

REGULAR MEETING  
SEPTEMBER 9, 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 SEP - 5 P 12: 45

1. Minutes, City Council Meeting, August 26, 2019.
2. CONTINUED PUBLIC HEARING On the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, Order No. 19-1007739A.
3. Communication from the Mayor, re: Gift Acceptance in the amount of \$7,500.00 from Digital Federal Credit Union (DCU) for the Police Department to assist community support initiatives like the Summer Youth Academy.
4. Communication from the Mayor, re: Gift Acceptance in the amount of \$20.00 from WAITT (We're All In This Together) on behalf of IC Federal Credit Union for the Police Department as a community donation.
5. Communication from the Mayor, re: Reappointments to the Commission on Disabilities of Debra McManus, Anne Ryan, and Laura Kyle, for three-year terms from date of confirmation, in addition to John Usinas and Cheryl Soucy for two-year terms from date of confirmation.
6. Communication from the Mayor, re: Appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation.
7. Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit from St. Mary's Credit Union, to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop- restaurant at 133 South Bolton Street, in proper legal form, Order No. 19-1007720A.
8. Communication from Attorney Brian Falk on behalf of Vincenza Sambataro, re: Request to Extend Time Limitations to November 19, 2019 at 10:00 PM, on the Application for Special Permit to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space, 161-175 Main Street, Order No. 19-1007571C (X18/19-1007135B).
9. Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street.
10. Application for Special Permit from Attorney Brian Falk, on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/café use at 121 Bolton Street.
11. Minutes, School Committee, June 25, 2019.
12. Minutes, Cultural Council, August 5, 2019.

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

13. Minutes, Commission on Disabilities, June 4, 2019 & July 2, 2019.
14. Minutes, Planning Board, July 22, 2019.
15. CLAIMS:
  - a) Arnalda Ann Cross, 26 James Avenue, pothole or other road defect.
  - b) Patrick Holaday, 158 Albion Street, Somerville, other property damage and/or personal injury.
  - c) Elyse Probst, 22 Broad Street, #225, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

16. **Order No. 19-1007730 - Transfer \$220,000.00 from the PEG Fund to Information Technology:** The Finance Committee reviewed the Mayor's letter dated July 18, 2019 requesting the transfer of \$220,000.00 from the Cable TV public, Education and Government (PEG) Fund to Information technologies to fund projects including the replacement of two thirds of the City's computers, replacement of audio visual equipment in the cafeteria of three elementary schools and replacement of wireless antennas around the district.

**The Finance Committee voted 4 – 0 to approve the transfer request.**

From Legislative & Legal Affairs Committee

17. **Order No. 19-1007735 (X 99-8201)-Communication from Mayor regarding request for revocation of License to Encroach, 26 Monument Avenue.** The Mayor's letter of July 10, 2019 was read into record. Additional information provided to councilors included a letter from Code Officer Wilderman to the City Council and letter from Code Officer Wilderman to Oscar Barrera, 26 Monument Avenue. The City Council approved the License to Encroach on June 14, 1999, but issues with the property owner went unresolved warranting the Mayor's request to revoke the license.

**Councilor Delano moved to approve the Order to Revoke the License to Encroach dated June 14, 1999, and any and all permission to use the real property pursuant to said license, effective immediately; the motion was seconded and carried 3-0.**

From City Council

18. **Order No. 19-1007761 – Communication from Attorney Geoffrey Smith on behalf of Heritage Farm, LLC re: Notice pursuant to MGL, c 61A, §14 of intent to sell land and convert use, 339 Boston Post Road East, identified as Parcels 72-35, 73-26A, 73-28, 73-24 & 73-26 (Document available for viewing in the Clerk's Office), ITEM WAS TABLED TO THE SEPTEMBER 9, 2019 CITY COUNCIL MEETING.**



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 SEP -5 A 8:15

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

**AUGUST 26, 2019**

Regular meeting of the City Council held on Monday, August 26, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:02 PM.

ORDERED: That the Minutes of the City Council meeting, JULY 22, 2019 **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, Order No. 19-1007739, **CONTINUED UNTIL SEPTEMBER 9, 2019 AT 8:00 PM**; adopted.

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

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment as revised to Chapter 650 §12, Nonconforming Uses, Order No. 19-1007673B, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

President Clancy called a recess at 8:05 PM and returned to open meeting at 8:07 PM.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Map Amendment from Attorney Michael Norris on behalf of Renato Fontes, re: Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738, all were heard who wish to be heard, hearing closed at 8:30 PM; adopted.

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

ORDERED: That no more than eight hundred thousand dollars (\$800,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2020, unless otherwise authorized by City Council and Mayor. This increases the limit from three hundred and fifty thousand dollars (\$350,000.00) as approved by the City Council on June 17, 2019, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Transfer Request in the amount of \$30,000.00 from PEG Funds to Marlboro Cable Trust, to fund capital equipment purchases for WMCT, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: Mayor FISCAL YEAR: 2020

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$206,164.96	\$30,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$30,000.00	89000	25581	Marlboro Cable Trust	\$0.00

Reason: To fund WMCT's capital request for FY20 with PEG fees

\$30,000.00 Total \$30,000.00 Total

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$1,000.00 from DuPont Electronics & Imaging (formerly Dow Chemical Company) for the Conservation Maintenance Fund to support the annual Project Clean Sweep and other beautification efforts within the city; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$898.00 from FM Global Foundation awarded to the Fire Department to fund the purchase of two digital cameras for the Fire Investigation Unit; adopted.

ORDERED: That the Communication from the Mayor, re: Appointment of Nathan Boudreau to the position of Executive Aide to the Mayor, effective August 12, 2019, **FILE**; adopted.

ORDERED: That the Appointment of Jason (Jay) Piques to the position of Assistant City Solicitor for a term of three years effective on date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Grant of Easement to MA Electric for service to Marlborough High School, 431 Bolton Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed License for Outdoor Seating requested by David Richardson of Flying Dreams Brewing Co., 277 Main Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Proposed Zoning Amendment relative to the definition of Home Office/Home Occupation, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 23, 2019**; adopted.

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 650-5(B), entitled "Definitions; word usage," is hereby amended, as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

HOME OFFICE / HOME OCCUPATION

An occupation customarily conducted in the place of residence of the operator or of a professional person, or in a building accessory thereto, such as dressmaking, millinery, home cooking, handcraft, specialized cultivation and propagation of houseplants, insects, fish, birds and animals, limited to one litter at a time, or the offices of a physician, surgeon, dentist, real estate agent, teacher, clergyman, artist, lawyer, architect, musician, landscape architect, land surveyor, City planner, broker, engineer, beautician or member of any other recognized profession including an office for an off-premises business, provided that not more than three persons are engaged in the activity on the premises at any one time.

HOME OCCUPATION

See definition of "home office / home occupation."

ORDERED: That the Communication from Police Chief, David Giorgi, re: Detail officers pursuant to Special Permit condition for Garden Remedies, 416 Boston Post Road East, **FILE**; adopted.

ORDERED: That by Order No. 18-1007366, the City Council of the City of Marlborough authorized the City to acquire 49 West Main Street, Marlborough, MA in the total amount of \$381,504.00 as provided in a Purchase and Sale Agreement (“Agreement”) for the purchase of said property and appropriated from Account No. 19300006-58595 (City Hall Equipment) the then-balance due on said purchase in the amount of \$362,504.00, the Mayor, upon negotiation of a First Amendment to the Agreement modifying certain terms of the Agreement, the City Council hereby:

- 1) Authorizes the City to acquire 49 West Main Street in the total amount of \$461,000.00 as provided in the First Amendment to the Purchase and Sale Agreement, to be funded from the above-referenced account; and
- 2) Affirms its authorization for the Mayor to accept a deed pursuant to MGL c. 40, § 3 for said property located at 49 West Main Street.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 23, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 7, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Fuel Storage License, Ambri, Inc., 53 Brigham Street, refer to **PUBLIC SERVICES COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Application for a Livery License from Snold Benjamin d/b/a Ben Transportation, to operate at 98 Bolton Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project re: Personnel being in the area responding to residents’ concerns about mosquitos on various dates in September & October 2019, **FILE**; adopted.

ORDERED: That the Communication from Attorney Geoffrey Smith on behalf of Heritage Farm, LLC re: Notice pursuant to MGL, c 61A, §14 of intent to sell land and convert use, 339 Boston Post Road East, identified as Parcels 72-35, 73-26A, 73-28, 73-24 & 73-26, **TABLED TO THE SEPTEMBER 9, 2019 MEETING**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 7, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as The Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Application for Site Plan Approval from Post Road Realty, LLC for The Green District project to be built in the Executive Residential Overlay District (EROD), at 107 Simarano Drive, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Pam Allinson, re: Dog Park in the City of Marlborough, refer to **MAYOR & DPW COMMISSIONER**; adopted.

ORDERED: That the Minutes, Board of Health, April 8, 2019 & June 26, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 20, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Historical Commission, June 6, 2019 & July 25, 2019, **FILE**; adopted.

ORDERED: That the Minutes, License Board, May 22, 2019, June 20, 2019 & June 26, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, June 17, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 29, 2019 & June 26, 2019, **FILE**; adopted.

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

- a) Audrey Allen, 41 Village Drive, pothole or other road defect.
- b) Donald Avey, 103 Bolton Street, other property damage and/or personal injury.
- c) Richard Girardi, 59 Francis Street, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

City Council Finance Committee  
Monday July 29, 2019  
*In Council Chambers*

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

**Finance Committee Members Absent: Oram**

**Other Councilors in Attendance: Councilor Landers.**

**The meeting convened at 7:17 PM.**

1. Order No. 19-1007730 – Transfer \$220,000.00 from the PEG Fund to Information Technology: The Finance Committee reviewed the Mayor's letter dated July 18, 2019 requesting the transfer of \$220,000.00 from the Cable TV public, Education and Government (PEG) Fund to Information technologies to fund projects including the replacement of two thirds of the City's computers, replacement of audio visual equipment in the cafeteria of three elementary schools and replacement of wireless antennas around the district.

**The Finance Committee voted 4 – 0 to approve the transfer request.**

## Reports of Committee Continued:

2. Order No. 19-1007732 – Transfer \$200,000.00 from the Economic Development Fund for the City Shuttle Services: The Finance Committee reviewed the Mayor’s letter dated July 18, 2019 requesting the transfer of \$200,000.00 from the Economic Development Fund to fund a City Shuttle Service for a one-year period through the Marlboro Economic Development Corporation (MEDC).

**The Finance Committee voted 4 – 0 to approve the transfer.**

The Finance Committee agreed to support suspending the rules at the August 26, 2019 City Council meeting to approve the transfer for the City Shuttle Services.

The Finance Committee adjourned at 8:05 PM.

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

City Council Legislative and Legal Affairs Committee  
Monday, July 29, 2019 6:30 PM– In Council Chambers  
Minutes and Report

Present: Chairman Katie Robey, Councilor Landers, and Councilor Delano.  
Others in attendance: Councilor Ossing; Mayor Vigeant; DPW Commissioner John Ghiloni; City Solicitor Jason Grossfield; David Richardson, Owner/Petitioner of Flying Dreams Brewing Company; and License Board Chairman Walter Bonin.

**Order No. 19-1007735 (X 99-8201)-Communication from Mayor regarding request for revocation of License to Encroach, 26 Monument Avenue.** The Mayor’s letter of July 10, 2019 was read into record. Additional information provided to councilors included a letter from Code Officer Wilderman to the City Council and letter from Code Officer Wilderman to Oscar Barrera, 26 Monument Avenue. The City Council approved the License to Encroach on June 14, 1999, but issues with the property owner went unresolved warranting the Mayor’s request to revoke the license.

**Councilor Delano moved to approve the Order to Revoke the License to Encroach dated June 14, 1999, and any and all permission to use the real property pursuant to said license, effective immediately; the motion was seconded and carried 3-0.**

**Order No. 19-1007736-Communication from Solicitor Grossfield regarding Proposed Grant of Easement to Massachusetts Electric Company for service to Marlborough High School, 431 Bolton Street.** Solicitor Grossfield’s letter of July 17, 2019, read into the record by the chair, advises approval of both the City Council and the School Committee is required and being sought simultaneously. Due to timing of the next School Committee meeting on August 27, 2019, the City Council may approve the easement pending the approval of the School Committee. The work is necessary to provide an electrical connection at the new turf field on Poirier Drive.



Reports of Committee Continued:

**Councilor Delano moved to approve the Grant of Easement to Massachusetts Electric Company to provide service to Marlborough High School pending the approval of the School Committee. The motion was seconded and approved 3-0.**

**There will be a request to Suspend the Rules for action by the City Council on August 26, 2019.**

**Order No. 19-1007737-Communication from David Richardson of Flying Dreams Brewery Co., 277 Main Street, to add outdoor seating for their establishment on the sidewalk along Rawlins Avenue.** The July 5, 2019 letter from Mr. Richardson was read into the record. The packet included a draft License to Encroach on Public Sidewalk and Indemnification from the City Solicitor as well as drawings of the original Taproom plan and a proposed sidewalk patio plan, Exhibit A, of the proposed License to Encroach. Chairman Robey provided photos she had taken of the area with concern about a hose crossing the sidewalk. The Chair's email to Code Enforcement resulted in a communication from Building Commissioner Cooke that the proposed sidewalk plan for tables with 4 chairs would not meet state code as it would provide only 30" of sidewalk clearance where 36" is required. [521 CMR section 22.2 Width: Width of walkways shall be not less than 48 inches, excluding curb stones. An unobstructed path of travel shall be provided which is at least 36 inches clear, excluding curb stone]. As this matter is also on the agenda for July 31 meeting of the License Board to amend their alcohol license to include patio seating, it was agreed that the committee could recommend approval of the License to Encroach pending receipt of an amended Exhibit A. There was discussion and agreement to remove the May 1 to September 30 patio seating timeframe and to clarify that patrons may bring their own food or have food delivered for consumption on the sidewalk area while drinking products purchased from the Flying Dreams Brewery. It was agreed the City Solicitor will amend the License to Encroach in #2 to extend the license year-round conditioned by snow/weather limitations and to amend #5 & #6 to clarify that patrons may bring their own food or have food delivered for consumption on the sidewalk area while drinking products purchased from the Flying Dreams Brewery. Amending similar patio licenses to be considered if Council agrees.

**Councilor Delano moved to approve the License to Encroach on the Public Sidewalk and Indemnification for use of a portion of the sidewalk on Rawlins Avenue, on the side of the Flying Dreams Brewery, pending receipt of an amended Exhibit A and with amendments to #2, #5 & #6 drawn in proper legal form by the City Solicitor for action by the City Council, under a Suspension of Rules, on August 26, 2019. The motion was seconded and approved 3-0.**

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 7:15 PM.

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

ORDERED: That the Transfer Request in the amount of \$200,000.00 from Economic Development to MEDC Funding for a City Shuttle Service for a one-year period, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor FISCAL YEAR: 2020

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$962,021.48	\$200,000.00	27000099	42440	Economic Development	\$200,000.00	11740006	53950	MEDC Funding	\$0.00

Reason: To fund a City shuttle service

\$200,000.00 Total \$200,000.00 Total

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Grant of Easement to MA Electric for service to Marlborough High School, 431 Bolton Street, in proper legal form, **FILE**; adopted.

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

ORDERED: That pursuant to Mass. Gen. Laws c. 40, § 3, the City of Marlborough grants a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “National Grid”) as enclosed, constituting a Grant of Easement to Massachusetts Electric Company for electrical service to Marlborough High School at 431 Bolton Street, subject to said grant of easement being approved by vote of the Marlborough School Committee, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed License for Outdoor Seating requested by David Richardson of Flying Dreams Brewing Co., 277 Main Street in proper legal form, **FILE**; adopted.

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

ORDERED:

**License to Encroach on Public Sidewalk and Indemnification**

WHEREAS, Flying Dreams Brewing Co., LLC d/b/a Flying Dreams Brewing Co. (the "Licensee"), duly incorporated in the Commonwealth of Massachusetts with a principle place of business at 455B Park Ave., Worcester, MA 01610, operating a brewery including retail sales for serving the beer brewed on-site known as Flying Dreams Brewing Co. located at 277 Main Street, Marlborough, MA (being a portion of Assessors Map 69 Parcel 382) desires to use a portion of the sidewalk fronting said 277 Main Street, Marlborough, MA (on the Rawlins Avenue side) for table service of food and/or beverages (hereinafter, "License Area"); and

WHEREAS the City of Marlborough (hereinafter, the "City") wishes to allow the Flying Dreams Brewing Co. to use the License Area for table service of food and/or beverages;

WHEREAS the License Area is owned by and/or within the public way of the City;

NOW, THEREFORE, the City of Marlborough, by and through its City Council (hereinafter, "the City"), grants to the Licensee permission to use the License Area for the limited purpose of outdoor dining on food and/or beverages associated with the Licensee and to place tables and chairs thereon for said purpose, and for no other purpose, under the terms and conditions stated below (hereinafter, "the license" or "this license");

1. The License Area is identified in its approximate location on the plan attached hereto as Exhibit "A," which exhibit is made a part hereof.
2. The license shall be effective from the date of approval by the City for a one (1) year term. Thereafter, subject to the terms and conditions of this license, this license shall run from year to year. Licensee shall be responsible for snow and/or ice removal, if Licensee places tables and/or chairs on the License Area when snow or ice is present.
3. Licensee shall not allow any use of the tables and chairs in the License Area after 10:00 PM.
4. Licensee acknowledges that this license is not a grant of interest in the License Area or in any other portion of City property.
5. Licensee acknowledge that this license is exclusive to Licensee and that no other person(s) or entity(ies) has the permission of the City to utilize the License Area for any purpose other than for dining on products purchased at the Flying Dreams Brewing Co. This License (including paragraphs 5 and 6) shall not prohibit dining on food from sources other than the Licensee so long as it is in conjunction with dining on beverages purchased at the Flying Dreams Brewing Co.

6. Licensee agrees that it shall not allow loitering or other use of the License Area which is not related to dining on products purchased at the Flying Dreams Brewing Co.
7. Licensee agrees to indemnify and hold harmless the City, their officers, employees and agents from and against all suits, actions or claims, civil or criminal, of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from the existence of any obstruction or defect in the public way abutting the License Area or in the License Area, or arising out of, or resulting from any asserted negligent or intentional act, error or omission of Licensee or its agents, servants or employees, occurring in the performance of the Licensee to place tables and chairs upon License Area and to allow the utilization by third parties of said License Area. The indemnification required hereunder shall not be limited by reason of the specifications of any particular insurance coverage of the Licensee.
8. The City's Building Commissioner or his agents may revoke the license for violation of the terms and conditions of this license.
9. Service of alcoholic beverages out-of-doors in the License Area shall require a separate license from the Licensing Board and any appropriate State approvals.
10. Said tables and chairs shall not interfere with accessible path of travel for handicapped individuals, per the Americans with Disabilities Act and all other applicable laws and regulations.
11. Signs shall not be permitted except in accordance with City's Sign Ordinance.
12. All applicable federal, state, and City policies, regulations and ordinances, as amended, shall remain in full force and effect, and Licensee shall comply with same.
13. Licensee agrees to abide by its terms and conditions and acknowledges that said license may be revoked by the City of Marlborough for breach of any condition contained therein.

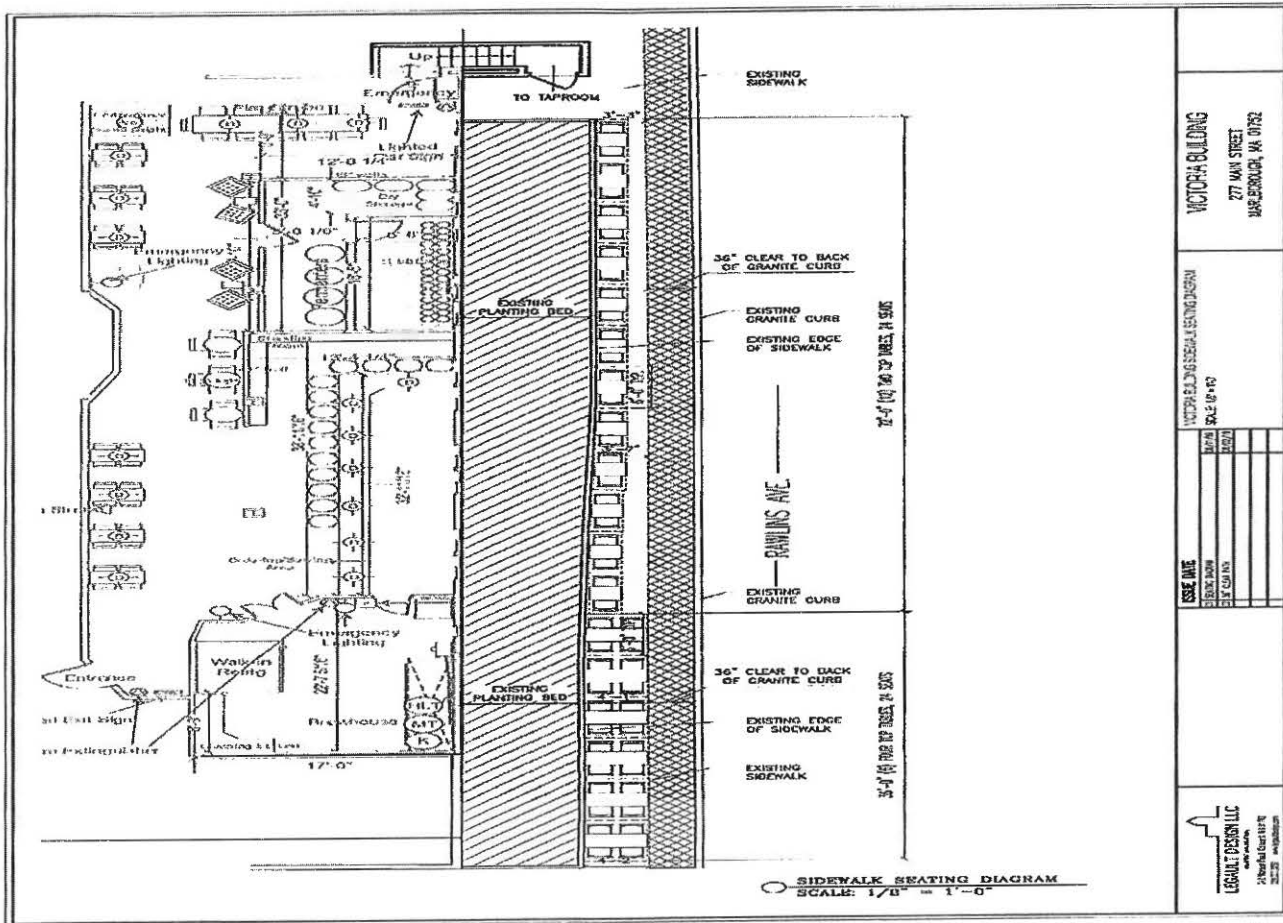
*This is a legally binding document. By signing, Licensee acknowledges that it has had an opportunity to review with its Attorney.*

IN WITNESS WHEREOF, Licensee has set its hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

LICENSEE  
Flying Dreams Brewing Co., LLC d/b/a Flying  
Dreams Brewing Co.  
By its Manager, duly authorized

\_\_\_\_\_  
DAVID RICHARDSON

# EXHIBIT "A"



**APPROVED;** adopted.

**ORDERED:** That Marlborough Police Chief David Giorgi discuss the city’s contract with Critter Control and the department’s Policy And Operating Procedures For Animal Control with the Operations and Oversight Committee in light of recent communications from residents about animals that have been found roaming the city, refer to **OPERATIONS & OVERSIGHT COMMITTEE;** adopted.

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 9:02 PM; adopted.



## IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2019

### ORDERED:

That the PUBLIC HEARING On the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, Order No. 19-1007739, be and is herewith **CONTINUED UNTIL SEPTEMBER 9, 2019 AT 8:00 PM.**

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

A representative from Massachusetts Electric was not present for the public hearing. Councilor Ossing made a motion to continue until the next City Council meeting unless a representative arrived before the conclusion of the current meeting.

Motion was made and seconded to continue this public hearing to the next regularly scheduled City Council meeting. There was no discussion on the motion, and all were in favor. The motion was approved.

ADOPTED

ORDER NO. 19-1007739A



# City of Marlborough Office of the Mayor

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

*Arthur G. Vigeant*  
**RECEIVED**  
**CITY CLERK'S OFFICE**  
**MARLBOROUGH**  
EXECUTIVE AIDE  
**2019 SEP -5 A 11: 22**  
*Patricia Bernard*  
EXECUTIVE SECRETARY

September 5, 2019

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

## **Re: Grant Acceptance – Marlborough Police Department**

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a gift of \$7,500.00 for the Marlborough Police Department from the Digital Federal Credit Union. This money will be used to assist community support initiatives like the Summer Youth Academy. We appreciate Digital Federal Credit Union support for our officers and community.

Thank you for your consideration, and please do not hesitate to contact Chief Giorgi or me with any questions.

Sincerely,

  
Arthur G. Vigeant  
Mayor

Enclosures



# *City of Marlborough*

## *Police Department*

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

*David A. Giorgi*  
Chief of Police

August 27, 2019

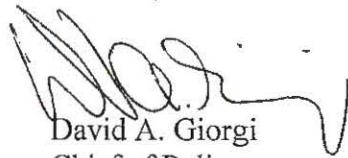
Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, MA 01752

Dear Mayor Vigeant:

The Marlborough Police Department has received a donation check in the amount of \$7,500.00 from Digital Federal Credit Union(D.C.U.). The donation has been offered to the police department as a representation of DCU's continued support for the department's programs and efforts to make a difference in our community. This donation significantly aids the department's ability to offer community outreach program, like our summer Youth Academy for middle school students.

Attached is a copy of the cover letter which our department received from DCU, a Notice of Grant Award, as well as copy of the check. I am requesting that the donation be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,



David A. Giorgi  
Chief of Police



**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: August 27, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: Digital Federal Credit Union donation

GRANTOR: Digital Federal Credit Union

GRANT AMOUNT: \$7,500.00

GRANT PERIOD: \_\_\_\_\_

SCOPE OF GRANT/  
ITEMS FUNDED Donation to support department programs  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: N/A  
\_\_\_\_\_

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

ARE MATCHING CITY  
FUNDS REQUIRED? N/A  
\_\_\_\_\_

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

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

ANY OTHER EXPOSURE TO CITY?  
N/A  
\_\_\_\_\_

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO  
\_\_\_\_\_

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



July 29, 2019

Marlborough Police Department  
355 Bolton Street  
Marlborough MA 01752

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide Marlborough Police Department with the enclosed check for \$7,500. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to contact Amy Regan at [amyregandcu@gmail.com](mailto:amyregandcu@gmail.com) or mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Maureen Spaulding, 853 Donald Lynch Blvd., Marlborough, MA 01752.

For further information about DCU and our branch locations, or communities we serve, please visit our website at [www.dcu.org](http://www.dcu.org).





Digital Federal Credit Union

PO Box 9130 • Marlborough, MA 01752-9130 • 508.263.6700

DATE  
7/29/2019

CHECK NUMBER  
062021

Detach This Portion Before Deposit

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
2019 DONATION	7/29/2019	Vchr: VO112969	\$7,500.00	\$0.00	\$7,500.00
PRINT BATCH	VENDOR CODE	PAY TO NAME			NET TOTAL
2,917	MARLBOROPOLI	CITY OF MARLBROUGH-POLICE DEPARTMENT			\$7,500.00

ORIGINAL CHECK HAS A VOID PANTOGRAPH AND IS PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS



Digital Federal Credit Union

PO Box 9130 • Marlborough, MA 01752-9130 • 508.263.6700

ACCOUNTS PAYABLE

53-918  
2113

DATE	CHECK NO.
7/29/2019	062021

PAY

Seven thousand five hundred and 00 / 100 Dollars Only \*\*\*\*\*

VOID AFTER 90 DAYS

AMOUNT
\$7,500.00

PAY TO ORDER OF

CITY OF MARLBROUGH-POLICE DEPARTMENT  
355 BOLTON STREET  
MARLBOROUGH, MA 01752

*Louis M. LaChapelle*



*City of Marlborough*  
*Office of the Mayor*

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

RECEIVED  
Arthur G. Vigeant  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
Nathan R. Boudreau  
2019 SEP -5 A 11:22  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

September 5, 2019

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

**Re: Grant Acceptance – Marlborough Police Department**

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a gift in the amount of \$20.00 for the Marlborough Police Department from the WAITT (We're All In This Together) Company on behalf of IC Federal Credit Union. We appreciate IC Federal Credit Union and WAITT's support of our officers.

Thank you for your consideration, and please do not hesitate to contact Chief Giorgi or me with any questions.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures



# City of Marlborough Police Department

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

David A. Giorgi  
Chief of Police

August 27, 2019

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




Dear Mayor Vigeant:

The Marlborough Police Department has received a \$20.00 gift from the WAITT (We're All In This Together) company on behalf of IC Federal Credit Union located at 160A Apex Drive in Marlborough. WAITT partners with local businesses, such as IC Federal Credit Union, and chooses organizations to support through charitable donations as a way of giving back to the community. Our department appreciates that WAITT and IC Federal Credit Union recognize the Marlborough Police Department as an organization which can help impact our community in a meaningful way.

I have attached a copy of the check mailed by WAITT and IC Federal Credit Union. I am requesting that the gift award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

  
David A. Giorgi  
Chief of Police

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: August 27, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: WAITT & IC Federal Credit Union community donation

GRANTOR: We're All In This Together & IC Federal Credit Union

GRANT AMOUNT: \$20.00

GRANT PERIOD: \_\_\_\_\_

SCOPE OF GRANT/  
ITEMS FUNDED Community donation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: N/A  
\_\_\_\_\_

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

ARE MATCHING CITY  
FUNDS REQUIRED? N/A  
\_\_\_\_\_

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

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

ANY OTHER EXPOSURE TO CITY?  
N/A  
\_\_\_\_\_

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO  
\_\_\_\_\_

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



# We're All In This Together, Inc

CHECK DATED 05/20/2019

DATE	NUM	NAME	MEMO/DESCRIPTION	AMOUNT
Marlborough Police Department				
04/26/2019	2735	IC Federal Credit Union	May 2019	20.00
Total for Marlborough Police Department				\$20.00
<b>TOTAL</b>				<b>\$20.00</b>

5362

53-7353/211

1914

CHECK AMOUNT

NEEDHAM BANK

05/20/2019

**WAITT**  
**WE'RE ALL IN THIS TOGETHER**

73 MAIN ST  
ASHLAND, MA 01721  
WAITTCAUSEMARKETING.COM

PAY TO THE ORDER OF **Marlborough Police Department**

\$ **\*\*20.00**

Twenty and 00/100\*\*\*\*\*

DOLLA

Marlborough Police Department

MEMO



AUTHORIZED SIGNATURE





# City of Marlborough Office of the Mayor

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

RECEIVED  
Wigeant  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
Nathan R. Boudreau  
2019 SEP 5 AM 11:22  
EXECUTIVE AIDE

Patricia Bernard  
EXECUTIVE SECRETARY

September 5, 2019

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

## Re: Re-Appointments to the Commission on Disabilities

Honorable President Clancy and Councilors:

Enclosed for your approval are the following re-appointments to the Commission on Disabilities. The varying term lengths are based upon conversations with Councilor Doucette.

- Debra McManus for a term of three years;
- Anne Ryan for a term of three years;
- Laura Kyle for a term of three years;
- John Usinas for a term of two years;
- Cheryl Soucy for a term of two years;

These appointments leave three remaining openings on the committee. I encourage you to contact my office if you know of any citizens that may be interested in serving.

Thank you for your consideration.

Sincerely,

Arthur G. Wigeant  
Mayor



*City of Marlborough*  
*Office of the Mayor*

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

*Arthur G. Vigeant*  
**RECEIVED**  
**CITY CLERK'S OFFICE**  
**CITY OF MARLBOROUGH**  
*Nathan R. Boudreau*  
**EXECUTIVE AIDE**  
**2019 SEP -5 A 11: 22**  
*Patricia Bernard*  
EXECUTIVE SECRETARY

September 5, 2019

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

**Re: Parks and Recreation Commission Appointment – John J. Welch Jr**

Honorable President Clancy and Councilors:

I am pleased to submit for your review and confirmation the appointment of John J. Welch Jr to the Marlborough Parks and Recreation Commission for a three-year term to expire three years from the date of his approval.

Mr. Welch has been assisting with youth sports and activities for several years and has proven himself to be an asset when dealing with planning and facilitating the permitting process.

If you have any questions, please do not hesitate to contact Recreation Director Thebado or me.

Sincerely,

  
Arthur G. Vigeant  
Mayor

**John J Welch Jr.**  
**59 Desimone Drive**  
**Marlborough, MA 01752**

August 8, 2019

Mr. Charles Thebado  
Recreation Director  
239 Concord Road  
Marlborough, MA 01752

Dear Chuck,

I would like to express my interest in joining the board for the City of Marlborough Recreation Department.

I have been a resident of Marlborough since 2007, although I feel like I have lived here my whole life. Marlborough is a welcoming city and I feel strongly that my family and I will be grounded here for a long time. We've benefitted from many of Marlborough's programs; basketball, baseball, football, lacrosse, and summer camps – we have loved them all.

My involvement within your organization started when my children J.D. and Olivia were signed up for Soccer at Ghiloni field. I have coached both my children during their short lived soccer careers, but truly enjoyed it. I have sponsored MYS teams (through Boston Volkswagen), and continued to do so even when my children played on other teams. Currently, I'm coaching Lacrosse (MHYL) and Football (MAYF), in addition to serving on both of those boards as field coordinator. I have been a member of these boards since 2016. My wife Tracie also serves as a board member for MHYL, managing fund raising efforts.

I am confident that my combination of background knowledge, personality, and experience will lend itself well to a position on your board. I feel that I am very much aligned with the goals and focus of your organization and I would like to use the skills gained during my time involved in Marlborough town sports to help community projects reach its objectives.

I look forward to speaking with you and thank you for your consideration.

Best Regards,

John

A handwritten signature in black ink, appearing to read 'John J Welch Jr.', written over a white background.



# City of Marlborough Legal Department

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

RECEIVED GROSSFIELD  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 SEP -4 P 4:31

September 4, 2019

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

Re: City Council Order No. 19-1007720: Application for Special Permit by St. Mary's Credit Union, Drive-Thru Facilities, 133 South Bolton Street, Marlborough

Dear Honorable President Clancy and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application submitted by St. Mary's Credit Union.

Enclosed is a copy of the proposed decision as recommended by the Urban Affairs Committee at its August 27, 2019 meeting. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,

  
Jason D. Grossfield  
City Solicitor

Enclosure

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

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. #19-1007720

Application of:  
St. Mary's Credit Union

Locus:  
133 South Bolton Street, 31 and 35 John Street, Marlborough, MA  
Assessor's Map 70, Parcel 242A, and Map 82, Parcels 112 and 113

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of St. Mary's Credit Union, with a mailing address of 133 South Bolton Street, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: \_\_\_\_\_, 2019

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [ ] day of [ ], 2019.

**APPEALS**

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY  
ATTEST:

City Clerk

**ORDERED:**

**IN CITY COUNCIL**

---

**DECISION ON A SPECIAL PERMIT**

Application of:  
St. Mary's Credit Union

Locus:  
133 South Bolton Street, 31 and 35 John Street, Marlborough, MA  
Assessor's Map 70, Parcel 242A, and Map 82, Parcels 112 and 113

**DECISION ON A SPECIAL PERMIT  
ORDER NO. 19-1007720**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to St. Mary's Credit Union (the "Applicant") to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop restaurant at 133 South Bolton Street and 31 and 35 John Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant, St. Mary's Credit Union, is a state chartered credit union with a mailing address of 133 South Bolton Street, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 133 South Bolton Street and 31 and 35 John Street, Marlborough, MA, shown on Assessor's Map 70 as Parcel 242A and on Map 82 as Parcels 112 and 113 (collectively, the "Site").
3. In accordance with Article V, Sec. 650-14(B)(2), Sec. 650-17, and Sec. 650-18(31) of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to build and operate at the Site a drive-thru facility for a bank with two (2) service lanes, and a drive-thru facility for a coffee shop restaurant with one (1) service lane (the "Use"), which is permissible by special permit.
4. The Site is located in the Business District.
5. The Site has an area of 62,630 square feet +/- as per the Plans referenced in paragraph 7 below.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled “Special Permit Plans for St. Mary’s Credit Union” by Bohler Engineering dated June 6, 2019 (the “Plans”).

8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 22, 2019. The hearing was closed on that date.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

12. At the public hearing, three (3) members of the public spoke in opposition to the Use.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

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

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop restaurant at the Site as shown on the Plans filed, SUBJECT TO THE

FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction; Compliance in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review. The Applicant agrees to comply with all municipal, state, and federal rules, regulations, statutes, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, increase the size or shape of the building, or alter the fencing bordering the Site, all as shown on the Plans.

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the Use is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.



6. Parking. The Applicant shall not prohibit persons using the City's John Street Playground from parking at the Site subject to the reasonable rules and regulations of the Applicant. The Applicant shall not permit overnight parking at the Site.
7. Pedestrian Safety Improvements. The Applicant shall address pedestrian safety improvements within the right of way near the Site during the Site Plan Review process, subject to Traffic Commission review and approval where applicable.
8. Drive-Thru Speakers. The drive-thru facilities shall employ speaker systems of a quality that seeks to minimize the noise emanating from the speaker system and shall operate in full compliance with the Noise Ordinance of the City of Marlborough. The drive-thru speaker systems shall not produce noise at the property line greater than that which would be allowed at the property line in a residential zoning district, in accordance with the Noise Ordinance of the City of Marlborough.
9. Drive-Thru Hours of Operation. The hours of operation of the bank and coffee shop drive-thru facilities shall not exceed 5:00 a.m. to 11:00 p.m, except that an automated teller machine (ATM) within the bank drive-thru may operate 24 hours per day.
10. Trash Area. No trash pickup shall occur on Sunday. On Monday through Saturday, no trash pickup shall occur before 7:00 a.m. or after 6:00 p.m. The Applicant shall address the screening of the Site's trash area during the Site Plan Review process, provided that the trash area shall be concealed with concrete, cement, brick, or similar materials and landscaped to screen the trash area from neighboring properties.
11. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.
12. Signs. The Site shall not contain more than one free-standing sign. This limitation shall not apply to on-premises directional and traffic safety signs.
13. Drive-Thru Lane Widths. The Site's drive-thru lanes shall have a width of at least ten (10) feet, including at the areas located adjacent to the drive-thru windows, and bypass lanes shall have a width of twelve (12) feet wherever possible.
14. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

ADOPTED  
In City Council  
Order No. 19-1007720

Adopted: \_\_\_\_\_ 2019

A TRUE COPY

ATTEST: \_\_\_\_\_ City Clerk



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 AUG 28 P 4: 25

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

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

Order No.19-1007571 (X 18/19-1007135B)

Application for Special Permit from Attorney Brian Falk, on behalf of Vincenza Sambataro, to construct a Mixed Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on November 19, 2019

By: \_\_\_\_\_  
Edward J. Clancy, City Council President

acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**

By:  \_\_\_\_\_

**For Petitioner**

*Brian Falk,  
Attorney for the Applicant*

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 SEP -4 P 3:21

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Dan Corbin : 11411 Overlook Dr. Fishers, IN 46037

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

114 E. Main St. Marlborough, MA 57-194

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

Blue Hills Fuels LLC : 2359 Research CT. Woodbridge, VA 22192

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

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

Chapter Article # 526 Section 13 Paragraph C. Sub-paragraph

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

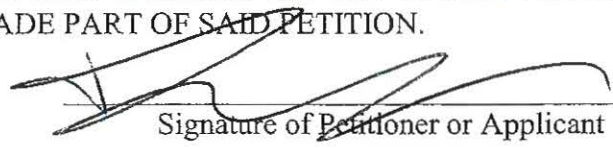
B

7. Specific reason(s) for seeking Special Permit

for the existing main fuel sign, that has LED fuel pricers digits

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: 11411 Overlook Dr.

Fishers, IN 46037

Telephone No. 317-480-1425

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

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

Dan Corbin

(Name of Petitioner)

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

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

ABUTTERS LISTING 114 East Main St 400 ft  
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
57	122			TOMPKINS STEVEN	EFFIE A TOMPKINS	38 FRANCIS ST	MARLBOROUGH	MA 01752	38 FRANCIS ST
57	123			LADDEN KERRI	MICHAEL BONETTI	36 FRANCIS ST	MARLBOROUGH	MA 01752	36 FRANCIS ST
57	124			BOTEO ROBIN KENY SANDOVAL		26 FRANCIS ST	MARLBOROUGH	MA 01752	26 FRANCIS ST
57	127			EDWARDS JOSEPH V	LINDA M EDWARDS	46 EXETER ST	MARLBOROUGH	MA 01752	70 EAST MAIN ST
57	128			LAFRENIERE BRUCE JR		85 FORT MEADOW DR	HUDSON	MA 01749	78 EAST MAIN ST
57	130			VICAL EDWIN	CINDI VIDAL	86 EAST MAIN ST	MARLBOROUGH	MA 01752	86 EAST MAIN ST
57	131			PANZARELLA ANTHONY	CARA M PANZARELLA	92 EAST MAIN ST	MARLBOROUGH	MA 01752	92 EAST MAIN ST
57	132			SEYMOUR JOHN S	PATRICIA M SEYMOUR	96 EAST MAIN ST	MARLBOROUGH	MA 01752	96 EAST MAIN ST
57	139			WHITEHOUSE WALKER P TR	JINGLEI DUAN TR	PO BOX 81046	WELLESLEY HILLS	MA 02181	14 RYAN CT
57	164			CHEN HUAIMO	KAJIA WANG	30 DANFORTH LN	BOLTON	MA 01740	18 CHURCH ST
57	165			BRADSTREET EDWARD N		365 MAIN ST	ASHLAND	MA 01721	14 CHURCH ST
57	167			DESA BRENO C		10 CHURCH ST	MARLBOROUGH	MA 01752	10 CHURCH ST
57	169			VAROLA ROVILSO		151 EAST MAIN ST	MARLBOROUGH	MA 01752	151 EAST MAIN ST
57	170			OLMEDO CARLOS		35 DARTMOUTH ST	WALTHAM	MA 02453	3 CHURCH ST
57	171			GOPAUL WESLEY I		7 CHURCH ST	MARLBOROUGH	MA 01752	7 CHURCH ST
57	172			SILVERIO CARLOS M		11 CHURCH ST	MARLBOROUGH	MA 01752	11 CHURCH ST
57	173			BARTH MICHAEL R	KELLY R BARTH	15 CHURCH ST	MARLBOROUGH	MA 01752	15 CHURCH ST
57	174			DOAMARAL VITAL A	MARIA L S AMARAL	21 CHURCH ST	MARLBOROUGH	MA 01752	21 CHURCH ST
57	175			TORRES ARTHUR MOREIRA		31 CHURCH ST	MARLBOROUGH	MA 01752	31 CHURCH ST
57	176			WEBSTER KATHRYN		102 RUSSETT RD	WEST ROXBURY	MA 01213	31-A CHURCH ST
57	177			BURKE WILLIAM C	KATHLEEN BURKE & MARY J SMITH TR	39 CHURCH ST	MARLBOROUGH	MA 01752	37 CHURCH ST
57	178	41	2	TOMANEK RICHARD C		1 CORTLAND DR	HUDSON	MA 01749	41 CHURCH ST #2
57	178	43	1	LANDRY JENNIFER		43 CHURCH ST #1	MARLBOROUGH	MA 01752	43 CHURCH ST #1
57	181			PENDLETON SHERI A		16 FRONT ST	MARLBOROUGH	MA 01752	16 FRONT ST
57	182			UMINSKY TODD TR	79 EAST MAIN STREET REALTY TRUST	5 WAYSIDE INN RD	FRAMINGHAM	MA 01701	79 EAST MAIN ST
57	183			NOOKALA SRIRAM		83 LANCASTER COUNTY RD	HARVARD	MA 01451	83 EAST MAIN ST
57	184			DACRUZ GLAYTON TR	DACRUZ REALTY TRUST	26 CHESTNUT ST	MARLBOROUGH	MA 01752	83-A EAST MAIN ST
57	185			ANGIER FRED R JR		93 EAST MAIN ST	MARLBOROUGH	MA 01752	87 EAST MAIN ST
57	186			DECENZO DAVID P		11 OAKBRIDGE DR	PUEBLO	CO 81001	95 EAST MAIN ST
57	187			BENGIOVANNI JEANNE		99 EAST MAIN ST	MARLBOROUGH	MA 01752	99 EAST MAIN ST
57	190			LUCY MARLBOROUGH LLC		C/O TD BANK LEASE & TAX D	LONDON	ON N6A4S4	133 EAST MAIN ST
57	196			WINDMILL LLC		32 HOSMER ST	MARLBOROUGH	MA 01752	24-26 LINCOLN ST
57	197			WHITEHOUSE WALKER P TR	JINGLEI DUAN TR	PO BOX 81046	WELLESLEY HILLS	MA 02481	RYAN CT
57	198			NAVES DORA	PAULETTE NAVES	133 SHAWMUT AVE	MARLBOROUGH	MA 01752	34 LINCOLN ST
57	199			COLLINS MARY		27 FRANCIS ST	MARLBOROUGH	MA 01752	27 FRANCIS ST
57	200			KOTSAPTIIS ELIAS	CONSTANCE KOISAPTIIS	29-A FRANCIS ST	MARLBOROUGH	MA 01752	29-A FRANCIS ST
57	201			MOFFA PETER A III		33 FRANCIS ST	MARLBOROUGH	MA 01752	33 FRANCIS ST
57	202			CHILDERS SUZANNAH L		37 FRANCIS ST	MARLBOROUGH	MA 01752	37 FRANCIS ST
57	203			AMATO PETER M	GRACE P AMATO	41 FRANCIS ST	MARLBOROUGH	MA 01752	41 FRANCIS ST
57	225			SWAIN MARGARET		64 LINCOLN ST	MARLBOROUGH	MA 01752	64 LINCOLN ST
57	226			GONZALEZ ELMER BLADIMIR	ISMELDA MARISELA LOPEZ	52 LINCOLN ST	MARLBOROUGH	MA 01752	52 LINCOLN ST
57	227			SMITH JULIE A TR	JULIE A SMITH FAMILY TRUST	48 LINCOLN ST	MARLBOROUGH	MA 01752	48 LINCOLN ST
57	228			BARRERA TERESA	OSCAR E BARRERA JR	42 LINCOLN ST	MARLBOROUGH	MA 01752	42 LINCOLN ST
57	230			DENHOLM SYLVIA		157 ROUNDTOP RD	MARLBOROUGH	MA 01752	6 STEVENS ST
57	231			ARCHAMBEAULT IRENE L TR	I & R REALTY TRUST	7 LINCOLN ST	MARLBOROUGH	MA 01752	5 LINCOLN ST
57	232			ZUKOFF STEPHEN JAMES	JODI SUE WALTERS	10 STEVENS ST	MARLBOROUGH	MA 01752	10 STEVENS ST

**ABUTTERS LISTING 114 East Main St 400 ft  
MARLBOROUGH, MA**

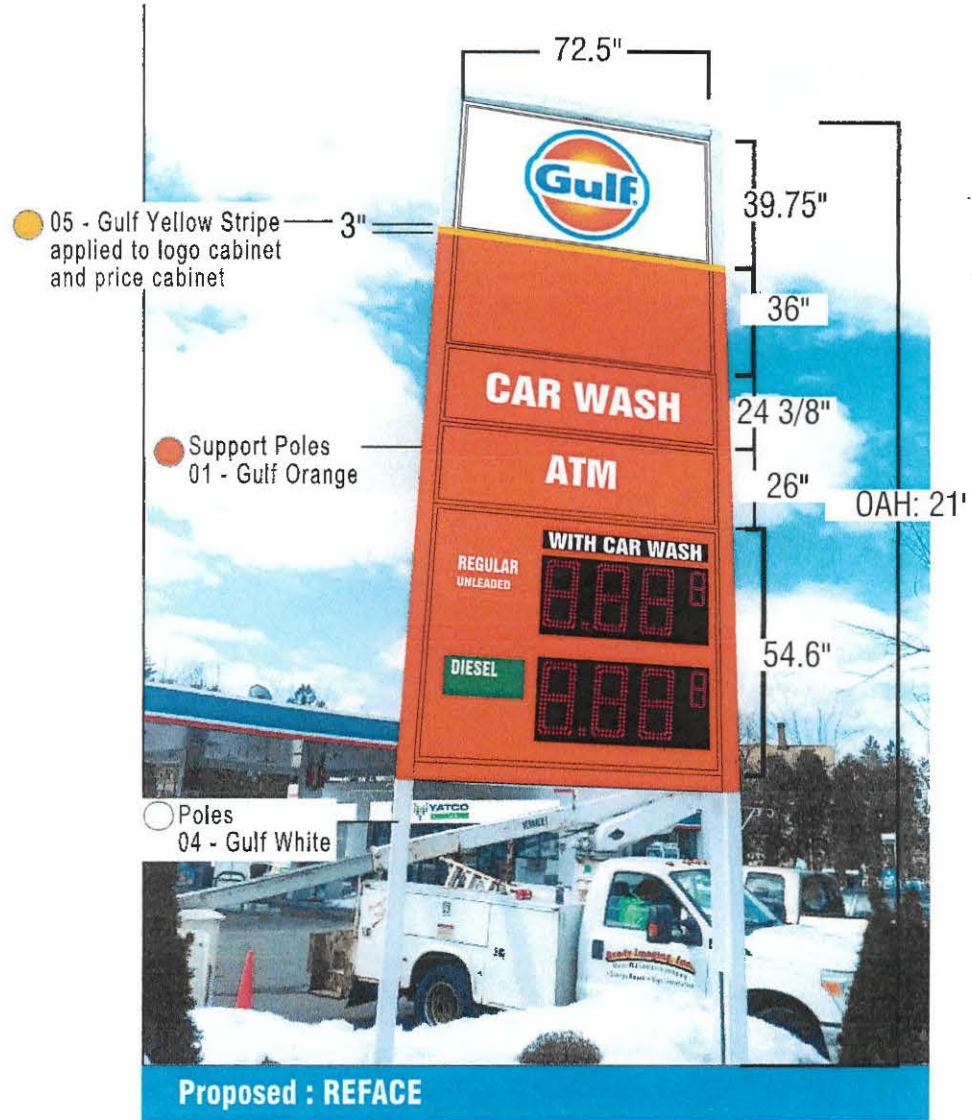
Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
57	233			FERRECCHIA STEFANIE TR	73 GREENWOOD STREET REALTY TR	172 SHAWMUT AVE	MARLBOROUGH	MA 01752	16 STEVENS ST
57	234			OROURKE DENNIS	SUSANNE M GAINER	24 STEVENS ST	MARLBOROUGH	MA 01752	24 STEVENS ST
57	236			WILLIAMS DAVID H TR	THIRTY FOUR STEVENS ST REALTY	1024 HEMENWAY ST EXT	MARLBOROUGH	MA 01752	34 STEVENS ST
57	238			ANTONELLIS JAMES JR	SILVIA J MOLINA ANTONELLIS	20 CHANDLER ST	MARLBOROUGH	MA 01752	20 CHANDLER ST
57	240			CASTILLO CARLOS	MARISOL CASTILLO & JIMMY ANDRES CAM	21 LINCOLN ST	MARLBOROUGH	MA 01752	21 LINCOLN ST
57	241			SCHOFIELD WAYNE		C/O LORI SCHOFIELD	MARLBOROUGH	MA 01752	25 LINCOLN ST
57	242			BUTOVSKIENE DANUTE	EDUARDAS BUTOVSKIS	31 LINCOLN ST	MARLBOROUGH	MA 01752	31 LINCOLN ST
57	243			GONZALEZ LEONIDAS B	BLANCA BARRERA & LEONARDO A BARRERA	37 LINCOLN ST	MARLBOROUGH	MA 01752	37 LINCOLN ST
57	244			LIVELY BRUCE C		41 LINCOLN ST	MARLBOROUGH	MA 01752	41 LINCOLN ST
57	245			RAVESI ALAN T		122 MORSE RD	SUDBURY	MA 01776	51 LINCOLN ST
57	267			STEFANSKI MARK J	JANICE E STEFANSKI	17 BICKNELL ST	MARLBOROUGH	MA 01752	52 CHANDLER ST
57	268			LOMAX CHARLES H	EDNA Y LOMAX	46 CHANDLER ST	MARLBOROUGH	MA 01752	46 CHANDLER ST
57	269			ANDERSON RONALD	GLADYS WASHINGTON	40 CHANDLER ST	MARLBOROUGH	MA 01752	40 CHANDLER ST
57	270			PESSONI CIRO J	MARCILENE CRISTINA DASILVA	34 CHANDLER ST	MARLBOROUGH	MA 01752	34 CHANDLER ST
57	271			LAFLEUR JOANNE		C/O ELIZABETH JALONSKI	MARLBOROUGH	MA 01752	26 CHANDLER ST
57	377			EVERETT GARY	HEATHER EVERETT	565 CONCORD RD	MARLBOROUGH	MA 01752	17 STEVENS ST
57	378	5	1	HOYE KATHLEEN M		5 STEVENS ST #1	MARLBOROUGH	MA 01752	5 STEVENS ST #1
57	378	5	2	FALONE EDWARD C JR		5 STEVENS ST #2	MARLBOROUGH	MA 01752	5 STEVENS ST #2
57	379			WOODWARD RICHARD W		138 EAST MAIN ST	MARLBOROUGH	MA 01752	138 EAST MAIN ST
57	380			GARGONE CHARLES T JR	NICHOLAS S GARGONE	140 EAST MAIN ST	MARLBOROUGH	MA 01752	140 EAST MAIN ST
57	381			FOGG DANA	SUSAN BERND	237 MOODY ST	WALTHAM	MA 02453	148 EAST MAIN ST
57	383			HANSON DIANE V		410 BIGELOW ST	MARLBOROUGH	MA 01752	12 DAVIS ST
57	384			ANTWI HARRIET		18 DAVIS ST	MARLBOROUGH	MA 01752	18 DAVIS ST
57	121A	1	1	ROCHA ANDRESSA	WAGNER MEDEIROS DA SILVA	44 FRANCIS ST #1	MARLBOROUGH	MA 01752	44 FRANCIS ST #1
57	121A	1	2	MEDEIROS REGIANE S	GUSTAVE MEDEIROS	273-C WEST MAIN ST #1	MARLBOROUGH	MA 01752	48 FRANCIS ST #2
57	179A	28	A	ERCOLANI ANDREA M		28 FRONT ST #A	MARLBOROUGH	MA 01752	28 FRONT ST #A
57	179A	28	B	DEBOALT ROBERT A	YOLANDA F STAFFORD	28 FRONT ST #B	MARLBOROUGH	MA 01752	28 FRONT ST #B
57	179A	28	C	GARCIA ALIC	ENILEIKA ROSARIO	28 FRONT ST #C	MARLBOROUGH	MA 01752	28 FRONT ST #C
57	185A			ANGIER FRED R JR		93 EAST MAIN ST	MARLBOROUGH	MA 01752	93 EAST MAIN ST
57	190A			WINSKE DAVID J TR	DEL RAY REALTY TRUST	181 BOSTON POST RD EAST S	MARLBOROUGH	MA 01752	135 EAST MAIN ST
57	197A			EDWARDS JOSEPH V	LINDA M EDWARDS	46 EXETER ST	MARLBOROUGH	MA 01752	21 FRANCIS ST
57	377A			SOUTH MIDDLESEX OPPORTUNITY	PROPERTIES INC	7 BISHOP ST	FRAMINGHAM	MA 01702	25 STEVENS ST

# E MID Sign

- Retrofit Gulf Face, new interior LED illumination (existing: flourescent)
- Panel under Gulf Logo will need to be confirmed
- Move pricer below Car wash and ATM
- Pricer Panel will be replaced with a 2 Product Toggle
- Regular and Diesel - Red Digits



Existing



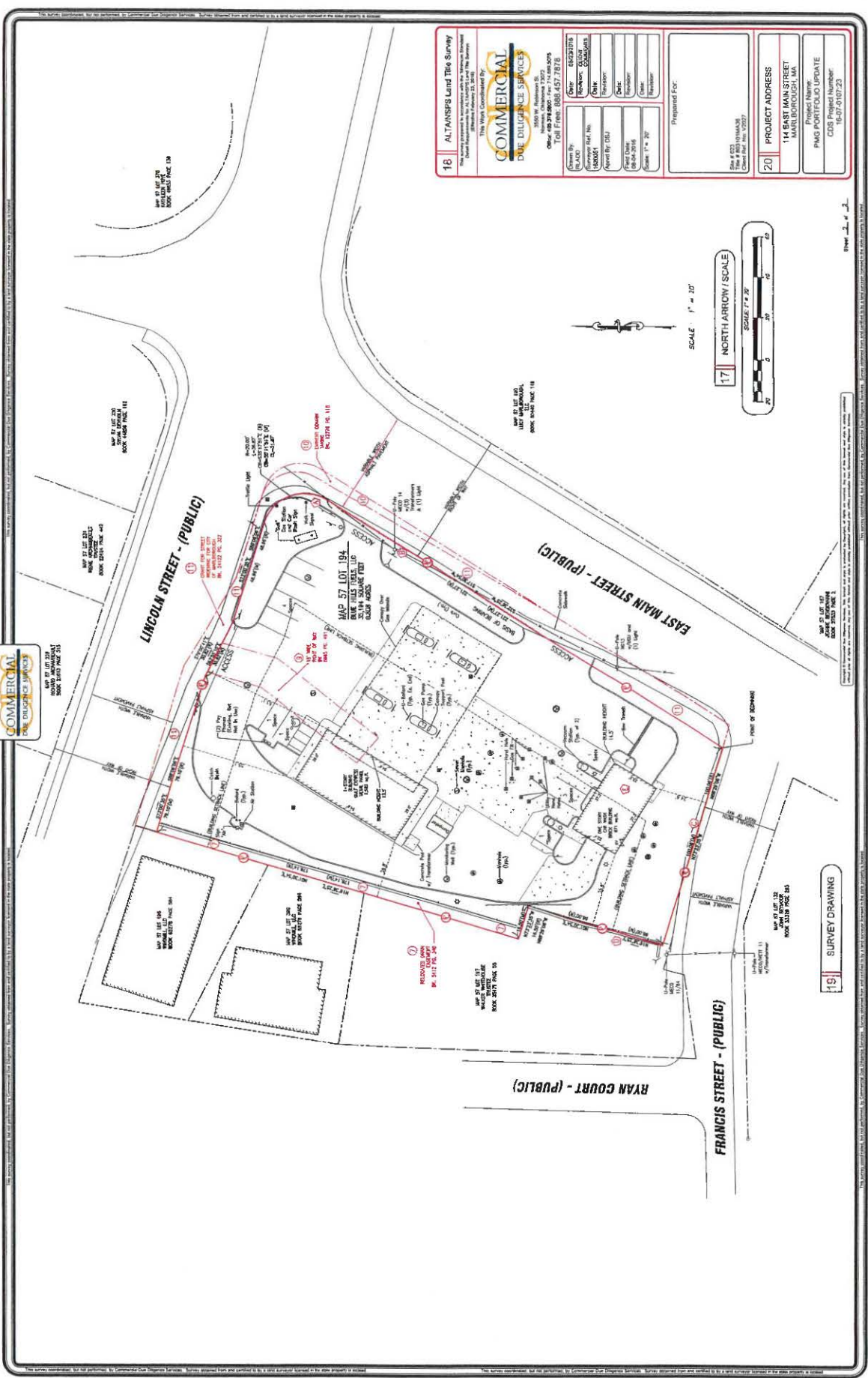
Proposed : REFACE

<b>Project Name</b> GULF	<b>Facility #</b> 92040673	<b>Customer</b> GULF	<b>Created by</b> B.DIGHERO
<b>Revision #</b> R6	<b>Date</b> 08_13_2019	<b>Scale</b> NA	<b>Page #</b> 11 OF 13

**Permit Pack**  
**BIG RED ROOSTER FLOW**  
 2 Northfield Plaza, Ste 250  
 Northfield, IL 60093  
 P: (847) 441-1818 F: (847) 592-9564







<b>18</b> ALTA/SURVEY AND THIS SURVEY <small>These drawings were prepared by a Licensed Land Surveyor in the State of Missouri.</small> <b>COMMERCIAL DUE DILIGENCE SERVICES</b> <small>The Work Completed By:</small> 2500 W. Johnson St. Suite 100 St. Louis, MO 63103 Phone: (314) 437-1212 Fax: (314) 437-1213 Email: info@cdsds.com		Project Name: <b>114 EAST MAIN STREET</b> MARK BOURGAIN, LLC CDS Project Number: 16-07-0107-23
State: MISSOURI County: ST. LOUIS Surveyor Ref. No.: 00001 Agent By: DSI Field Date: 08-04-2016 Scale: 1" = 20'	Date: 08-03-2016 Client: COMMERCIAL DUE DILIGENCE SERVICES Project: 114 EAST MAIN STREET Drawing: 17 NORTH ARROW / SCALE Prepared For:	Sheet # 023 of 023 Project Address: <b>114 EAST MAIN STREET</b> MARK BOURGAIN, LLC Project Name: <b>114 EAST MAIN STREET</b> CDS Project Number: 16-07-0107-23

Sheet 2 of 3

*City of Marlborough*  
*Commonwealth of Massachusetts*



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

8/30/2019

Blue Hills Fuel LLC  
Arclight Capital Partners  
C/O PMG  
2359 Research Court  
Woodbridge, VA 22192

RE: Sign Denial Letter at 114 East Main

To whom it may concern,

On 7/9/2019 it was noted that a Sign Permit was applied for relating to the installation of Electronic Message Signage at the Gulf Station located at 114 East Main Street.

- This would be a violation of Marlborough General City Code §526-13 in that a Special Permit is required for all Electronic Message Center Signs.

**§ 526-13 Electronic message center signs; digital display signs.**

[Added 8-25-2014 by Ord. No. 14-1005880B]

**A. Applicability.**

(2) The regulations in § 526-13 permit digital display signs and electronic message center (EMC) signs in all zoning districts except for Rural Residence (RR) Districts, Residence (A-1) Districts, Residence (A-2) Districts, Residence (A-3) Districts, Residence B (RB) Districts, Residence C (RC) Districts, Retirement Community Residence (RCR) Districts, and the Downtown Business District outlined in § 526-9L, in which districts such signs are strictly prohibited. Digital display signs and EMC signs shall be permitted with the approval of the Building Commissioner, shall be subject to all other provisions governing signs in Chapter 526, the City's Sign Ordinance, and shall require a special permit.

**§ 526-13 Electronic message center signs; digital display signs.**

[Added 8-25-2014 by Ord. No. 14-1005880B]

C. Legally preexisting nonconforming EMC and digital display signs. Legally preexisting nonconforming EMC signs and digital display signs, to the extent they have the technical capability to do so, shall be operated in conformance with the operational standards set forth in this § 526-13. In the absence of a light-sensing device, sign owners shall ensure either that the signs are dimmed to meet brightness standards set forth in § 526-13B(6) above or that the signs are turned off from sunset to sunrise. All legally preexisting nonconforming signs shall be brought into compliance with this amendment upon being significantly updated or replaced, as determined by the Building Commissioner or a designee of the Building Commissioner, or at the end of 10 years from the date of approval of this amendment, whichever is sooner.

The special permit application package can be found at [https://www.marlborough-ma.gov/sites/marlboroughma/files/uploads/1\\_special\\_permit\\_application.pdf](https://www.marlborough-ma.gov/sites/marlboroughma/files/uploads/1_special_permit_application.pdf)

A handwritten signature in black ink, appearing to read 'Ethan Wipert', with a large, stylized flourish at the end.

Code Enforcement Officer Ethan Wipert

CC File  
City Council  
Commissioner Cooke  
City Clerk

---

# MIRICK O'CONNELL

---

A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 SEP -5 A 11: 49

**Brian R. Falk**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

September 5, 2019

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

Re: Special Permit Application from One Energy, Inc., 121 Bolton Street

Dear Councilor Clancy:

On behalf of my client One Energy, Inc., I respectfully submit the enclosed application for a Section 6 finding special permit to authorize the alteration of a preexisting nonconforming gas station use at 121 Bolton Street (the "Property") to a gas station and convenience store and restaurant/café use.

My client has entered an agreement to purchase the Property contingent upon local approvals. Through discussions with the abutting neighbors and City officials, we are hopeful that my client's proposed project will help bring closure to the challenging history of the Property. The application seeks authorization pursuant to Section 650-12.B of the Zoning Ordinance to alter the preexisting nonconforming use and preexisting nonconformities with respect to lot area and the location of fuel dispensers.

Pursuant to City Council Order No. 91-3822A, I am notifying you that Mirick O'Connell is representing One Energy, Inc. in this matter before the City Council.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/ljk

Encl.

cc: Client  
Arthur Bergeron, Esq.

---

**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 SEP -5 A 11:49

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

One Energy, Inc., 488 Boston Post Road East, Marlborough, MA 01752

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

Brown Family Trust, Robert Brown Trustee, 99 Cedar Street, Holliston, MA 01746

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

121 Bolton Street, Map 57, Parcel 289

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

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

Article IV Section 650-12 Paragraph B Sub-paragraph

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

Residence B

7. Specific reason(s) for seeking Special Permit

The Applicant seeks a Section 6 finding special permit pursuant to Section 650-12 B of the Zoning

Ordinance, to authorize the alteration of a preexisting nonconforming gas station use at 121 Bolton Street

and restaurant/caf<sup>e</sup> to a gas station and convenience store use. The site is preexisting nonconforming with respect to use,

lot coverage, and the location of dispensing equipment.

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  
Brian R. Falk, Esq.

Address: Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: 9/5/19

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

One Energy, Inc.  
(Name of Petitioner)

---

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

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

Abutters 121 Bolton St 400 ft  
MARLBOROUGH, MA

ap	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST Zip	Parcel Location
7	16			LOWERY RICHARD K		691 IROLO ST APT 1911	LOS ANGELES	CA 90005-4127	10 MILDON AVE
7	17			METCALF DAWN E		15 BRIMSMEAD ST	MARLBOROUGH	MA 01752	15 BRIMSMEAD ST
7	18			SHORT JARED J	KYLIE M ROBERTS	148 BOLTON ST	MARLBOROUGH	MA 01752	148 BOLTON ST
7	19			PARE SHARON L	C/O SHARON DECKER	146 BOLTON ST	MARLBOROUGH	MA 01752	146 BOLTON ST
7	20			CONTRERAS ANDREA	BERTILIO S RENDON	144 BOLTON ST	MARLBOROUGH	MA 01752	144 BOLTON ST
7	21			SAHAGIAN BREIGHANA		9 BRIMSMEAD ST	MARLBOROUGH	MA 01752	9 BRIMSMEAD ST
7	22			HUTCHENS KENNETH R	LAURA F HUTCHENS	142 BOLTON ST	MARLBOROUGH	MA 01752	142 BOLTON ST
7	23			SANCHEZ MANUEL DE JESUS	KAREN PATRICIA SANCHEZ ALONZO	140 BOLTON ST	MARLBOROUGH	MA 01752	140 BOLTON ST
7	24			HOLMES MARTHA O		PO BOX 239	MARLBOROUGH	MA 01752	138 BOLTON ST
7	25			NEGRON ROBERT B	LISA J SUTHERLAND	14 BRIMSMEAD ST	MARLBOROUGH	MA 01752	14 BRIMSMEAD ST
7	26			WALSH CYNTHIA L		16 BRIMSMEAD ST	MARLBOROUGH	MA 01752	16 BRIMSMEAD ST
7	27			COLLIER ROBERT E JR	KAREN M COLLIER	18 BRIMSMEAD ST	MARLBOROUGH	MA 01752	18 BRIMSMEAD ST
7	28			COULSON CYNDI	CHRISTOPHER G WHITE	22 BRIMSMEAD ST	MARLBOROUGH	MA 01752	22 BRIMSMEAD ST
7	29			RIVAS NIXON ALFARO		26 BRIMSMEAD ST	MARLBOROUGH	MA 01752	26 BRIMSMEAD ST
7	35			STAB MARK	RHONDA FLYNN	27 TREMONT ST	MARLBOROUGH	MA 01752	27 TREMONT ST
7	36			CLARKE ANNA TR	RICHARD J & ANGELA E BRITA	21 TREMONT ST	MARLBOROUGH	MA 01752	21 TREMONT ST
7	37			AJCOOTIAN GARY J	IRANY PEHNA AJCOOTIAN	13 TREMONT ST	MARLBOROUGH	MA 01752	13 TREMONT ST
7	38			GHILONI LINDA M TR	ONE THIRTY-SIX BOLTON REALTY TR	136 BOLTON ST	MARLBOROUGH	MA 01752	136 BOLTON ST
7	39			REGALDO RAMON C	MARIA E REGALDO	130 BOLTON ST	MARLBOROUGH	MA 01752	130 BOLTON ST
7	40			COLLINS JOSEPH		10337 SPARKLING DR	RCH CUCAMONGA	CA 91730	120 BOLTON ST
7	41			OLIVEIRA REMO A	ELIANA C OLIVEIRA	116 BOLTON ST	MARLBOROUGH	MA 01752	116 BOLTON ST
7	42			RAMIREZ ERIK	RENEE RAMIREZ	14 TREMONT ST	MARLBOROUGH	MA 01752	14 TREMONT ST
7	43			OGAR WILLIAM J	DIANE A OGAR	16 MOFFA LN	MARLBOROUGH	MA 01752	16 MOFFA LN
7	44			BARTHOLD JEAN WILLIAM	DOMINIQUE BARTHOLD	20 TREMONT ST	MARLBOROUGH	MA 01752	20 TREMONT ST
7	45			CREAMER ROBERT S		26 TREMONT ST	MARLBOROUGH	MA 01752	26 TREMONT ST
7	48	1	1	VANBUSKIRK JOSEPH C TR	PATRICIA VANBUSKIRK TR	11 MOFFA LN #1	MARLBOROUGH	MA 01752	11 MOFFA LN #1
7	64			ABELHA ALEXANDRE FERRAZ		143 LINCOLN ST	MARLBOROUGH	MA 01752	143 LINCOLN ST
7	66			FALAMINO MICHAEL A	SUSAN E FALAMINO	104 BOLTON ST	MARLBOROUGH	MA 01752	104 BOLTON ST
7	67			BENJAMIN SNOLD	FRANCOISE O BENJAMIN	98 BOLTON ST	MARLBOROUGH	MA 01752	98 BOLTON ST
7	68			LINTON DIANE E	DAVID H LINTON	110 WHITE TAIL LN	LANCASTER	MA 01523	96 BOLTON ST
7	69			COELHO ROSILENE		139 LINCOLN ST	MARLBOROUGH	MA 01752	139 LINCOLN ST
7	70			207 LINCOLN STREET LLC		82 RAFFAELE RD	MARLBOROUGH	MA 01752	133 LINCOLN ST
7	13A			ALONZI MARK J	DONNA B ALONZI	21 BRIMSMEAD ST	MARLBOROUGH	MA 01752	21 BRIMSMEAD ST
7	15A			MACINNIS COLLEEN	PETER MACINNIS	12 MILDON AVE	MARLBOROUGH	MA 01752	12 MILDON AVE
7	250			RANGEL WILTON	N/O JESSICA KARINA MARIN	79 LINCOLN ST	MARLBOROUGH	MA 01752	79 LINCOLN ST
7	251			PAQUETTE RICHARD	JENNIFER HUBBARD	83 LINCOLN ST	MARLBOROUGH	MA 01752	83 LINCOLN ST
7	252			MARONEY DENNIS J JR	SHELLEY A MARONEY STRIKER TR	91 LINCOLN ST	MARLBOROUGH	MA 01752	91 LINCOLN ST
7	253			BRISSETTE DAVID A	ADELIA R BRISSETTE	95 LINCOLN ST	MARLBOROUGH	MA 01752	95 LINCOLN ST
7	254			ALMEIDA CLEBER	CLEMILDA ALMEIDA	105 LINCOLN ST	MARLBOROUGH	MA 01752	105 LINCOLN ST
7	255			MARIN JESSICA KARINA		91 BOLTON ST APT#A	MARLBOROUGH	MA 01752	91 BOLTON ST
7	256			AVEY DONALD B JR	ALICE J AVEY	103 BOLTON ST	MARLBOROUGH	MA 01752	103 BOLTON ST
7	257			OSBORN THOMAS E		116 CHANDLER ST	MARLBOROUGH	MA 01752	116 CHANDLER ST
7	258			FELICIANO DAVID	GUADALUPE FITTE	108 CHANDLER ST	MARLBOROUGH	MA 01752	108 CHANDLER ST
7	259			RYAN PAUL D	AMY B RYAN	96 CHANDLER ST	MARLBOROUGH	MA 01752	96 CHANDLER ST
7	260			TORRES VALTEIR F	MARIA APARECIDA MARQUES DE SOUZA TO	86 CHANDLER ST	MARLBOROUGH	MA 01752	86 CHANDLER ST
7	262			REYMORE DOLORES A		76 CHANDLER ST	MARLBOROUGH	MA 01752	76-78 CHANDLER ST



**Abutters 121 Bolton St 400 ft  
MARLBOROUGH, MA**

Ap	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
7	284			PETROW MICHAEL	ANNALEE M PETROW	79 CHANDLER ST	MARLBOROUGH	MA 01752	79 CHANDLER ST
7	285			CUNNINGHAM DONNA J TR	MUCCINI FAMILY TRUST	91 CHANDLER ST	MARLBOROUGH	MA 01752	91 CHANDLER ST
7	286			GAULIN NORMAN P	SHIRLEY M GAULIN	103 CHANDLER ST	MARLBOROUGH	MA 01752	103 CHANDLER ST
7	287			CHAVEZ RAYMOND M	CHAVEZ DEBBY L	107 CHANDLER ST	MARLBOROUGH	MA 01752	107 CHANDLER ST
7	288			ALDRICH RICHARD A		117 BOLTON ST	MARLBOROUGH	MA 01752	117 BOLTON ST
7	290			BUCKLEY MICHAEL W	KAREN R BUCKLEY	104 STATE ST	MARLBOROUGH	MA 01752	104 STATE ST
7	291			WILLIAMS MICHAEL E	PATRICE C WILLIAMS	98 STATE ST	MARLBOROUGH	MA 01752	98 STATE ST
7	292			MARTINEZ RAISA		90 STATE ST	MARLBOROUGH	MA 01752	90 STATE ST
7	293			SHEA RAYMOND J	KATHLEEN A SHEA	84 STATE ST	MARLBOROUGH	MA 01752	84 STATE ST
7	294			BENESH JUDITH A TR	JUDITH A BENESH TRUST	80 STATE ST	MARLBOROUGH	MA 01752	80 STATE ST
7	295			HANNON REAL ESTATE LLC		79 E MAIN ST	NORTHBOROUGH	MA 01532	74 STATE ST
7	29A			CLARKE MICHAEL T	JENIFER N TOMOLO	31 TREMONT ST	MARLBOROUGH	MA 01752	31 TREMONT ST
7	320			NOWAKOWSKI ANDRZET	MARTHA A NOWAKOWSKI	30 FOWLER ST	MARLBOROUGH	MA 01752	30 FOWLER ST
7	321			MORSE RONALD B	LOUISE MORSE	79 STATE ST	MARLBOROUGH	MA 01752	79 STATE ST
7	322			POWER MAUREEN A		83 STATE ST	MARLBOROUGH	MA 01752	83 STATE ST
7	323			ROBICHAUD BRENDAN		27 ANCHORAGE RD	FRANKLIN	MA 02038	38 FOWLER ST
7	328			DONNELLY MASS REALTY TRUST	C/O CLEAR CHANNEL WORLDWIDE	89 MAPLE ST	STONEHAM	MA 02180	BOLTON ST
7	329			FERRECCHIA STEFANIE TR	153 BOLTON ST REALTY TRUST	172 SHAWMUT AVE	MARLBOROUGH	MA 01752	ALDEN ST
7	330			CURRIE DEVIN H	ALICIA E BALLOK	157 BOLTON ST	MARLBOROUGH	MA 01752	157 BOLTON ST
7	331			SAMONTE PHILIP J		159 BOLTON ST	MARLBOROUGH	MA 01752	159 BOLTON ST
7	37A			QUEEN PAULINE E		15 TREMONT ST	MARLBOROUGH	MA 01752	15 TREMONT ST
7	398			COCHRAN STEPHEN C		26 ONEIL ST	HUDSON	MA 01749	81 STATE ST
7	252A			DEMERS ROBERT J		10 BIRCHWOOD DR	MARLBOROUGH	MA 01752	87 LINCOLN ST
7	284A			PETROW MICHAEL	ANNALEE PETROW	79 CHANDLER ST	MARLBOROUGH	MA 01752	CHANDLER ST
7	284B			GAUTHIER MARIJANE TR	REVOCABLE LIVING TRUST AGREEMENT	2721 WILSON CIR APT 1353	LUTZ	FL 33548	85 CHANDLER ST
7	320A			SWEENEY MARY ANN		75 STATE ST	MARLBOROUGH	MA 01752	75 STATE ST
7	326A			HANAHAN BRUCE		97 STATE ST	MARLBOROUGH	MA 01752	97 STATE ST
7	328A			BUTKA THEODORE L TR	BUTKA REALTY TRUST	147 BOLTON ST	MARLBOROUGH	MA 01752	147 BOLTON ST
7	329A			BAZAKAS KONSTANTINE C	C/O THOMAS G VALLAS	P O BOX 1045	MARLBOROUGH	MA 01752	ALDEN ST
7	345A			COLOMBO ROBERT A	MARATINA E COLOMBO	39 FOWLER ST	MARLBOROUGH	MA 01752	39 FOWLER ST

**MARLBOROUGH ASSESSORS**

*Anthony O. Amadio  
Ellen K. Silverstein  
Dan May*

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: One Energy, Inc. Address: 488 Boston Post Road East, Marlborough, MA

Project Name: Zoom Mart Address: 121 Bolton Street, Marlborough, MA

1. PROPOSED USE: (describe) Gas station and retail convenience store and restaurant/caf 

2. EXPANSION OR NEW: Alteration of a preexisting nonconforming use

3. SIZE: floor area sq. ft. 3,700 1<sup>st</sup> floor 3,700 all floors 3,700

# buildings 1 # stories 1 lot area (s.f.) 30,928

4. LOT COVERAGE: 70 %Landscaped area: 30 %

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

Normal: 10 Peak period: 20

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 10 Peak period: 20

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

Regular trash pick up, deliveries for the retail store, and fuel deliveries.

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

8. NOISE:

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

Increase from current use due to new retail store.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Typical noises from vehicles and customers using the gas station and convenience store.

9. AIR: What sources of potential air pollution will exist at the development? \_\_\_\_\_

Vehicles using the gas station and convenience store.

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? Gasoline in underground fuel storage tanks.

**\*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: 9/5/19

**SPECIAL PERMIT APPLICATION**  
**CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Zoom Mart

Project Use Summary: Gas station and retail convenience store

Project Street Address: 121 Bolton Street

Plate: 57 Parcel: 289

Applicant/Developer Name: One Energy, Inc.

Plan Date: 6/27/19 Revision Date: \_\_\_\_\_

Dear President and Members:

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

Very truly yours,

  
Jeffrey K. Cooke  
Acting Director of Planning

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

\$500



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

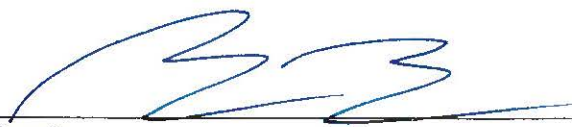
**Steven W. Kerrigan  
City Clerk**

Dear Applicant,

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

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

1 SET	POLICE CHIEF	<input checked="" type="checkbox"/>
1 SET	FIRE CHIEF	<input checked="" type="checkbox"/>
1 SET	CITY ENGINEER	<input checked="" type="checkbox"/>
1 SET	DIRECTOR OF PLANNING	<input checked="" type="checkbox"/>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<input checked="" type="checkbox"/>
1 SET	BUILDING COMMISSIONER	<input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL	<input checked="" type="checkbox"/>
3 SETS	OFFICE OF THE CITY CLERK	<input checked="" type="checkbox"/> ( <b>MUST be Original &amp; 2 Complete Sets</b> )

  
\_\_\_\_\_  
Signature

9/15/19  
\_\_\_\_\_  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan*  
City Clerk

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

**Steven W. Kerrigan  
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**

Brown Family Trust

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

Robert Brown, Trustee

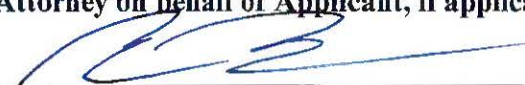
**Owner/Officer Complete Address and Telephone Number**

99 Cedar Street

Holliston, MA 01746

**Signature of Applicant**

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

  
Brian R. Falk, Esq.

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



**Tax Collector**

# ZOOM MART

## SPECIAL PERMIT SITE PLAN

121 BOLTON STREET  
MARLBOROUGH, MA

PREPARED FOR:

# ONE ENERGY, INC

488 BOSTON POST ROAD EAST  
MARLBOROUGH, MA 01752

ASSESSORS MAP 57, PARCEL 289

OWNER: ROBERT F. BROWN  
 PREPARED BY: AYOUB ENGINEERING, INC  
 414 BENEFIT ST. PAWTUCKET, RI  
 CIVIL ENGINEER: PAUL A. SYLVIA, PE  
 ARCHITECT: STEVE M. PEDRO, LEED AP  
 LANDSCAPE ARCHITECT: RICHARD DEFUSCO, RLA, LEED AP



LOCUS MAP

ARCHITECTURAL & CIVIL PREPARED BY:

# AYOUB

ENGINEERING

ENGINEERS & ARCHITECTS

414 BENEFIT STREET  
PAWTUCKET, RHODE ISLAND 02861  
401-728-5535

SITE PLAN REVIEW COMMITTEE	
REVIEW COMMITTEE SIGNATURE BLOCK	
NAME _____	DATE _____
NAME _____	DATE _____
NAME _____	DATE _____
NAME _____	DATE _____
NAME _____	DATE _____
NAME _____	DATE _____

### INDEX OF DRAWINGS

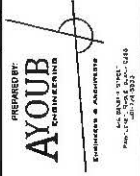
SHEET	TITLE	DATE	REVISED
0	COVER	06/27/19	08/14/19
1	CIVIL		
	BOUNDARY & TOPOGRAPHIC SURVEY	12/05/18	12/05/18
	SITE IMPROVEMENT PLAN	06/27/19	08/14/19
C-1	SITE GRADING PLAN	06/27/19	-
C-2	SITE UTILITY PLAN	06/27/19	-
C-3	SITE LANDSCAPE PLAN	06/27/19	-
L-1	SOIL EROSION & SEDIMENT CONTROL PLAN	06/27/19	-
ER-1	TRUCK DELIVERY PATH	06/27/19	-
TD-1	PROPOSED SIGNAGE PLAN	06/27/19	-
SG-1	SITE ELEVATION	06/27/19	-
SE-1			
	ARCHITECTURAL		
A1.0	FLOOR PLAN & WALL TYPES	06/17/18	-
A2.0	EXTERIOR ELEVATIONS	08/17/18	-
A2.1	EXTERIOR ELEVATIONS	08/17/18	-

## ZOOM MART

### SPECIAL PERMIT SITE PLAN

121 BOLTON STREET  
MARLBOROUGH, MA

PREPARED FOR:  
**ONE ENERGY, INC**  
488 BOSTON POST ROAD EAST  
MARLBOROUGH, MA 01752



PROJECT NO. 0873.116  
DATE: 06/27/19  
REVISED: 08/14/19





























MARLBOROUGH, MA  
121 BOLTON STREET

LOT TOTAL: 30,821 S.F.

TO ABUTTERS:

PAVED: 4,114 SF  
LANDSCAPE: 5,931 SF  
ROOF: 372 SF

TO BOLTON STREET:

PAVED: 6,119 SF  
LANDSCAPE: 1,108 SF  
ROOF: 1,626

TO STATE STREET:

PAVED: 8,762 SF  
LANDSCAPE: 1,118 SF  
ROOFS: 1,671 SF

TOTALS:

IMPERVIOUS: 22,664 SF (73.5%)  
PERVIOUS: 8,157 SF (26.5%)

DATE: 08/21/19

SCALE: 1"=30'



PROJECT NO. 0873.116

EXISTING DRAINAGE AREAS



# Marlborough Public Schools

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 AUG 29 AM 10:58

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

## Call to Order

**June 25, 2019**

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin-Hettinger, Mrs. Ryan, Mrs. Matthews, Mrs. Hennessy, Mr. McLaughlin and Mr. Geary. Also present were Superintendent Michael Bergeron, Assistant Superintendent of Teaching & Learning, Mary Murphy, Director of Finance & Operations, Douglas Dias and Administrative Support Donna Marshall.
2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None
4. **Committee Discussion/Directives:** None
5. **Communications:** None
6. **Superintendents Report:**

### **Class of 2019 Future Plans:**

Superintendent Bergeron provided a list compiled by the data team of colleges and universities that the 2019 Marlborough High School graduates will be attending.

### **List of grants and donations:**

The Superintendent reported that the district has been tracking grants and donations, and has received \$50,750.54 in donations and \$34,736.27 of in-kind donations during the 2018-2019 school year.

### **School Improvement Plans**

Superintendent Bergeron shared a copy of the School Improvement Plans, noting that principals could be brought in at the beginning of the year to answer and discuss implementation plans if there were questions he could not answer and further clarification was needed.

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# Marlborough Public Schools

---

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

## **School Committee Summer Workshop/Retreat**

A Google form was sent to the committee regarding summer availability for School Committee Summer Workshop/Retreat. Several responses have been received to date.

## **Message to MPS Faculty & Staff**

Superintendent Bergeron shared the message that he sent out to faculty and staff on Friday, June 14<sup>th</sup> thanking them for all that they have taught him during his first year as Superintendent and for all that they do for the students in the district.

## **A. Director of Finance & Operations Report**

Director of Finance and Operations, Doug Dias, shared his report with the School Committee. Included in the report was an overview of the extensive list of projects taking place throughout the district over the summer. In addition to the list provided, Mr. Dias informed the committee of additional work at the high school regarding the curtain in the gym and the addition of 10 cameras. Mr. Dias also reported on the outstanding cafeteria balances as of the end of the school year and informed the committee that a staff member will be brought in over the summer to assist with collection of the outstanding balances, which were 33% higher than the previous school year. Additionally, it was reported that there will not be a recommendation to increase the cost of school lunches for the upcoming school year.

Mr. Dias also reported that the district was very efficient in spending down the budget in FY19 and is able to return some funds to the City of Marlborough to assist in offsetting rising healthcare costs.

## **7. Acceptance of Minutes:**

### **A. Minutes of June 11, 2019 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as submitted, the School Committee minutes of June 11, 2019.

Motion passed 7-0-0.

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# Marlborough Public Schools

---

**School Committee**  
17 Washington Street, Marlborough, MA 01752  
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## **8. Public Participation: None**

## **9. Action Items/Reports:**

### **A. MHS Handbook Updates**

An annual review of the Marlborough High School Student Handbook/Planner has been sent to the School Committee with the changes outlined for review and approval. High School Principal Daniel Riley thanked all present for a wonderful first year as principal and provided an overview of the recommended changes. A motion was made by Vice-Chair Bodin-Hettinger, seconded by Chairman Vigeant to accept the changes to the 2019-2020 Student Handbook/Planner.

Motion passed 7-0-0.

### **B. MHS Graduation Ceremony Location**

High School Principal Daniel Riley presented options for discussion relative to moving the site of the graduation ceremony. Principal Riley discussed cost and logistical details involved in moving the ceremony to the DCU Center in the future. He was asked about community and student feedback on the potential change and stated that it was a 50/50 split.

No vote was taken at this time and the decision was made to continue the discussion going forward. Chairman Vigeant had requested a budget for both proposals.

### **C. Memorandum of Understanding between the Marlborough School Committee and Marlborough Custodians / Houseworkers**

The Custodians/Houseworkers membership has voted to ratify the 2018-2021 contract. A motion to accept was made by Mrs. Matthews, seconded by Chairman Vigeant.

Motion passed 7-0-0.

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# Marlborough Public Schools

---

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

## **D. FY19 Operating Budget Transfers**

Director of Finance and Operations Doug Dias is recommending transfers within the FY19 operating budget. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the recommended transfers.

Motion passed 7-0-0.

## **E. Superintendent Evaluation**

Superintendent Bergeron has provided the committee, via email, with an end of the year summative evaluation. Vice-Chair Bodin-Hettinger reported that all seven committee members have completed their reports and that the overall rating is "proficient". Mrs. Bodin-Hettinger has compiled the results and will be submitting the results to the Department of Education.

## **F. Acceptance of Donations and Gifts**

**Epi-Pens for Schools 2019.** Bioridge Pharma Corporation has donated 7 boxes of adult dosage Epi-Pens valued at \$2457.84 for use by school nurses. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to accept with gratitude the donation from Bioridge Pharma Corporation. Motion passed 7-0-0.

**Lifetouch Portrait Studios – Picture Day Commissions.** Donations in the following amounts were received from Lifetouch Studios to benefit the students of Marlborough Public Schools: \$1127.67 (Whitcomb), \$1013.31 (Richer), \$1535.57 (Jaworek), \$1285.19 (Kane), and \$344.26 (Early Childhood Center). A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept with gratitude the donation from Lifetouch Portrait Studios. Motion passed 7-0-0.

**Middlesex District Attorney donation to All-Nighter.** A donation of \$500.00 was received from the Middlesex District Attorney to defray expenses associated with the All-Nighter event. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to accept with gratitude the donation from the Middlesex County District Attorney. Motion passed 7-0-0.

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# Marlborough Public Schools

---

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

**Kane School consignment buy-back program with Follett.** Kane School has received \$49.56 from Follett's buy-back program. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept with gratitude the donation from Follett. Motion passed 7-0-0.

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

**11. Members' Forum:**

Mrs. Matthews thanked everyone for a great year, congratulated the 2019 MHS graduates and wished all present a good summer.

Mr. McLaughlin thanked the Committee and all present for their patience.

Chairman Vigeant thanked the Superintendent and all MPS staff for all of their efforts during the year and for the work that they do.

**12. Adjournment:**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:40 pm.  
Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews  
Secretary, Marlborough School Committee

HM/dm

Approved August 27, 2019

[www.mps-edu.org](http://www.mps-edu.org)





Massachusetts Cultural Council

## Marlborough LCC Meeting Agenda

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 SEP -3 P 12: 12

**Meeting:** Marlborough Cultural Council  
**Date:** August 5th, 2019  
**Time:** 6:30 PM  
**Location:** Mayor's Conference Room, 4th floor  
City Hall, 140 Main Street  
Marlborough, MA 01752

**Attendance:** Monica Lucey, Gabriele Luzzi, Mark Bartlett, Jessica Bowen, Kathy Oliver Jones, Melissa Vera and Samantha Perlman

**Absent:** Stephen D'Alessandro

The Meeting was called to order at: 6:33 PM

### Agenda:

1. Reviewed Cultural Council's grant cycle
  - a. Online Application Opens: Sept. 1
  - b. Online Application Deadline: Oct. 15
  - c. LCCs Annual Report Due: Jan. 15
    - i. Marlborough will receive allotted Cultural Council funds by the end of the month
    - ii. Sam to share video that Trish sent of the electrical light box
2. Review Cultural Council's reimbursement process
  - a. As the incoming treasurer, Samantha and Monica partnered to review reimbursement process and correct forms
3. Discuss each member's role and officer positions
  - a. Stephen stepped down as chair and some positions are up as members are finishing their terms
  - b. Election
    - i. Monica Lucey was nominated and accepted position as Treasurer after the close of Mark Bartlett's term (unanimous vote)
    - ii. Samantha Perlman was nominated and accepted position as Chair (unanimous vote)
    - iii. Kathy Oliver Jones to stay on as Publicity
    - iv. Gabriele Luzzi to stay on as Secretary
4. Open discussion and member input for any other matters to be brought to the Council's attention

- a. Community input process
    - i. Desire among members for greater involvement in the city overall such as presence at farmer's markets, having a grantee reception in the spring, events at the library and raising money
      - 1. Gabriele brought up suggestions to meet more regularly which was tabled to be discussed at grant meeting in November
  - b. Press release:
    - i. Kathy will be in charge of sending out the press release to ask for applications. Samantha to send her the Mass Cultural Council templates to prepare.
  - c. Reviewing applications date
    - i. Members decided the grantee meeting will occur on Tuesday, November 19th at 7 PM at City hall
    - ii. Goal to set objectives for the Council at the upcoming meeting
  - d. Future grantee reception
    - i. Positive response from members, ideally to occur in the spring
    - ii. Suggestions to hold back a bit of money from grantees this coming cycle in order to pay for refreshments for a reception
  - e. Communication systems (email, drive, dropbox etc.)
    - i. Agreement among members that we should use a centralized email address through the city and to have a shared google drive for maintaining systems
  - f. New members outreach
    - i. Trish Bernard came in to speak about the process for new recruitment process
      - 1. Trish to send out the posting to all Council members
        - a. Post on Marlborough Residents Facebook page, City Council Official Facebook Page, send to Chamber of Commerce, MEDC
        - b. Jessica will think about staying on after her first term ends
      - ii. Other members tasked to also spread the word about open positions, especially given the length of the reimbursement process
  - g. Labor Day Parade- Leanne reached out requesting 2 Council Members judge the floats- Sam to send out ask after meeting as there was interest among the Council to participate
5. Next meeting: Tuesday, November 19th at 7 PM, grantee meeting

Meeting adjourned at 7:32 PM.

Respectfully submitted by Samantha Perlman, Marlborough Cultural Council, on August 5th, 2019.

MARLBOROUGH COMMISSION ON DISABILITIES

MINUTES FOR MEETING JUNE 4, 2019

MAYOR'S CONFERENCE ROOM 4<sup>TH</sup> FLOOR

CITY HALL

CITY CLERK'S OFFICE  
OF MARLBOROUGH  
2019 AUG 26 P 2:46

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

MEETING CALLED TO ORDER AT 4:01

MINUTES READ: MOTION TO ACCEPT PASSES 5 TO 0.

TREASURER REPORT: \$5, 05.90 MOTION TO ACCEPT  
PASSES 5 TO 0.

**BUSINESS**

- RACE AMITY DAY ACTIVITY AT MARLBOROUGH HOSPITAL, SUNDAY JUNE 9, 2:00-4:00 PM.
- 4 FAMILIES APPLIED FOR CAMP SCHOLARSHIPS.
- APEX – PATTY SPOKE WITH AUBREY. THEY HAVE REMOVABLE BOWLING RAMPS. AUBREY MENTIONED THAT APEX HAD A TRAINING PROGRAM.
- THE LOST SHE HAS OPENED; THEIR FRONT DOOR SLOPE IS VERY STEEP AND ALSO HAS A HIGH THRESHOLD. DAVE WILL FOLLOW UP.
- A THREE STORY BUILDING AT 182 WEST MAIN ST. HAS APPLIED TO AAB TO AMEND THEIR

VARIANCE APPLICATION. AAB IS REQUESTING A FEASIBILITY STUDY.

- 72 HOSMER ST. - HP SIGNS ARE ERECTED BUT THEY DON'T HAVE THE CORRECT WORDING ACCORDING TO THE MARLBOROUGH ORDINANCE.

#### NEW BUSINESS

- KINDLE WOOD FIRE PIZZERIA, 10 BPR EAST – HAS TABLES ON THE SIDEWALK OBSTRUCTING WHEELCHAIR ACCESS. DEB WILL SPEAK WITH BUILDING INSPECTOR.
- SHREWSBURY COMMISSION ON DISABILITIES IS HOSTING ACCESSIBLE DESIGN AND ADA – JUNE 26 @ SHREWSBURY LIBRARY.

MEETING ADJOURNED @ 4:47 PM.

NEXT MEETING WILL BE JULY 2, 2019 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4<sup>TH</sup> FLOOR.

RESPECTFULLY SUBMITTED,  
DEBRA MCMANUS

MARLBOROUGH COMMISSION ON DISABILITIES  
MINUTES FOR MEETING JULY 2, 2019  
MAYOR'S CONFERENCE ROOM 4<sup>TH</sup> FLOOR  
CITY HALL

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 AUG 26 P 2:46

ATTENDEES: PATRICIA CARLSON, DAVE DOUCETTE, DEBRA MCMANUS, JOHN USINAS, LAURA KYLE

MEETING CALLED TO ORDER AT 4:10

MINUTES READ: MOTION TO ACCEPT PASSES 5 TO 0.

TREASURER REPORT: NO TREASURER'S REPORT.

OLD BUSINESS

- APEX CENTER MEETING— COD MEMBERS WERE INVITED TO A MEETING AT THE APEX CENTER BY THE MANAGER. MEETING IS HELD THE 1<sup>ST</sup> TUESDAY OF EVERY MONTH. PATTY ATTENDED MEETING. SHE WAS INFORMED THAT:
  - THE ENTIRE FLOOR IS ACCESSIBLE.
  - ALL TABLES ARE MOVABLE.
  - THEY HAVE SEVERAL RAMPS FOR 10 PIN & CANDLEPIN BOWLING.PATTY HANDED OUT COD BROCHURES.
- THREE STORY BUILDING, 182 WEST MAIN WAS ORDERED BY AAB TO DO AN ACCESSIBILITY STUDY BEFORE THEY WILL CONSIDER THEIR REQUEST FOR A VARIANCE.
- LOST SHOE WILL EVENTUALLY BE ADDING ON AND PUTTING OUTSIDE TABLES. THIS SHOULD SOLVE THE ACCESS ISSUE.

- LINGUINE ACCESS ISSUES HAVE ALL BEEN RESOLVED.
- 796 BOSTON POST ROAD ACCESS ISSUES HAVE BEEN RESOLVED.

#### NEW BUSINESS

- CITY HALL – THURSDAY JULY 25<sup>TH</sup> 11:30 BBQ
- **NOTE – NEXT MEETING WILL BE HELD AT THE APEX CENTER – 21 APEX DRIVE @ 4:00 PM. BOOK RIDES ACCORDINGLY.**

MEETING ADJOURN @ 4:50 PM.

NEXT MEETING WILL BE AUGUST 6, 2019 AT THE APEX CENTER – 21 APEX DRIVE @ 4:00 PM.

RESPECTFULLY SUBMITTED,  
DEBRA MCMANUS

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

1A  
**RECEIVED**  
**CITY CLERK'S OFFICE**  
**CITY OF MARLBOROUGH**  
July 22, 2019  
**2019 AUG 29 A 9:33**

**Call to Order**

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

**1. Meeting Minutes**

A. June 17, 2019

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to approve and file the meeting minutes of June 17, 2019. Ms. Fenby abstained. Motion carried.

**2. Chair's Business (None)**

**3. Approval Not Required**

- A. ANR APPLICATION – Douglas and Sharon Stanczak, 48 Hager St., Marlborough, MA 01752; Engineer, Engineering Design Consultants, 32 Turnpike Rd Southborough, MA; Description of Property - Middlesex South Registry of Deeds, Book 44717 page 281 and Book 68015 page 229, Assessor's Map 62 Parcels 7 and 6A.

Peter Bemis of Engineering Design Consultants presented the plan to the Board. Mr. Bemis explained that the proposed ANR is his last effort to develop a portion of the land owned by South Coast Advisors LLC off Hager St. Most recently, his client withdrew the application for a 3-lot subdivision and open space parcel. The least desirable development option is a five-lot subdivision that could be built as-of-right, but this option would not preserve any open space. A simple two-lot ANR plan was desired, but he was unable to meet the lot shape rectangle requirement. The proposed ANR includes a portion of land acquired from an abutter, the Stanczaks. The resultant Lot 2, while not ideal, is the only way he could make the lot shape geometry work. Parcel "C" is planned agricultural space that will be attached to one of the existing lots owned by the Wambolt family. Q: Chair Fenby wondered if there was any way to move the back line (of Lots 1 and 2) to meet lot shape. A: Mr. Bemis said they have tried every conceivable option, and the geometry just doesn't work. Q: Mr. Russ asked for clarification on Parcel "C". Is it located in only Marlborough or in Framingham? A: Mr. Bemis indicated Parcel "C" is partially in Marlborough (109,835+ - ft<sup>2</sup>) and partially in Framingham (52,318 - ft<sup>2</sup>). This plan creates no new lines in Framingham, and they are only proposing to subdivide land in Marlborough. An option of requesting relief from the ZBA was considered, but they didn't feel a decision would be in their favor. One cannot seek relief after creating their own hardship. City Engineer DiPersio said that Engineering reviewed the plan, and it does meet the criteria of a plan not requiring approval under the subdivision control law. Board members expressed some concern over the shape of Lot 2. They are generally opposed to odd-shaped lots. Mr. DiPersio said nothing in the ordinance speaks to this issue. Q: Ms. Fenby expressed the Board's desire to be consistent in their decisions. There was another informal request before the Board from a homeowner seeking to develop land by utilizing frontage along another "public way". Mr. DiPersio said the circumstances were different. There were significant questions about the adequacy of access along the "public way". There was not an actual roadway in that instance. Q: Mr. Russ wondered if a structure could be built on the portion of Lot 2 fronting Boston Post Road. A: Mr. Bemis said no, there will be an agreement to that effect so that nothing will ever be built there. Q: Ms. Fenby asked Mr. DiPersio whether Engineering had written a letter of recommendation to the Board. A: Mr. DiPersio said he brought the letter, but it wasn't completed in time to include in the packet. Ms. Fenby requested that Mr. LaVenture read the letter from Assistant City Engineer Collins into the record.

Mr. Collins reviewed the zoning requirements for frontage, area, lot shape and present adequate access and included his favorable recommendation to the Board to endorse the plan. Following the reading, Mr. Fay felt the Board had little discretion to deny. Q: Mr. LaVenture wondered whether the majority wetland frontage on Boston Post Road would be considered adequate access. A: Mr. Bemis responded that there is adequate upland to gain access to the parcel. Q: Mr. LaVenture wondered what would be the Lot 2 street address? A: Mr. Bemis confirmed that the house will have a Hager St. address. Ms. Fenby asked for feedback from other members. Mr. Russ wished the plan was cleaner, but there weren't other apparent viable options, unless the owner pursued the as-of-right five-lot development. With restrictive language added regarding further development, he felt comfortable with endorsement. Mr. Hodge doesn't like the lot shape, but he acknowledged that it isn't the worst he has seen. On a motion by Mr. Russ, seconded by Mr. Fay the Board voted to accept and file the Engineering recommendation letter and endorse the referenced plan of land believed to be Approval Not Required under the subdivision control law. Motion carried. The Board based its decision on the following:

- The two-lot development with preserved open space is preferable to a five-lot development.
- A private agreement to restrict building on Parcel A will be recorded in the deed.
- This ANR is differentiated from other formal filings or informal discussions presented that utilize frontage on a "cart path" to create frontage.
- Engineering recommends endorsement. The plan meets the required frontage, area, lot shape and present adequate access for a plan of land believed to be Approval Not Required under the subdivision control law.

#### **4. Public Hearings**

- A. Continued Public Hearing: Council Order 19-1007673 – Proposed Zoning Amendment to Section 650-12 Nonconforming uses.

Chair Fenby reopened the public hearing. Mr. LaVenture read the July 16, 2019 correspondence from City Solicitor Grossfield into the record. The letter details several suggested changes to the previously submitted proposed zoning amendment. He also referenced a previous correspondence to City Council from Building Commissioner Cooke. The Commissioner had suggested additional language for inclusion in the proposed zoning amendment. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the correspondence from Solicitor Grossfield. Councilor Ossing was present at the meeting and informed the Board that a new version of the proposed ordinance will appear before City Council that evening. He anticipates City Council ordering the readvertisement of the proposed zoning amendment. The Planning Board should expect to receive a referral for recommendation on the newly proposed amendment at the next meeting. Chair Fenby closed the public hearing. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence by Commissioner Cooke and make no recommendation pending the receipt of a new version of the proposed amendment. Motion carried.

#### **5. Subdivision Progress Reports (Updates and Discussion)**

- A. July 17, 2019 email from Attorney Angela Conforti of FRE Builders requesting return of two \$500 cash bonds.  
Tom DiPersio, City Engineer, recommended that the Planning Board return both checks held to secure the completion of a small patch of landscaping at Cider Mill Estates. The grass has grown sufficiently to be considered complete.  
On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to release the two referenced "cash bonds". Motion carried. The checks will be mailed back to Attorney Conforti as detailed in her email.
- B. Goodale Estates Update- Mr. DiPersio informed the Board that erosion occurred at the site stemming from heavy rain on an open trench. The trench was left open to allow an inspection of an electrical installation. The site is now secure.



- C. Mosher Lane and Shaughnessy Estates – City Engineer DiPersio informed the Board that Engineering is working through a few issues related to two older subdivisions owned by Avidia Bank. A request for a waiver vote may come up as a “housekeeping” matter on Mosher Lane. Mr. Fay and Chair Fenby explained that the vote was not previously taken, since action was pending a decision on a lock box at the site. That matter is now resolved.

Also, utility easements from four properties were required for street acceptance for the Shaughnessy Estates II Subdivision. The developer left and Avidia Bank took over the responsibility of completing the subdivision. Signed easement agreements are now in place, so the process of street acceptance can proceed.

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

**7. Definitive Subdivision Submissions / Updates (None)**

**8. Signs (None)**

**9. Informal Discussion (None)**

**10. Unfinished Business (None)**

**11. Calendar Updates**

**12. Public Notices of other Cities & Towns**

A. Town of Southborough - 2 Notices

A. City of Framingham - Notices

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the notices.  
Motion carried.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to adjourn the meeting of the Planning Board.  
Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih