seek a reduction in his or her real property tax obligations if, for the tax year he or she would otherwise be eligible, he or she is employed by the City of Marlborough on either a full-time or part-time basis;
- h) All individuals will be required to disclose any potential or perceived conflicts of interest on their application, including but not limited to, residing in the same residence or household with a full or part-time City employee, and working for a business or entity that performs contractual services for the City;





# IN CITY COUNCIL

JULY 23, 2012

Marlborough, Mass., \_\_\_\_\_ PAGE 2

## ORDERED:

- i) If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 25 (fractional volunteers can be combined to equal one participant) without prior City Council approval;
- j) The Council on Aging, in cooperation with the Assessor's Office and the Personnel Department of the City, shall have the responsibility to maintain a record for each applicant participating in the program, including but not limited to records for the number of hours of service volunteered by each applicant and the total amount by which his or her real property tax obligation has been reduced on his or her tax bill. A copy of such records shall be provided to the applicant prior to the issuance of his or her actual tax bill;
- k) The Mayor's office will approve and authorize the placement of all program participants and the corresponding departments in which they are placed, and shall make such authorizations known to the City Council within 30 days of placement;
- l) Prior to the end of each fiscal year, the Mayor's office shall furnish an annual report and summary of this program to the City Council;
- m) During the annual Tax Classification process, the Mayor shall forward a request to the City Council to fund the program through the Overlay Account; and
- n) No provisions of this order shall be changed unless approved by the Mayor and City Council.

Yea: 11- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ADOPTED

In City Council

Order No. 12-1004062A

Approved by Mayor

Arthur G. Vigeant

Date: July 26, 2012

A TRUE COPY

ATTEST:

City Clerk



*Sudbury Companies of Minute and Militia*

*Sudbury, Massachusetts 01776*

RECEIVED  
SOUTH GLEN'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 11 P 12:12

March 11, 2019

Hon. Lisa M. Thomas, City Clerk  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Temporary Sign for the 2019 Colonial Faire at the Wayside Inn

Dear Ms. Thomas,

By this letter, The Sudbury Companies of Militia and Minute respectfully request permission to place a temporary sign on city property at the corner of U.S. Rt. 20 and Hagar Road at the Wayside Inn turn from Saturday, September 21, 2019 to Sunday, September 29, 2019.

The Sudbury Companies' petition for placement of the sign is to advertise and give directions to the 2019 Colonial Faire and Muster to be held on Saturday, September 28, 2019. As in years past, the sign will ease traffic flow through this area by providing directions to the event to be held at the Wayside Inn.

The Colonial Faire and Muster celebrates and honors our colonial heritage and patriotic past with several Fyfe and Drum Companies, living history demonstrators, re-enactments, children's games and crafts. The members of the Sudbury Companies, many of whom live in this area, freely give their time and treasure to keep the importance of our first struggle for liberty always before the citizenry through demonstrations, encampments and re-enactments of the events surrounding April, 1775.

Your assistance is very much appreciated. Should you have any questions, please do not hesitate to contact me

On behalf of The Sudbury Companies of Militia and Minute, I am

Your Obedient Servant,

Joe Tyrrell  
Faire Committee  
75 Harness Lane  
Sudbury, MA 01776

Enclosures: Picture of sign  
Arial view of the proposed sign location

→ COLONIAL FAIRE & →  
MUSTER OF FYFES & DRUMS



SAT., SEPT 26<sup>TH</sup>



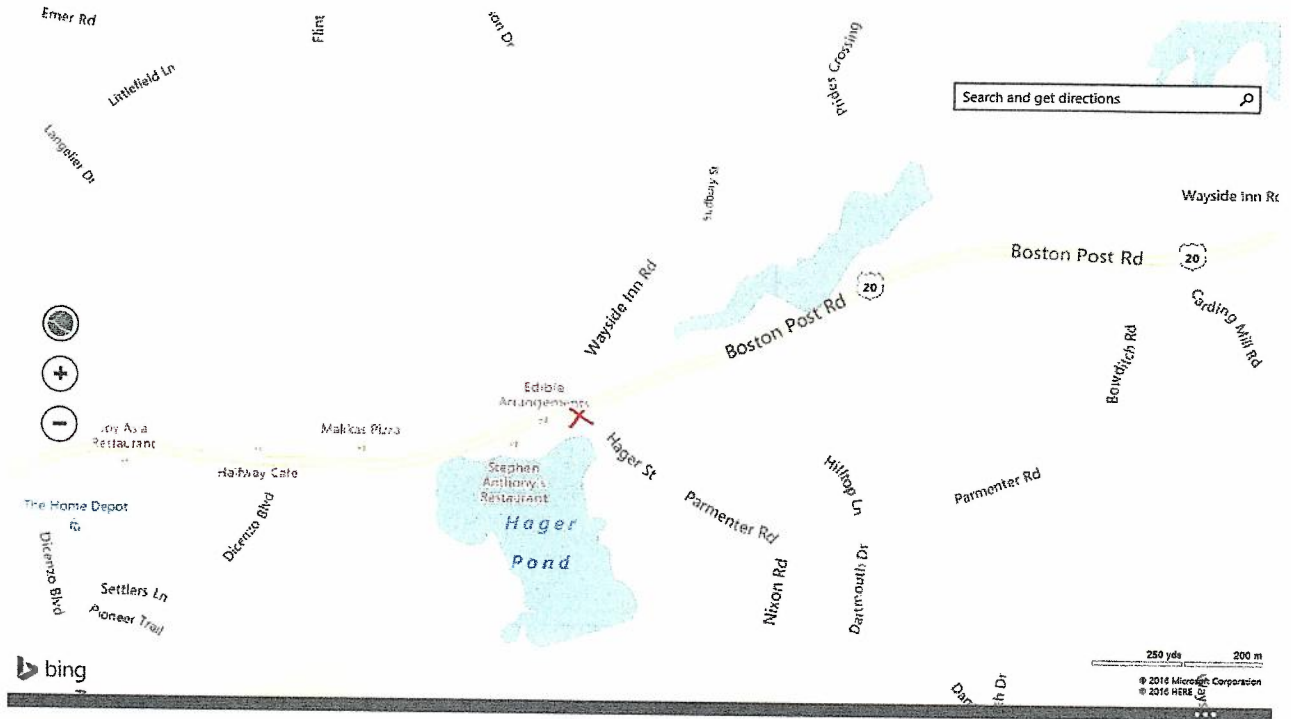
10:00 A.M. TIL 4:00 P.M.

10:00 A.M. TIL 4:00 P.M.

✻ WAYSIDE INN ✻

Sponsored by Sudbury Ancient Fyfe and Drum Companies





X proposed location of sign.



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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 11 P 1:28

**Lisa M. Thomas**  
**City Clerk**

MARLBOROUGH, MA

DATE: 3-11-2019

**To the City Council:**

Owner Name: TONY BITAR

Residential Address: 5 ROLLING RIDGE LANE, PAXTON, MA 01612

Telephone Number: 508-303-6595

Business Name: HANNOUSH JEWELERS

Business Address: 601 DONALD LYNCH BLVD.

Business Telephone Number: 508-303-6595

Email Address: TBITAR@HANNOUSH.COM

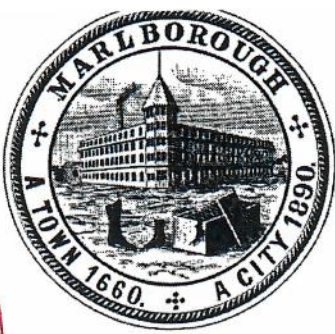
Owner Signature: Tony Bitar

The above-signed TONY BITAR respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

**In City Council**





City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

Lisa M. Thomas  
City Clerk

2019 MAR 21 A 8:09

PJ  
125  
3/15/19  
ck # 3958  
ADK

MARLBOROUGH, MA

DATE: 03/19/2019

To the City Council:

Owner Name: Roman KIMYAGAROV

Residential Address: 76 APPLE D'OR ROAD

Telephone Number: 508-624-7066

Business Name: ARTHUR & SONS SHOE REPAIR

Business Address: 107 MAIN ST MARLBOROUGH MA.

Business Telephone Number: 508 624 7066

Email Address: iramika@verizon.net

Owner Signature: Roman Kimyagarov

The above-signed \_\_\_\_\_ respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 14 P 1:11

Comcast  
David R. Flewelling  
Specialist 2 Construction  
9 Forbes Road, Suite 9B  
Woburn, MA 01801

March 14, 2019

Ms. Lisa M. Thomas  
City Clerk  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

RE: 130 Lizotte Drive  
Grant of Location-Petition

Dear Ms. Thomas:

Enclosed please find materials supporting Comcast request for a grant of location from the City of Marlborough. The work associated with the attached petition is for the purpose of installing a new underground conduit to 130 Lizotte Drive. For a more detailed description of the work please refer to the attached construction plans.

I look forward to the opportunity to address this matter in further detail at the next Marlborough City Council Meeting.

Should you have any questions or concerns, please feel free to contact me

Sincerely,

David R. Flewelling  
Comcast  
Specialist 2, Construction

Enclosure (16)

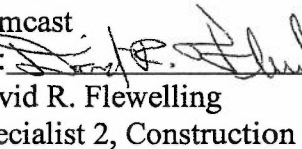
PETITION OF COMCAST FOR LOCACTION FOR CONDUITS AND MANHOLES

To the City Council for the City of Marlborough, Massachusetts:

Respectfully represents Comcast Cable Communications Management, LLC, a company incorporated for the distribution of telecommunications services, that it desires to construct a line for such telecommunications under the public way or ways hereinafter specified.

Lizotte Drive: Starting at 46 Lizotte Drive locating the existing conduit in the grass. Placing 2' x3' vault over the conduit. Excavating to place (1) 3" PVC Conduit 1055'± and (3) 2'x3' vaults to provide service to number 130 Lizotte Drive.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the City Council may by Order grant your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by Dewsnap Engineering Associates, LLP. Dated March 12, 2019, and filed here with, under the following public way or ways of said City of Marlborough

Comcast  
By:   
David R. Flewelling  
Specialist 2, Construction

Dated this March 14, 2019

City of Marlborough Massachusetts

Received and filed \_\_\_\_\_, 2019

\_\_\_\_\_

ORDER FOR CONDUIT LOCATION

In the City Council for the City of Marlborough, Massachusetts.

ORDERED:

That permission be and hereby is granted to Comcast Cable Communications Management, LLC., to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated February 28,2019

Lizotte Drive: Starting at 46 Lizotte Drive locating the existing conduit in the grass. Placing 2' x3' vault over the conduit. Excavating to place (1) 3" PVC Conduit 1055'± and (3) 2'x3' vaults to provide service to number 130 Lizotte Drive.

Substantially as shown on plan marked - Proposed Comcast Underground, filed with said petition.

Also that permission be and hereby is granted said Comcast to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work.

2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.

4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council for the City of Marlborough, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

(over)

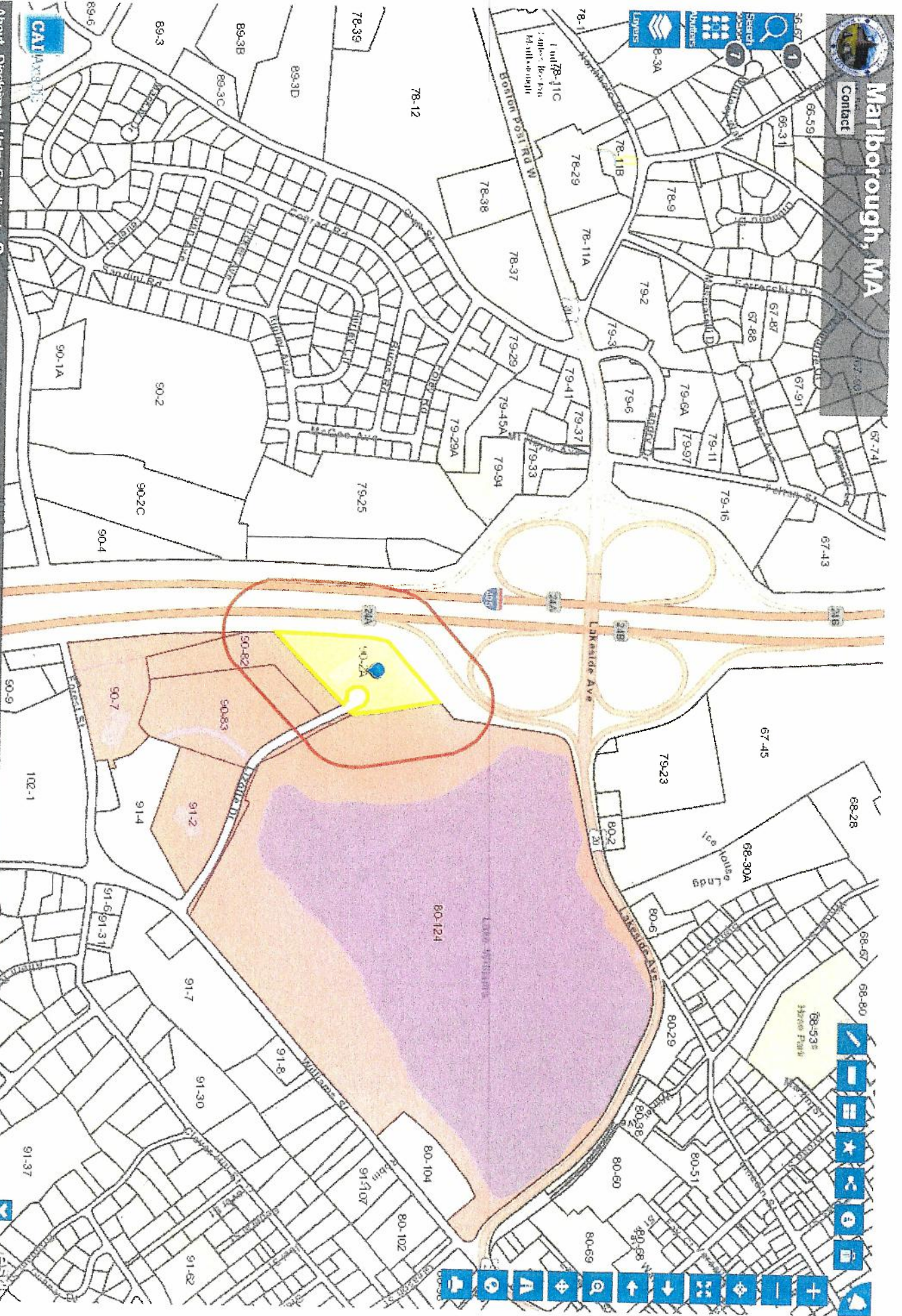
\_\_\_\_\_  
City Clerk

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address	Owner City	Owner State	Owner Zip
80-124	M_194413_898 717	80-124	177-185 WILLIAMS ST	CITY OF MARLBOROUGH		140 MAIN ST	2	MARLBOROUGH	MA	01752
90-7	M_193930_898 159	90-7	67 FOREST ST	67 FOREST STREET LLC		C/O BOXER PROPERTY MGMT CORP	720 N POST OAK RD STE 500	HOUSTON	TX	77024
90-82	M_193868_898 350	90-82	FOREST ST	NEW ENGLAND POWER COMPANY		40 SYLVAN RD		WALTHAM	MA	02451-2286
90-82A	M_193979_898 535	90-82A	LIZOTTE DR	NEW ENGLAND POWER COMPANY		40 SYLVAN RD		WALTHAM	MA	02451-2286
90-83	M_193971_898 338	90-83	WILLIAMS ST	CURO MARLBOROUGH H LLC		C/O CBRE	118 TURNPIKE RD	SOUTHBORO	MA	01772
90-84	M_194155_898 365	90-84	LIZOTTE DR	CITY OF MARLBOROUGH		140 MAIN ST		MARLBOROUGH	MA	01752
91-2	M_194144_898 288	91-2	46 LIZOTTE DR	ST MARYS CREDIT UNION		ATTN ACCOUNTS PAYABLE	PO BOX 729	MARLBOROUGH	MA	01752





Marlborough, MA  
Contact



About Disclaimer Help Feedback  
0 300 600ft X: -71.56663 Y: 42.34505





CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S  
CITY OF MARLBOROUGH

2019 MAR 11 P 4 38

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Thomas P. Godler

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

21 Patten Drive

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

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

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

Article 650 Section 12 Paragraph B Sub-paragraph

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

A-3

7. Specific reason(s) for seeking Special Permit

To Demo Existing House & Build New

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

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



Signature of Petitioner or Applicant

Address: 3 Atwood St

Southborough MASS

110 100 100

Date: 3/6/19

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

Thomas P. Coder

---

(Name of Petitioner)

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

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

5  
LAGE FERNANDA G  
16 MARLBORO ST  
HUDSON. MA 01749

5  
DAIGLE ROBERT C  
42 COATES FARM RD  
AMSONT, CT 06231

5  
WILLIAMS NANCY M  
55 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
STOCK SUSAN I  
57 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
KELLEY RICHARD H  
JUDITH H KELLEY  
65 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
CROCKETT G BETH TR  
CROCKETT REALTY TRUST  
2 HILL RD  
MARLBOROUGH, MA 01752

5  
TRUDEAU DENNIS G TR  
MARY LINDA TRUDEAU TR  
76 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
GARCEAU DAVID A  
ROSITA A GARCEAU  
64 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
PALMER BRIAN D  
PAMELA J PALMER  
294 PLEASANT ST  
MARLBOROUGH, MA 01752

5  
URIAEV ELINA  
LEONID ZISLIN  
50 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
SEGARRA LISA  
44 LAKESHORE DR  
MARLBOROUGH, MA 01752

5  
GOLGATA-SYCHANTHA COLLETTE M LI I  
14 HILL RD  
MARLBOROUGH, MA 01752

5  
ROBINSON TYRELLE  
54 PATTEN DR  
MARLBOROUGH, MA 01752

5  
HILL RYAN J  
ANNEMARIE HILL  
48 PATTEN DR  
MARLBOROUGH, MA 01752

5  
PENA MARC A  
MARY C BERMUDEZ  
42 PATTEN DR  
MARLBOROUGH, MA 01752

5  
CEDRONE CAROL A  
36 PATTEN DR  
MARLBOROUGH, MA 01752

5  
FEDERAL NATIONAL MORTGAGE ASSOC  
N/O ABIUD & NATALIA CHACON  
22 PATTEN DR  
MARLBOROUGH, MA 01752

5  
ROSEN MARCIA  
321 CABOT ST  
NEWTON, MA 02460

5  
CARROLL MICHAEL P  
JOANNE M CARROLL  
11 HILL RD  
MARLBOROUGH, MA 01752

5  
OLIVEIRA MARCELLO F  
SIMONE F OLIVIERA  
17 HILL RD  
MARLBOROUGH, MA 01752

5  
REGIS MARK L TR  
THE REGIS FAMILY IRREVOCABLE TR  
1 BUSH RD  
HUDSON, MA 01749

5  
MCAVOY ANDREW  
5 PATTEN DR  
MARLBOROUGH, MA 01752

5  
ROBICHAUD ANDRE J  
15 PATTEN DR  
MARLBOROUGH, MA 01752

5  
MCGOWAN PATRICK N  
N/O SANDRA COLLIGAN  
3 ATWOOD ST  
SOUTHBOROUGH, MA 01772

5  
SILKA FRANK W  
27 PATTEN DR  
MARLBOROUGH, MA 01752

5  
PARK CHARLES L JR  
150 SECOND RD  
MARLBOROUGH, MA 01752

5  
SUTER DAVID R  
SHARON E SUTER  
43 PATTEN DR  
MARLBOROUGH, MA 01752

5  
BUONOMO ERIN  
MATTHEW STACK  
53 PATTEN DR  
MARLBOROUGH, MA 01752

5  
BANK OF AMERICA N A  
N/O GUSTAVO SILVA  
61 PATTEN DR  
MARLBOROUGH, MA 01752

5  
BERGSTROM JANIS A  
132 SECOND RD  
MARLBOROUGH, MA 01752

5

THEBADO KRIS  
TINA THEBADO  
36 HILL RD  
MARLBOROUGH, MA 01752

5

RENAUD MAURICE P  
BARBARA L RENAUD  
111 SECOND RD  
MARLBOROUGH, MA 01752

5

VINCENTELLI FRANCISCO  
MONIQUE SOLANILLA  
117 SECOND RD  
MARLBOROUGH, MA 01752

5

GIANCOLA FRANCIS W  
125 SECOND RD  
MARLBOROUGH, MA 01752

5

GOLDMAN PAUL D  
MARSHA GOLDMAN  
137 SECOND RD  
MARLBOROUGH, MA 01752

5

PARK CHARLES L  
MARJORIE A PARK  
157 SECOND RD  
MARLBOROUGH, MA 01752

5

ZOUHARIS ARTHUR  
LAURIE ZOUHARIS  
140 SECOND RD  
MARLBOROUGH, MA 01752

5

ALLEN DAVID L  
BARBARA P ALLEN  
124 SECOND RD  
MARLBOROUGH, MA 01752

5

PARK CHARLES L JR  
KATHLEEN A KOHLAND-PARK  
150 SECOND RD  
MARLBOROUGH, MA 01752

6

ASTLE SARAH  
37 HILL RD  
MARLBOROUGH, MA 01752

6

BELLIDO MARCELO  
MARIA PAZ  
105 SECOND RD  
MARLBOROUGH, MA 01752

17

GAUCHER NANCY B  
ATTN VICTORIA GAUCHER  
73 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

SHARON HEATHER  
75 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

MATTA LALITA TR  
LALITA MATTA 2015 REVOCABLE TRUST  
79 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

FORT MEADOW ASSOCIATION  
C/O DAVID OLOUGHLIN  
9 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

SHARON PETER L  
KATHLEEN F SHARON  
95 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

ALLEN HEATHER A  
MARK S ALLEN  
97 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

HAMILTON SCOTT C  
SUSAN H HAMILTON  
98 LAKESHORE DR  
MARLBOROUGH, MA 01752

17

MONAGHAN SEAN T  
N/O JASON PAVAO  
96 LAKESHORE DR  
MARLBOROUGH, MA 01752



## SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Thomas Coder Address: 3 Arwood St Sobo

Project Name: New Home Address: 21 Potholes Drive MARL

1. PROPOSED USE: (describe) Single family Home

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 1458 1<sup>st</sup> floor 966 all floors 24/24

# buildings 1 # stories 2 lot area (s.f.) \_\_\_\_\_

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

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

Normal: \_\_\_\_\_ Peak period: \_\_\_\_\_

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 1 Peak period: 3

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

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

8. NOISE:

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

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

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

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

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

**\*Attach additional sheets if necessary**



**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 3-11-19

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: 21 Patten Drive

Project Use Summary: Single family

Project Street Address: 21 Patten drive

Plate: S Parcel: 80

Applicant/Developer Name: Thomas Paul Cooke

Plan Date: 2/5/19 Revision Date: Ø

Dear President and Members:

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

Very truly yours,

Jeffrey K. Cooke  
Acting Director of Planning

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

300<sup>00</sup>

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

**Lisa M. Thomas  
City Clerk**



Dear Applicant,

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

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

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

Signature

Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas  
City Clerk*

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

**Lisa M. Thomas  
City Clerk**



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

**Company Name**

---

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

*Thomas Coden*

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

---

---

---

**Signature of Applicant**

*[Handwritten Signature]*

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

---

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

*Eileen Bristol*

**Tax Collector**





*City of Marlborough*  
**BUILDING DEPARTMENT**

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

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

**PATRICK DAHLGREN**  
ASSISTANT BUILDING  
COMMISSIONER

**WILLIAM PAYNTON**  
LOCAL BUILDING INSPECTOR

**RICHARD DESIMONE**  
PLUMBING & GAS INSPECTOR

**JOHN CAIN**  
WIRING INSPECTOR

**ZONING DENIAL**

March 4, 2019

To: Thomas P. Coder  
3 Atwood Street  
Southborough, MA 01772

RE: 21 Patten Drive, Marlborough, MA

Mr. Coder:

Your application to demolish the existing single story SFD and construct a two story SFD at 21 Patten Drive, Marlborough, MA Parcel ID #5-80, located in the Residence A-3 zoning district (A-3) is denied as it does not comply with Chapter 650-41 of City Code of Marlborough. The "Table of Lot Area, Yards, and Height of Structures" state that your use requires 100' of frontage and 12,500 SF of area. Your existing lot contains 50' frontage and 5,000 SF of area. As a pre-existing, non-conforming lot, the construction of a new larger SFD that increases the non-conformity requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed structure is increasing intensifying the non-conformity.

- The existing structure is approximately 733 square feet (SF) of area the proposed is approximately 1767 SF.
- In the required yard setback area, the building increases in height from 1 story to 2 stories.

Please note that the supplied proposed plot plan is incorrect regarding the proposed structure. The plot plan appears to be based on the proposed basement size of 27' wide x 55' deep, while the plans show a proposed structure of 31' x 57', 1767 lot coverage (2' eaves overhang). The plot plan submitted shows a proposed side setback of 11.5 feet when in actuality, the side setbacks will be 9.5 feet, with a rear setback reduced to 22 feet. You will need to provide a plot plan that accurately reflects what is proposed.

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

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

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

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

Sincerely,

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

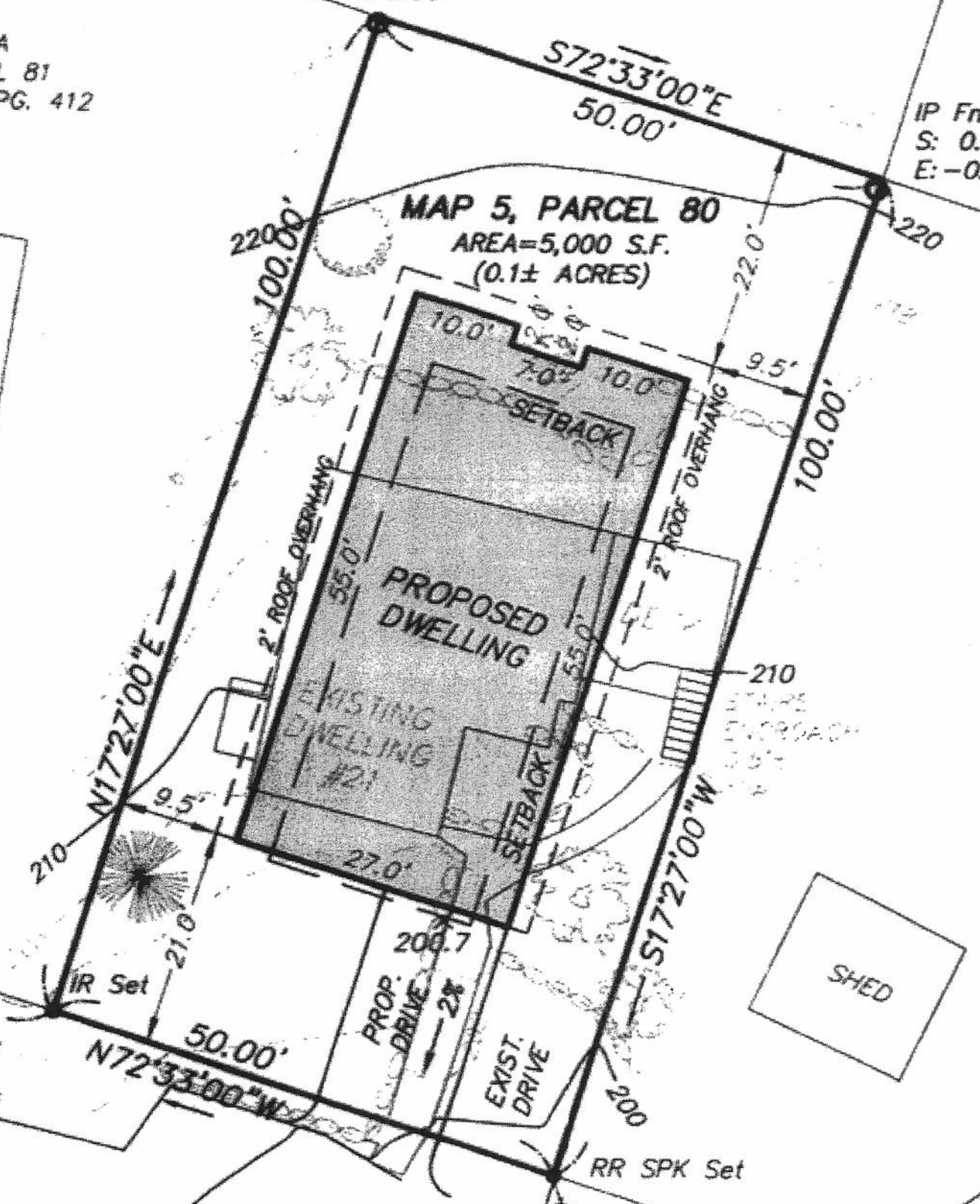


PLKA  
CEL 81  
4, PG. 412

IP Fnd.  
ONLINE  
S: 0.58'

IP Fnd.  
S: 0.96'  
E: -0.55'

MAP 5, PARCEL 80  
AREA=5,000 S.F.  
(0.1± ACRES)



TEN  
(40' WIDE)

BENCHMARK  
NAIL-S, UP #5  
ELEV. = 200.00

S16°26'1"



# Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG  
*Treasurer and Receiver General*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY  
*Executive Director*

2019 MAR 15 P 3:44

March 12, 2019

Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering existing, non-pouring agents our KENO To Go game, a transaction which is identical to the already existing on-line games, such as Megabucks and Mass Cash. At this time, the Lottery is not providing agents with a KENO monitor as part of this program.

In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified that the following existing agent(s) in your community will be eligible to sell the KENO To Go product:

Brasil Remessa  
576 Boston Post Rd East  
Marlborough

If you object to these agent(s) selling KENO To Go, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Carol-Ann Fraser, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issue relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney  
Executive Director

7001 2510 0004 5228 9507



*Supporting the 351 Cities and Towns of Massachusetts*

CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: February 5, 2019

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 20 P 2:41

1. CALL TO ORDER: 10:07 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein  
Also in attendance: Jonathan Frank & Harald Scheid, Regional Assessors, Paula Murphy, Head Clerk
3. MOTION TO ACCEPT: Minutes of the November 28, 2018 meeting  
Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
4. APPROVE AND SIGN: Motor Vehicle Excise Abatements from 11/17/18 to 2/1/19, Senior Citizen Tax Work Off Program abatements for FY 2019, Chapter Land Applications for FY 2020  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
5. APPROVE AND SIGN: Application for Classification as Recreational Land 21.45 acres at 0 Nourse St (98-9) and 11.94 acres at 0 Parmenter St (109-1)  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
6. DISCUSS AND VOTE: Senior Clause Exemption Application: 72 Brimsmead St  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
7. APPROVE AND SIGN: Real Estate Senior Tax Deferral for 33 Princess Rd  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
8. Mr. Frank updated Board regarding pending 2018 Real Estate Tax ATB case discussions with owner's representative for 627 Donald J Lynch Blvd.
9. DISCUSS AND VOTE: Settlement regarding FY 2016 and 2017 Real Estate Tax ATB cases for 100-700 Nickerson Rd along with requesting approval to go forward at Appellate Tax Board if settlement not accepted  
Motion to Approve: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0
10. DISCUSS AND VOTE: Settlement Agreement on FY 2016, 2017 and 2018 Real Estate Tax ATB cases for 2-10 Boston Post Rd E  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote 2-0
11. DISCUSS AND VOTE: Settlement Agreement on FY 2017 and 2018 Real Estate Tax ATB cases and FY 2019 Abatement Application for 413 Lakeside Ave  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote: 2-0

12. DISCUSS AND VOTE: Business Personal Property Tax Abatement Applications: PNC Equipment Finance LLC

Motion to Deny: Mr. Arruda, second Ms. Silverstein

Vote: 2-0

13. DISCUSS AND VOTE: Business Personal Property Tax Abatement Applications: Bunker Floor Supply Inc, Emerson Network Power, Flextronics, Kindred Hospice, Monteiro Machine Co, Rock Institute, Stitch This, Trilogy Leasing Co LLC, Vitamin Shoppe Inc

Motion to Grant: Mr. Arruda, second Ms. Silverstein

14. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein

MEETING Adjourned – 11:43

*Ms. Silverstein*

*D. M. L.*





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 13 P 12:15

## **BOH MEETING MINUTES –2-11-19**

Attending

Joseph Tennyson, MD, Chair

Jim Griffin, Vice Chair

Robin Williams, Member

Also in attendance: Cathleen Liberty, Director of Public Health, Tina Nolin, Senior Clerk, Leah Kofos representing Attorney Brian Faulk, Monique Duross, Renée Knaf

**Meeting called to order 6:30 pm**

### **REVIEW OF MEETING MINUTES**

Review of December and January meeting minutes, accepted by member Williams, and Vice Chari Jim Griffin.

### **ADMINISTRATIVE**

### **BOARD BUSINESS**

#### **Medicinal and Adult Use of Marijuana Regulation**

Director Liberty presented the Board with another draft of the medicinal and adult use combined regulation. The Board discussed the contents of the regulation with Director Liberty. After much discussion the board agreed to add a few more items to the regulation and will review the final draft at the March meeting.

### **PUBLIC HEALTH ISSUES**

#### **Vaping**

Director Liberty reported to the board members that an upset parent wanted to discuss the vaping at school issue with the board. The parent did not attend the meeting, but two other parents attending and expressed their concern of the rampant vapid amongst youth and within the schools to the board. The board agreed that the regulation on Vaping stores is strict and that the schools will handle the vaping in school issue.

### **MONTHLY REPORTS**

#### **• Nurse's Report**

Director Liberty submitted the Public Health Nurse's report and accepted to be placed on file. Director Liberty also discussed with the board contents of the report.



- **Sanitarians' Reports**

Presented by Director Liberty - reports were submitted and accepted to be placed on file.

**OTHER BUSINESS UNKNOWN AT TIME OF POSTING**

Member Williams requested that the Special Commission Report Bill be on the next agenda. Director Liberty expressed concern regarding unlicensed massage facilities in the city and noted that she would begin working on a Bodyworks regulation.

**ADJOURN**

Motion – to adjourn the meeting at 7:10 PM – Member, Williams

Second – Vice Chair, Griffin

**Next Board of Health meeting will be on Monday, March 4, 2019.**

Respectfully submitted,



3-4-2019

\_\_\_\_\_  
Dated

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

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
February 7, 2019 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM**

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 11 P 4:51**

**Present:** Edward Clancy – Chairman, Allan White, David Williams, Dennis Demers, John Skarin, William Dunbar, and Karin Paquin. Also present was Priscilla Ryder- Conservation Officer.

**Absent:** None

**Acceptance of Minutes:** The minutes of January 10, 2019 and January 24, 2019 were unanimously accepted 6-0 as amended.

**Public Hearings**

Request for Determination of Applicability (John Skarin arrived)

City of Marlborough DPW - request confirmation of the wetland resource areas along various streets within the City of Marlborough to determine sensitive areas for the city's 5-year roadside Vegetation Management Plan.

Chris White, DPW General Forman for Forestry Parks and Cemetery was present and explained that they have put together a plan of all the sensitive areas along roadways that the DPW maintains. This is the first step in the Vegetation Management Plan (VMP) process which occurs every 5 years. Ms. Ryder noted she has reviewed the plans and it shows the water supply sensitive areas where spraying cannot occur within 100' of the wetland or waterway and other areas shown that are close to wetlands and waterways where 10' no spray areas are designated. Mr. White explained that he paints the no spray zones every year, so his crew knows where these areas are. They are planning only to use the herbicides that are designated for sensitive areas throughout the city. He described that the spraying techniques and chemicals will be part of the Yearly Operational Plan (YOP) which will be submitted to the Commission soon. Where they can mow, they are mowing and limiting spraying to areas where they can't reach with a mower. They are also trying to address invasive plants as well that are along roadsides. Mr. Clancy noted that he's heard of complaints with the use of "roundup". Mr. White noted that residents can comment on the VMP and YOP when they come out and can also request no spray areas near their properties. Ms. Paquin asked whether there is any thought of replanting areas with native plantings when the invasive plants are removed. Mr. White responded that they can think about that, he has heard that the "mile-a-minute-vine" has been found in Marlborough, Ms. Ryder noted that these should be documented and sent to the state.

After some discussion, the hearing was closed, and the Commission voted unanimously 7-0 to issue a Positive Determination to accept the wetland delineation areas as shown on the plan provided.

Notice of Intent (Continued to Feb. 21<sup>st</sup>)

186 Reservoir St. - Fabriana Menezes

Proposes to construct an addition near Ft. Meadow Reservoir. At the applicants request this item was continued to the Feb. 21<sup>st</sup> agenda.

**Draft Order of Conditions:**

- 212-1206 176 Farm Rd. – single family house- The Commission reviewed the draft Order of Conditions for this property and voted unanimously 7-0 to issue the Order of Conditions as drafted.

**Discussion:**

- DEP 212-1156 85 Dufresne Dr. - George Mihov, of Guerriere and Halnon Inc. was present representing FRE buildings, and explained based on the last meeting, he has provided Option 1 and Option 2 designs to work on finding a resolution to the problem that the house foundation was poured in the wrong location closer to the wetland than what had been approved. Option 1, keeps the building where it is and proposes a wall within 4' of the building. Option 2, brings the retaining wall 10' from the building straightening out the 20' wetland no disturb buffer zone (NDBZ) line. This would alter 120 square feet of the 20' NDBZ, the plan shows and the area that is 240 square feet of upland area which would now be defined as a protected area, thus replacing the area that is to be filled in. Chairman Clancy noted that he was NOT in favor of disturbing the 20' NDBZ and indicated he would want the wall to be installed 4' from the foundation at the closest point. He also noted that the permanent marker had been removed, which was the source of all this trouble. There was a lengthy discussion as to whether the applicant should just move the foundation back to the location for the original design which was 8 feet from the wetland. They asked about the cross sections shown on the plan and the type of wall to be used and how the wall could be installed without disturbing the 20' NDBZ area. There was discussion about why the foundation hadn't been staked prior to being installed, given the tight nature of the lot. Mr. Demers indicated that it would be expensive to remove the foundation and Option 1 may be acceptable. The Commission agreed that Option 2 which impacts the NDBZ was off the table and would not be considered. Mr. Dunbar and Mr. Skarin both indicated they would be in favor of having the foundation moved back to where it was originally supposed to be. This was the builder's problem for not following the plans that were approved. Mr. Mihov noted he appreciates that this is not a city problem, but wanted to know if the Commission could be lenient on this. The Chairman indicated no leniency and that the builder needs to follow the established rules like everyone else. After a lengthy discussion, on a hand vote of 6 in favor and 1 in opposition (Mr. Dunbar) it was decided that the applicant should file for a formal amendment to the Order of Conditions showing Option 1 and including details on the wall, how it is to be constructed; footing details, and the fence detail. As this is reopening the public hearing, abutters will need to be notified. Dates for the next few meetings were provided. The Commission will review this when it is filed.

- City Snow dump locations – continue discussion. Ms. Ryder indicated that she has spoken with Ted Scott at the DPW. He had indicated the landfill location was off the table because of the cap issue. The Commission asked her to see if they can pile snow there on the pavement, which shouldn't impact the cap. They also noted that the DPW should pursue the DCR property as that seems a reasonable location. They did not like the Ghiloni Park or Hudson St. locations. There was some talk of using Crowley Dr. Ms. Ryder will convey these thoughts to the DPW.
- Registration for Mass. Association of Conservation Commissions – Annual Environmental Conference, March 2, 2019. Ms. Ryder noted that both Ed Clancy and Allan White have been nominated for Service awards. Mr. Clancy for his 50 years of service and Allan White for his 40 years of service. Ms. Ryder is waiting to hear back on the results.

**Correspondence/Other Business:**

- Recreational Trail Grant progress report - Ms. Ryder provided a summary of the activities that took place this past year and the advancement of the Boroughs Loop Trail and Panther Trail. It is moving along nicely, lots of workdays are planned in the spring and summer with an anticipated completion of the project sometime this summer.
- A Boy Scout was in the audience with his mother. He was observing a public meeting as a badge requirement and indicated an interest in a project for his Eagle Scout badge. Ms. Ryder gave him her card to set up an appointment.

**Next Meetings** - February 21, 2019 (Thursday)

**Adjournment:** There being no further business, the meeting was adjourned at 8:38 PM.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer