

REGULAR MEETING
JANUARY 13, 2020
TIME: 8:00 PM

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

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 JAN -9 P 12:50

1. Minutes, City Council Meeting, December 16, 2019.
2. Minutes, City Council Organizational Meeting, January 6, 2020.
3. From City Council President Ossing – 2020 City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2020.
4. PUBLIC HEARING On the Petition from Massachusetts Electric, to install new underground equipment to feed street lights 52 through 57 from existing street light #24 on Donald J. Lynch Boulevard, Order No. 19-1007863.
5. PUBLIC HEARING On the Petition from Massachusetts Electric, to install push brace #7-89 on Front Street which will enable National Grid to remove the pole to tree guy wire, Order No. 19-1007864.
6. PUBLIC HEARING On the Petition from Massachusetts Electric, to install a new pole and anchor #30-84 on Bigelow Street which will enable National Grid to remove the pole to tree guy wire, Order No. 19-1007877.
7. Communication from the Mayor, re: Gift Acceptance in the amount of \$3,000.00 for the Police Department from Michael Burnell, Nicole Grunbaum, and Elida Barrera employees of Cummings Properties, LLC to be used for community outreach programs by the Police Department.
8. Communication from the Mayor, re: Notification of 60-Day Appointments of Collector Eileen Bristol as Interim Treasurer and Stephen Cirillo as Interim Comptroller, effective January 10, 2020 at 5:00 PM.
9. Communication from the Mayor, re: Notification of Appointment of John Garside as the Director of Public Health by the Board of Health.
10. Communication from the Mayor, re: Reappointment of Patricia Carlson to the Commission on Disabilities for a two-year term from date of confirmation.
11. Communication from the Mayor, re: Reappointments to the Zoning Board of Appeals of Paul Giunta and Robert Levine for three-year terms from date of confirmation, in addition to Thomas Golden and Ralph Loftin for two-year terms from date of confirmation.
12. Communication from the Mayor, re: Appointment of Paul Gould to the Fort Meadow Commission for a three-year term from date of confirmation who will be replacing Commissioner Delgenio.
13. Communication from the Public Employee Retirement Administration Commission (PERAC) re: Required FY21 Appropriation in the amount of \$9,187,513.00.

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.

14. Communication from NSTAR Electric Company d/b/a Eversource Energy re: Copy of Final Decision of the Energy Facilities Siting Board (**Document available in City Clerk's Office for Review**).
15. Minutes, Cultural Council, November 19, 2019.
16. Minutes, Library Trustees, November 5, 2019.
17. Minutes, Planning Board, December 2, 2019.
18. Minutes, Retirement Board, October 29, 2019 & November 26, 2019.
19. Minutes, Zoning Board of Appeals, December 10, 2019.
20. CLAIMS:
 - a) Anthony Annese, 111 West Hill Road, residential mailbox claim (2a).
 - b) Larry Bentley, 137 Helen Drive, other property damage and/or personal injury.
 - c) Christopher J. Nordstrom. 182 Blanchette Drive, residential mailbox claim (2a).
 - d) Holly Bloon-Ranieri, 33 Hamilton Circle, pothole or other road defect.
 - e) Babak Roushanaee, 15 Robert Road, pothole or other road defect.
 - f) Lorna Rousseau, 140 Donahue Drive, residential mailbox claim (2a).
 - g) Keith St. John, 148 Stearns Road, pothole or other road defect.
 - h) Steven Tambeau, 8 Pierce Street, residential mailbox claim (2a).
 - i) Gina Yates, 11 Avalon Drive, #12, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



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2019 DEC 19 P 4:10

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

DECEMBER 16, 2019

Regular meeting of the City Council held on Monday, December 16, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:55 PM.

ORDERED: That the Minutes of the City Council meeting, DECEMBER 2, 2019, **FILE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$200,000.00 from the Commonwealth of Massachusetts awarded to the City of Marlborough, in the form of a budget earmark to fund a city shuttle service for one year; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$80,436.00 from the Executive Office of Elder Services awarded to the Council on Aging which will be used in enhancing the lives of Marlborough's seniors through programming, assistance and support services; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$8,900.00 from the Massachusetts Emergency Management Agency's Performance Grant Program which will be used to purchase cots, bedding and a storage trailer for the set-up of an emergency shelter; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$500.00 from Mr. Libby Ginnetti as a charitable donation to the Council on Aging; adopted.

ORDERED: That the Mayor is authorized, on behalf of the City, to: (1) execute a power purchase agreement (“PPA”); (2) execute a related lease pursuant to MGL Chapter 40, §14; and (3) enter into negotiations and execute a payment in lieu of tax agreement pursuant to MGL Chapter 59, §38H without further action by this body, for purposes an on-site renewable solar energy generating project upon four (4) school building rooftops, at the following locations:

- Sgt. Charles J. Jaworek Elementary School – Rooftop
- Francis J. Kane Elementary School – Rooftop
- Marlborough High School – Rooftop
- New Elementary School – Rooftop.

Said PPA and Lease are subject to approval by the School Committee.

APPROVED; adopted.

ORDERED: That the Communication from the Mayor, re: Right of First Refusal – Land off Boston Post Road East, from Heritage Farm, LLC, **FILE;** adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 relative to the creation of the Wayside Zoning District, in proper legal form, Order No. 19-1007716C, **MOVED TO REPORTS OF COMMITTEE;** adopted.

Councilor Doucette recused.

ORDERED: That the Communication from Assistant City Solicitor, Jason Piques, re: Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women’s Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street, in proper legal form, Order No. 19-1007824B, **MOVED TO ITEM 25;** adopted.

Councilor Robey recused.

ORDERED: That the Communication from Assistant City Solicitor, Jason Piques, re: Application for Special Permit from Attorney Brian Falk, on behalf of 119 Ash Street, LLC (David Skarin), to convert a preexisting, nonconforming contractor’s yard to an 11-unit residential townhouse project, and convert an existing single family home to a two-family dwelling, to be known as Trailside Terrace at 19 Ash Street, in proper legal form, Order No. 19-1007809B, **MOVED TO ITEM 26;** adopted.

ORDERED: That the Communication from Assistant City Solicitor, Jason Piques, re: Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, in proper legal form, Order No. 19-1007808A, **MOVED TO REPORTS OF COMMITTEE;** adopted.

ORDERED: That there being no objection thereto set **MONDAY JANUARY 13, 2020** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric, to install a new pole and anchor #30-84 on Bigelow Street which will enable National Grid to remove the pole to tree guy wire, refer to **PUBLIC SERVICES COMMITTEE;** adopted.

- ORDERED: That the Communication from Central MA Mosquito Control Project, re: Notice of 2020 Commission meeting dates, **FILE**; adopted.
- ORDERED: That the Communication from NSTAR Gas Company d/b/a Eversource Energy re: Notice pursuant to MGL Chapter 164 §94 and 220 CMR 5.00 for Approval of General Increases in Base Distribution Rates for Gas Service, **FILE**; adopted.
- ORDERED: That the Communication from New England Power Company and/or Massachusetts Electric Company d/b/a National Grid, re: Notice pursuant to 333 CMR 11.06, 45-day Public Notice of 2020 Yearly Operational Plan, **FILE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, JANUARY 27, 2020** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of Vedi Naturals LLC, to operate an Adult Use Marijuana Retail Establishment, 505 Boston Post Road West (Twin Boro Crossing), refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.
- ORDERED: That the Minutes, School Committee, October 15, 2019, October 29, 2019 & November 12, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Conservation Commission, September 5, 2019, October 3, 2019, October 17, 2019, November 7, 2019 & November 21, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Council on Aging Board, November 12, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Historical Commission, October 17, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, October 21, 2019 & November 18, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Traffic Commission, October 30, 2019, **FILE**; adopted.
- ORDERED: That the Minutes, Zoning Board of Appeals, November 26, 2019, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- a) Geren Kaplan, 17 Nancy Road, Milford, pothole or other road defect.
 - b) Matt Kelley, 126 Crosby Road, residential mailbox claim (2a).

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: December 03, 2019

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

Convened: 5:30 PM – Adjourned: 5:52 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Doucette (left @ 5:42 PM), and Tunnera; Councilors Clancy and Ossing

Order No. 19-1007808: Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West.

The Urban Affairs Committee met with Bethany Leonard of Poyant Signs who appeared on behalf of McDonalds, 155 Boston Post Road West, in their application for a LED Sign Special Permit to upgrade the existing menu boards to digital menu boards. The digital menu boards would change twice a day from breakfast to lunch and dinner, and the different seasonal specials would change as necessary. The lighting in the sign is regulated by a sensor so at night it will dim so it is not as bright to go with the ambiance of the surrounding area. The proposed menu boards are slightly smaller than what is currently there, and they will be in the same locations and facing the same angles, so there will be noticeable difference. The City's current EMC and Digital Display Sign Ordinance does not allow for pictures so their menu board would not be able to show pictures of menu items. The committee agreed to approve the LED Sign Special Permit with the condition that "The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough" with the understanding that a future City Council may amend the City's ordinance to allow for pictures on drive-through menu boards.

Motion made be Councilor Juaire, seconded by the Chair, to approve the application. The motion carried 5-0.

The Urban Affairs Committee agreed to request a Suspension of the Rules at the December 16, 2019 City Council meeting to vote on the application.

Order No. 19-1007716A: Communication from City Solicitor, Jason Grossfield, on behalf of Councilor Delano, regarding Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, Order No. 19-1007716.

Reports of Committee Continued:

The Urban Affairs Committee met for a final review of the proposed zoning amendment relative to creating the Wayside District. The Urban Affairs Committee had previously met on November 7th, 21st, and 25th while the Planning Board held their public hearing on December 2, 2019 and provided their recommendation to the City Council that same evening. The Planning Board supported the Wayside District zone and would like it to see it extended at least to Phelps Street. There were some minor changes to the zoning language itself to clarify when the City Council is the special permit granting authority, they will not be the site plan review granting authority and that function will remain with the administrative Site Plan Review Committee. They also decided regarding signage, signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible. Also, in this zone, the Building Commissioner shall be the decider of whether a requested change to a project is deemed to be a major or a minor amendment to the previously issued Special Permit or Site Plan permit. The committee agreed to request the City Solicitor place this item on the agenda for the December 16, 2019 City Council meeting.

Motion made by Councilor Juaire, seconded by Chair, to approve as amended. The motion carried 4-0 (Councilor Doucette recused).

Motion made and seconded to adjourn. The motion carried 4-0. The meeting adjourned at 5:52 PM.

ORDERED: That the Communication from Assistant City Solicitor, Jason Piques, re: Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, in proper legal form, Order No. 19-1007808A, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED:

**DECISION ON A LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
McDonald's Restaurant
155 Boston Post Road West
Order No. 19-1007808B

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 19-1007808B**

The City Council of the City of Marlborough hereby GRANTS the application for a Sign Ordinance Special Permit to McDonald's (the "Applicant") for the property located at 155 Boston Post Rd West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the lessee of the property located at 155 Boston Post Rd West, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 78, Parcel 15 (the "Site") and maintains a stand-alone fast food restaurant with drive-through service lanes.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, "Electronic Message Center Signs; Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate electronic message center signs (the "Signs") at the Site (the "Application").
3. The Signs are two menu boards each of which is no larger than 49.6" by 58" single-faced digital sign, with a display area of 19.8 square feet (the product specifications are as Attachment A) and two pre-sale boards 49.75" by 29.125", with a display area of 9.9 square feet. The Signs are to be located in the same location as the existing pre-sale and menu boards.
4. In connection with the Application, the Applicant has submitted schematic designs of the Site and a sketch plan showing the location of the Signs on the Site (as shown in Attachment B).
5. The Marlborough City Council held a public hearing on the Application on November 18, 2019.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Signs. No individual in attendance at the public hearing spoke in opposition to the Signs.

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 application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Signs complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Signs do not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Signs do not substantially block visibility of signs on abutting lots; the Signs do not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Signs are appropriate; and the dimensions of the Signs comply with the area limitations of the EMC and Digital Display Sign Ordinance.

D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby **GRANTS** the Applicant a special permit for the Signs, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. The Signs shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 relative to the creation of the Wayside Zoning District, in proper legal form, Order No. 19-1007716C, **FILE**; adopted.

Councilor Doucette recused.

ORDERED: That the language to the Proposed Zoning Amendment, relative to the creation of the Wayside Zoning District be amended as follows:

“For special permits, amendments may be granted by a two-thirds vote of the City Council. For site plan approvals, amendments may be granted by a majority vote of the City Council. The Building Commissioner shall be responsible for determining whether a project change is major or minor. Minor project changes may be made by the Building Commissioner, and major project changes by the permit granting authority.”

APPROVED; adopted.

Councilor Doucette recused.

Suspension of the Rules requested – granted.

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

- I. Section 650-7, entitled “Districts Enumerated,” is hereby **amended** as follows:
 - (1) By deleting from the first sentence the number “13” and by inserting in place thereof the number “14”.
 - (2) By inserting at the end of the list of District types, the following:
Wayside Zoning District Wayside.
- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” by **inserting** the highlighted portions and text of Exhibit “A” attached to this order, inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “Wayside”, and beneath the new district abbreviation Wayside column the text as shown on said Exhibit “A”.

- III. Chapter 650 is hereby amended by **inserting** a new §37, entitled “Special Provisions Applicable to the Wayside Zoning District”, as follows:

§ 650-37. Special Provisions Applicable to the Wayside Zoning District

Within the Wayside Zoning District, the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this section shall apply.

- A. **Purpose and vision.** The purpose of the Wayside Zoning District is to encourage compact mixed-use development that encourages walking and biking with development that will enhance compatible land uses and encourage desired growth patterns to improve a traditionally automobile-oriented commercial corridor for the benefit of public health, safety and welfare, by promoting integrated, pedestrian-friendly, commercial mixed-use development including retail, housing, and workplaces within close proximity to each other that are consistent with the stated economic development objectives of the City, contribute to enhanced streetscape, and designed to further promote livability and quality of life within the district.

(1) Commercial mixed-use development.

- (a) For the purposes of this Zoning District, a commercial mixed-use development shall include any eligible use set forth in Subsection E below, which shall be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, commercial mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, to reduce automobile trips and traffic congestion, and accordingly to improve air quality.
- (b) All developments shall be designed to be pedestrian-friendly and that shall include site design, building layout, and pedestrian circulation features and amenities in compliance with the design standards of this Zoning District. Pedestrian-friendly developments shall benefit the public health, safety and welfare, through the encouragement of walking and physical activity.

- B. **Site plan review.** Projects within the Wayside Zoning District shall be subject to site plan review as provided in § 270-2, entitled “Site plan review and approval,” of the Marlborough City Code.

(1) Applicability.

- (a) In all instances, a development which proceeds within the Wayside Zoning District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code.
- (b) Site plan review applies to both as of right and uses available by grant of a special permit within the Wayside Zoning District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. [See § 270-2(3).]

- (c) Site plan review shall be conducted administratively as provided in § 270-2, except for uses that are both over 10,000 square feet of building footprint and do not require a special permit, which projects shall undergo administrative site plan review with final review and approval by the City Council.
 - (d) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.
- C. **Special permit granting authority.** The City Council shall be the special permit granting authority within the Wayside Zoning District.
- D. **Exclusivity/control.** This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Wayside Zoning District and supersedes any other provision of the Zoning Ordinance. In the event of any conflict between the provisions of this section and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. **Eligible uses.** Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Wayside Zoning District under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited. Uses allowed as of right and uses allowed by special permit are encouraged to be combined as a commercial mixed-use development. All uses noted as not permitted shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation.
- F. **Dimensional requirements.** Dimensional requirements are set forth in § 650-41, Table of Lot Area, Yards and Height of Structures,” as specified for the Wayside Zoning District. The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.
- G. **Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.
 - (1) Parking locations.
 - (a) Parking shall be located to the side and/or rear of all new building structures that front on Route 20 East, an existing connecting street, or a new internal access street.
 - (b) Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.

- (2) **Parking access.** Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two parking lots shall be required. This access shall allow vehicular circulation between parking areas without the need to travel on Route 20. This access shall allow the unobstructed flow of pedestrians between adjacent properties, businesses, and parking areas. A sidewalk shall be provided on at least one side of the driveway.
 - (3) **Parking requirements.** Parking in the Wayside District shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
 - (4) **Curb cuts.** Curb cuts shall be minimized. Vehicular access shall be provided through one of the following methods:
 - (a) Through the use of a common driveway serving multiple lots, or
 - (b) Through the use of an existing side or rear street, or
 - (c) Through the reduction in the number of existing curb cuts or the reduction of the width of existing curb cuts.
- H. Design standards.** In addition to the following design standards which apply to all developments within the Wayside Zoning District, commercial mixed-use development that includes residential development shall incorporate design guidance from the City of Marlborough Multifamily Development Review Criteria and Design Guidelines as adopted by the City Council.
- (1) **Site layout.**
 - (a) **Site and building layout.** Buildings shall be located in close proximity to streets with the primary building frontage(s) oriented to street frontage(s) and to define outdoor spaces in coordination with adjacent buildings located on the same property or abutting property.
 - (b) **Site and parking layout.** Parking shall be located to the rear or to the side of buildings that front on a street. Where an existing parking lot is in front of a building that will be redeveloped, landscaping shall be placed to screen parking and enhance the visual appeal of the site and street frontage. Where a new parking lot is to the side or rear of a building, but adjacent to a street, landscaping shall be used to screen the parking and reduce the visual impact of the parking as viewed from the street.
 - (c) **Site buffer.** The setback abutting an existing residential or industrial use shall include landscape plantings and features that screen and separate adjacent residential or business uses from new commercial mixed-use development. This requirement does not need to be provided where adjacent to an existing commercial mixed-use development, retail, or restaurants.

(2) Pedestrian and bicycle circulation.

- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to promote pedestrian and bicycle circulation and safety. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access. Where parking is located to the rear of the building, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.
- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, and parking areas to Route 20 and between adjacent sites.
- (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.

(3) Outdoor Pedestrian Spaces.

- (a) Useable Outdoor Pedestrian Space. Buildings and site features shall be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, courtyards, and other types of spaces. Useable and accessible outdoor pedestrian space shall be provided and integrated with the site plan and building design. Such outdoor pedestrian spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation. Outdoor pedestrian spaces shall be set back from major vehicular ways and be of a scale that is appropriate to the anticipated level of foot traffic.
- (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with outdoor pedestrian spaces. Outdoor pedestrian spaces and seating areas shall be oriented to street frontage, with side streets and secondary access streets the preferred locations, and integrated with the streetscape. Amenities and seating shall not reduce the required sidewalk widths or impact pedestrian or bicycle circulation.

(4) Building design.

- (a) Mixed-uses. Wayside Zoning District shall benefit from mixed-use development that combines several uses that are allowed as of right or by special permit in the district. These uses could be provided in a cluster of separate buildings or combined vertically in a single building. A mix of uses in close proximity shall be used to create smaller, walkable clusters that enhance the Route 20 East corridor and provide opportunities for residents and patrons to circulate between uses without the use of a vehicle.
- (b) Façade step back. A step back in the façade of a building shall occur at the upper floor(s) for all buildings above 3-stories in height. For example, the fourth story of a 4-story building shall be recessed from the lower 3-stories of the primary façade with a step back. Or, the fourth and fifth story of a 5-story building shall be recessed from the lower 3-stories of the primary façade with a step back. 5 feet shall be the minimum step back.
- (c) Multiple buildings. In mixed-use developments with multiple buildings, recurring forms and materials shall be used to unify the development while establishing an overall hierarchy of buildings for visual interest and orientation.
- (d) Define corners. Prominent corners of sites and buildings should be defined and celebrated by the layout and design of the building(s). Prominent building corners may use design elements such as towers, arches, unique building massing, or roof forms to serve as identifiable and memorable landmarks.
- (e) Roof forms. Gable, hip, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and shall be incorporated into mixed-use developments. Flat roofs may be incorporated into the roof design with other roof forms and features.
- (f) Blank walls. Large portions of building facades which are unarticulated or blank walls shall be avoided through the careful placement of doors, windows, façade features, and transitions in façade materials and finishes.
- (g) Design quality. Building massing and façade design shall be of a high quality with well composed and articulated building forms using a variety of techniques to create visual interest and character with architectural details, vertical and horizontal projections and recesses, changes in height, roof forms, cornice treatments, pilasters, window reveals, materials, colors, and prominent building entrances or other design features.
- (h) Building materials. Use of traditional, natural, and sustainable building materials such as wood, brick, and stone shall be preferred over other synthetic materials.

I. Signage.

- (1) Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance.
 - a. Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs.
 - b. A maximum of two wall signs, individual-letter signs, logo signs or projecting signs affixed to a building for each store, business or tenant. No sign shall project above the highest line of the roof, parapet or building. Each wall sign, individual-letter sign, or roof sign shall not exceed an area of 2.5 square feet for each linear foot of the storefront, business front or occupied tenant space for each applicable business or tenant advertised. In the event that a storefront, business front or occupied tenant space occupies more than one front of a building, the longest front shall be utilized to calculate the total area per wall sign, individual-letter sign, logo sign or projecting sign (up to a maximum of two). The total area as calculated herein shall be the applicable maximum area for each sign and not split between the two.
 - c. Projecting signs shall not project more than six feet from the building, subject to approval by the City Council as part of the signage plan.
 - d. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible.
 - e. Any business, tenant, or storefront may divide any allowed exterior sign(s) affixed to a wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall; provided, however, that the aggregate area of the separate signs shall not exceed the maximum area allowed under this section for a single exterior sign on the same front.
 - f. A lot shall be allowed one freestanding pole, monument, ground or pylon sign for frontage on Route 20 East, provided that each freestanding sign shall be subject to the following dimensional and lighting requirements:
 - (i) The total allowed illuminated cabinet square feet of signage shall not exceed the total area allowed for a freestanding sign as per § 526-9C, exclusive of any sign embellishments, structure and address panels located thereon;
 - (ii) The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base;
 - (iii) No freestanding sign shall be located closer than five feet to any property line;

- (iv) Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible; and
- (v) Wire frame signs and A-frame signs are prohibited.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Wayside Zoning District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Wayside Zoning District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

K. Site plan; Special Permit approval review criteria.

- (1) Review criteria. In connection with a special permit and/or site plan application in the Wayside Zoning District, such applications shall be reviewed with respect to the following additional review criteria:
 - (a) Compliance of the design with the Design Standards in the above subsection H;
 - (b) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (c) Scale of buildings relative to surroundings and relative to City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines;
 - (d) Quality of design and materials for building facades visible from public ways;
 - (e) Quality of design and materials for public space; and
 - (f) Placement of utilities and wiring underground, to the extent practical.
- (2) Submission requirements:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, open space;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.

L. Standards for roadways and drainage.

- (1) Roadways. Internal Wayside Zoning District roadways shall be private ways and shall be maintained by owners/developers of the Wayside Zoning District and portions thereof. Private ways within the Wayside Zoning District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. Developments proposed in the Wayside Zoning District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.

M. Amendments. After approval, the owner/developer may seek amendments to the approved permits. For special permits, amendments may be granted by a two-thirds vote of the City Council. For site plan approvals, amendments may be granted by a majority vote of the City Council. The Building Commissioner shall be responsible for determining whether a project change is major or minor. Minor project changes may be made by the Building Commissioner, and major project changes by the permit granting authority. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the surrounding neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3) of § 650-59.

IV. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled "Table of Lot Area, Yards and Height of Structures," for the Wayside Zoning District, the text as shown in highlighted format in Exhibit "B" attached hereto.

V. The Zoning Map described in § 650-8 is **amended** as shown on the accompanying Map (Exhibit "C"). The newly established Wayside Zoning District shall include all or portions properties as shown in highlighted format on the Map as existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Map and Parcel Number	60-30A	62-21
73-43	61-12	61-28
73-42	61-6	62-2B
73-41A	60-31	62-13
73-41	61-2	61-29
73-39D	61-5	61-29A
73-40	61-19	61-701
73-39C	61-25B	62-24
73-44	61-31	61-10
73-39B	61-22A	61-8
73-39A	62-14	61-1
73-37A	61-22	61-11
73-38	61-30	61-14
73-37B	61-25A	61-28A
73-37	61-23	62-2A
60-38	61-25	61-9A
60-27	61-21	61-15
60-28	61-34	61-32
60-29	61-20	62-1
61-27	61-2A	61-700
61-27A	61-17	61-9
60-30	61-17A	61-7
60-31A	62-20	62-22
61-3	62-23	48-32
	62-2	

VI. Section 650-18, entitled “Conditions for Uses,” is hereby **amended** as follows (new text shown as underlined, deleted text shown as strikethrough):

1. *Paragraph (4)* Multifamily dwelling. One structure or multiple structures consisting of a multifamily dwelling containing three or more dwelling units on a single lot, provided that the lot meets all the requirements of Article VII and, in addition, has a landscaped area meeting all the requirements of § 650-18A(9)(e). The above provision shall not apply to mixed use or multifamily developments within the Marlborough Village District.

2. *Paragraph (42)* Mixed use development, including multifamily residential uses, shall not be subject to special permit provisions for multifamily uses. In the Wayside District, multifamily dwelling shall be allowed only as part of a “Mixed use development.” Mixed use development may include vertically mixed uses in a single building or horizontally mixed uses in which multiple buildings create the mix of uses on a single parcel. Each individual building may include a single use with multiple uses occurring next to each other and within multiple buildings on the single parcel.

3. *Paragraph (45)* Medical marijuana treatment centers:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Massachusetts State Highway Route 495, and within those portions of the B, Wayside, and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;

4. *Paragraph (46)* Adult use marijuana retail; marijuana accessories retail:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Interstate Highway Route 495, and within those portions of the B, Wayside, and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;

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

APPROVED; adopted.

Councilor Doucette recused.

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

ORDERED: That the Application for Livery License from Bismark Ohemeng d/b/a West Royal Car Service, 33 Paris Street, is carried over to the 2020/2021 Legislative Session, **APPROVED**; adopted.

(IN PUBLIC SERVICES COMIITTEE).

ORDERED: That the Application for a Livery License from Snold Benjamin d/b/a Ben Transportation, to operate at 98 Bolton Street, is carried over to the 2020/2021 Legislative Session, **APPROVED**; adopted.

(IN PUBLIC SERVICES COMIITTEE).

ORDERED: That the Application for Renewal of Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court, is carried over to the 2020/2021 Legislative Session, **APPROVED**; adopted.

(IN PUBLIC SERVICES COMIITTEE).

ORDERED: That the Order related to creating the Alternative Energy Committee is carried over to the 2020/2021 Legislative Session, **DENIED**; adopted.

(IN WIRELESS COMMUNICATIONS COMIITTEE).

ORDERED: That the Communication from Assistant City Solicitor, Jason Piques, re: Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street, in proper legal form, Order No. 19-1007824B, **FILE**; adopted.

Councilor Robey recused.

ORDERED:

**DECISION ON A SPECIAL PERMIT
MARLBOROUGH HOSPITAL AND UMASS MEMORIAL REALTY, INC.**

**CITY OF MARLBOROUGH
CITY COUNCIL
ORDER NO. 19-1007824C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Marlborough Hospital and UMASS Memorial Realty, Inc. (the "Applicant") to alter a preexisting nonconforming hospital use and to construct and operate an medical office/clinic use at 157 and 209 Union Street, Marlborough, MA, for a women's imaging center, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. Marlborough Hospital is a Massachusetts hospital corporation with an address of 306 Belmont Street, Worcester, MA. UMASS Memorial Realty, Inc., is a Massachusetts nonprofit corporation with an address of 306 Belmont Street, Worcester, MA. Marlborough Hospital and UMASS Memorial Realty, Inc. are together the "Applicant."
2. The Applicant is the owner of the property located at 157 and 209 Union Street, Marlborough, Massachusetts, being shown as Parcel 56 on Assessors Map 43 and Parcel 192 on Assessors Map 56 (the "Site").
3. In accordance with Article IV, Section 650-12.B, and Article V, Section 650-17, of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes to alter a preexisting nonconforming hospital use and to construct and operate a medical office/clinic use for a women's imaging center at the Site (the "Use"). As shown on the Site Plan referenced in paragraph 5 below, the Use consists of a 4,060 square foot medical office/clinic building, 16 new parking spaces, and landscaped areas, to be incorporated as part of the larger Marlborough Hospital campus.
4. 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.

5. 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 Proposed Women's Center" by Bohler Engineering, comprised of Sheets 1 through 8, with 3 additional boundary and topographic survey sheets, with the last revision date of September 27, 2019 (the "Site Plan"), and architectural drawings by LWDA Design consisting of a floor plan and exterior views of the building, attached hereto as "Attachment A."
6. 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.
7. The Site has an area of 861,512 square feet +/- as shown on the Site Plan.
8. The Site is located in the A-3 Residential Zoning District.
9. Section 650-17 of the Zoning Ordinance provides that a medical office/clinic use is allowed by special permit in the A-3 Zoning District.
10. The Site's current hospital use is preexisting nonconforming, commencing prior to the adoption of the Marlborough Zoning Ordinance in 1956.
11. The Site is preexisting nonconforming with respect to lot coverage, having total impervious areas of 48.2% (the A-3 District has a maximum lot coverage of 30%). The Site Plan shows that the lot coverage associated with the Use would be 49.2%.
12. 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.
13. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 18, 2019. The hearing was closed on that date.
14. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
15. At the public hearing, one member of the public spoke in favor of the Use and no 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 alteration of the Site to contain a medical office/clinic use with an increased lot coverage of 49.2% for the Use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.

- C. The City Council finds that the preexisting nonconforming hospital use has not been abandoned for a period of two years or more.
- D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming hospital use at the Site.
- E. 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.
- F. 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 alter a preexisting nonconforming hospital use and to construct and operate a medical office/clinic use for a women's imaging center at the Site as shown on the Site Plan filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction 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 Site Plan as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee 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 Site Plan 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, alter traffic flow, or increase the size, shape, or position of the building, all as shown on the Site Plan.
 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 project 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. 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.
7. Pedestrian Access. As part of the Use, the Applicant shall construct a pedestrian walkway from Union Street along the new driveway for the Use, with the final details of the walkway to be approved by the Site Plan Review Committee and by the City Engineer.
8. 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: 10 – Nay: 0 – Abstain: 1

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

Abstain: Robey.

ORDERED: That the Communication from Assistant City Solicitor, Jason Piques, re: Application for Special Permit from Attorney Brian Falk, on behalf of 119 Ash Street, LLC (David Skarin), to convert a preexisting, nonconforming contractor's yard to an 11-unit residential townhouse project, and convert an existing single family home to a two-family dwelling, to be known as Trailside Terrace at 19 Ash Street, in proper legal form, Order No. 19-1007809B, **FILE**; adopted.

ORDERED:

**DECISION ON A SPECIAL PERMIT
119 ASH STREET, LLC**

**CITY OF MARLBOROUGH
CITY COUNCIL
ORDER NO. 19-1007809C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to 119 Ash Street, LLC (the “Applicant”) to alter a preexisting nonconforming contractor’s yard use to an 11-unit residential townhouse project and to convert an existing single-family dwelling to a two-family dwelling at 19 Ash Street, Marlborough, MA, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. 119 Ash Street, LLC is a Massachusetts limited liability company with an address of 1 Turner Ridge Road, Marlborough, MA (the “Applicant.”)
2. The Applicant is the prospective owner of the property located at 19 Ash Street, Marlborough, Massachusetts, being shown as Parcel 29 on Assessors Map 43 (the “Site”).
3. In accordance with Article IV, Section 650-12.B, and Article V, Section 650-17 and Section 18.A(2), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to alter a preexisting nonconforming contractor’s yard use to an 11-unit residential townhouse project and to convert an existing single-family dwelling to a two-family dwelling at the Site (the “Use”). As shown on the Site Plan referenced in paragraph 5 below, the Use consists of six buildings with 13 two-bedroom units, 49 parking spaces (26 spaces in unit garages and 23 driveway spaces), and landscaped areas.
4. 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.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled “Trailside Terrace, Marlborough, MA, Site Plan” by Bruce Saluk & Assoc., Inc, with the last revision date of November 12, 2019 (the “Site Plan”), and architectural drawings by Reeves Design Associates, attached hereto as “Attachment A.”
6. 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.
7. The Site, which abuts the Assabet River Rail Trail, has an area of 84,379 square feet +/- and frontage on Ash Street, as shown on the Site Plan.
8. The Site is located in the A-3 Residential Zoning District.

9. The Site currently contains (i) a single-family dwelling constructed in the late 1700s with a floor area of 3,469 square foot +/- (not including basement rooms or open attic space), and (ii) a preexisting nonconforming contractor's yard, commenced prior to the adoption of the Marlborough Zoning Ordinance in 1956.
10. The Site is preexisting nonconforming with respect to lot coverage, having total impervious areas of 66% (the A-3 District has a maximum lot coverage of 30%).
11. The Site Plan shows that the lot coverage associated with the 11-unit residential townhouse portion of the Use (Lot 1 on the Site Plan) would be 51%, and the lot coverage associated with the two-family dwelling portion of the Use (Lot 2 on the Site Plan) would be 33%.
12. Section 650-17 and Section 18.A(2) of the Zoning Ordinance provide that a single-family dwelling existing at the time of the passage of the original Zoning Ordinance in 1956 may, by special permit, be converted to accommodate two families, provided that:
 - a. The house contains at least 1,800 square feet of gross floor area, not including basement rooms or open attic space;
 - b. The lot has an area of at least 10,000 square feet in the A-3 Zoning District;
 - c. The appearance and character of a single-family house is preserved; and
 - d. Stairways, unless on the rear of the building, shall be located within the walls of the building and, on corner lots, shall be within the walls of the building.
13. 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.
14. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 18, 2019. The hearing was closed on that date.
15. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
16. At the public hearing, one member of the public spoke in favor of the Use and no 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 alteration of the Site to contain an 11-unit residential townhouse community would not be substantially more detrimental to the neighborhood than the existing nonconforming contractor's yard use.

- C. The City Council finds that the preexisting nonconforming contractor's yard use has not been abandoned for a period of two years or more.
- D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming contractor's yard use at the Site.
- E. The City Council finds that the proposed two-family dwelling conversion meets the requirements of Section 18.A(2) of the Zoning Ordinance because (i) the current single-family dwelling existed at the time of the passage of the original Zoning Ordinance in 1956, (ii) the current single-family dwelling contains at least 1,800 square feet of gross floor area not including basement rooms or open attic space, (iii) the portion of the Site available for the proposed two-family dwelling conversion has an area of at least 10,000 square feet in the A-3 Zoning District, (iv) the appearance and character of the single-family dwelling will be preserved based upon the architectural drawings provided in Attachment A, and (v) stairways associated with the two-family dwelling conversion will be located within the walls of the building.
- F. 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.
- G. 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 alter a preexisting nonconforming contractor's yard use to an 11-unit residential townhouse project and to convert an existing single-family dwelling to a two-family dwelling at the Site as shown on the Site Plan filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction 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 Site Plan as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee 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 Site Plan 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, alter traffic flow, or increase the size, shape, or position of the buildings, all as shown on the Site Plan.
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 project 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. 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.
7. Screening for Abutters. As part of the Use, the Applicant shall provide vegetated screening along the eastern side of the Site and shall install new or replacement fencing adjacent to the property at 212 Hudson Street, to screen the Use from abutting properties, with the final details of the landscaping and fencing plan to be addressed during the Site Plan Review process.
8. Pedestrian Access to Rail Trail. As part of the Site Plan Review process, the Applicant shall address pedestrian access from the Site to the abutting Assabet River Rail Trail.

9. Sight Line Easement Area. As part of the Site Plan Review process, the Applicant shall provide a landscaping plan deemed acceptable to the Site Plan Review Committee that does not interfere with the sight line easement held by the City over portions of the Site. This Special Permit does not authorize any interference with any easement rights, and Applicant acknowledges that certain Grant of Easement to the City dated December 7, 2005. As a condition of this special permit, the Applicant agrees that they shall maintain the area shown on a plan referenced in said easement and also shown in the Plans as the “municipal easement” or “city easement” area for the benefit of the City and agree that they shall not place any item on said area that shall be in excess of two (2’) feet in height. This shall include, but not be limited to, any manmade structure and any natural vegetation. The Applicant shall keep any vegetation in said area trimmed to prevent said growth from exceeding two (2’) feet in height. All vegetation, trees, shrubs, bushes, plants, walls, fences and any other item located within said area which exceeds two feet six inches (2’6”) in height shall be removed.
10. Trailside Landscaping and Maintenance. The Applicant shall provide landscaped areas featuring a variety of flower types along the Site’s boundary with the Assabet River Rail Trail, with a landscaping plan deemed acceptable to the Site Plan Review Committee through the Site Plan Review process. The Applicant shall be responsible for maintaining these landscaped areas in a manner deemed acceptable to the Site Plan Review Committee through the Site Plan Review process.
11. Crosswalk Painting. Prior to the issuance of an occupancy permit for the Use, or at such later time if authorized by the City Engineer, the Applicant shall repaint the crosswalk of the Assabet River Rail Trail on Ash Street in a manner approved by the City Engineer.
12. Ash Street Traffic. As part of the Site Plan Review process, the Applicant shall address any traffic impacts of the Use with respect to Ash Street.
13. 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: 11 – Nay: 0

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

City Council President Clancy read a proclamation from the City Council and presented it to outgoing Councilor-At-Large Peter J. Juare.

City Council President Clancy read a proclamation from the City Council and presented it to outgoing Councilor-Ward 1 Joseph F. Delano, Jr.

City Council Vice-President Delano read a proclamation from the City Council and presented it to outgoing Councilor-Ward 6 and Council President Edward J. Clancy.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:55 PM; adopted.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 JAN -9 A 11:25

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

JANUARY 6, 2020

Organizational meeting of the City Council held on Monday, January 6, 2020 at 11:15 AM in City Council Chambers, City Hall. City Councilors Present: Oram, Ossing, Perlman, Robey, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, and Landers.

The City Clerk called the meeting to order at 11:15 AM. Pastor Talles Araujo of the Bethel Presbyterian Church offered the invocation. The City Clerk then opened the floor for nominations for the election of a City Council President Pro-Tem of the Marlborough City Council for 2020.

The name of Councilor J. Christian Dumais to be President Pro-Tem of the Marlborough City Council for 2020, was placed in nomination by Councilor Michael H. Ossing and seconded. There being no other nominations, motion was made and seconded to close nominations, **APPROVED**.

Assistant City Clerk Wilson Chu called the roll for the election of Councilor J. Christian Dumais as President Pro-Tem of the Marlborough City Council for the year 2020.

NAVIN – Councilor Dumais; **IRISH** – Councilor Dumais; **DUMAIS** – Councilor Dumais; **TUNNERA** – Councilor Dumais; **DOUCETTE** – Councilor Dumais; **ORAM** – Councilor Dumais; **OSSING** – Councilor Dumais; **LANDERS** – Councilor Dumais; **WAGNER** – Councilor Dumais; **PERLMAN** – Councilor Dumais; **ROBEY** – Councilor Dumais.

Councilor Dumais has received 11 votes and is elected President Pro-Tem of the City Council

Councilor Ossing escorted President Pro Tem Dumais to the podium.

President Pro-Tem Dumais opened the floor for nominations for the office of President of the Marlborough City Council for the year 2020. The name of Councilor Michael H. Ossing was placed in nomination by Councilor Donald R. Landers, Sr, and seconded. The name of Councilor Mark A. Oram was placed in nomination by Councilor David Doucette, and seconded. There being no other nominations, motion was made and seconded to close nominations, **APPROVED**. Councilor Oram then requested that his name be removed from consideration and that the Council proceed with election of Councilor Ossing as President of the City Council. President Pro-Tem Dumais noted the withdrawal of Councilor Oram as a nominee for President of the Council.

The City Clerk called the roll for the election of Michael H. Ossing as President of the Marlborough City Council for the year 2020.

IRISH – Councilor Ossing; **NAVIN** – Councilor Osing; **DOUCETTE** – Councilor Ossing; **DUMAIS** – Councilor Ossing; **TUNNERA** – Councilor Ossing; **ORAM** – Councilor Ossing; **ROBEY** – Councilor Ossing; **OSSING** – Councilor Ossing; **WAGNER** – Councilor Ossing; **PERLMAN** – Councilor Ossing; **LANDERS** – Councilor Ossing.

Councilor Ossing has received 11 votes and is elected President of the City Council.

Councilor Navin escorted President Ossing to the podium.

President Ossing opened the floor for nominations for the office of Vice-President of the Marlborough City Council for the year 2020. The name of Councilor Kathleen D. Robey was placed in nomination by Councilor Donald R. Landers, Sr, and seconded. There being no other nominations, motion was made and seconded to close nominations, **APPROVED**.

The City Clerk called the roll for the election of Kathleen D. Robey as Vice-President of the Marlborough City Council for the year 2020.

DOUCETTE – Councilor Robey; **NAVIN** – Councilor Robey; **TUNNERA** – Councilor Robey; **DUMAIS** – Councilor Robey; **ROBEY** – Councilor Robey; **OSSING** – Councilor Robey; **ORAM** – Councilor Robey; **LANDERS** – Councilor Robey; **IRISH** – Councilor Robey; **WAGNER** – Councilor Robey; **PERLMAN** – Councilor Robey.

Councilor Robey has received 11 votes and is elected Vice-President of the City Council.

Motion by Councilor Robey that the 2019 City Council Rules be adopted for operation of the Council in 2020, until such time as they may be reviewed and amended.

ORDERED: That the 2019 City Council Rules be adopted for operation of the Council in 2020, until such time as they may be reviewed and amended, **APPROVED**; adopted.

Motion by Councilor Oram, to adjourn the organizational meeting of the Marlborough City Council.

ORDERED: That that there being no further business, the organizational meeting of the City Council be adjourned at 11:35 AM, **APPROVED**; adopted.

CITY COUNCIL REGULAR MEETING SCHEDULE 2020

January 6
(Municipal Inauguration - Organizational Meeting)

RECEIVED
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CITY OF MARLBOROUGH
2020 JAN -9 A 11:30

January 13

January 27

February 10

February 24

March 9

March 23

April 6

April 27

May 4

May 18

June 8

June 22

July 20

August 24

September 14

September 21

October 5

October 19

November 2

November 16

December 7
(Tax Classification Public Hearing)

December 21

****Additional meetings may be added to the schedule as required****

CITY COUNCIL COMMITTEES

2020

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 JAN -9 A 11:30

Michael H. Ossing, President

Kathleen D. Robey, Vice-President

FINANCE

John J. Irish
Christian Dumais
Mark A. Oram
Robert J. Tunnera
Samantha Perlman

URBAN AFFAIRS & HOUSING

Kathleen D. Robey
Donald R. Landers
David Doucette
Sean A. Navin
Laura J. Wagner

PUBLIC SERVICE

Donald R. Landers
John J. Irish
Samantha Perlman

LEGISLATIVE & LEGAL AFFAIRS

Robert J. Tunnera
Kathleen D. Robey
Donald R. Landers

OPERATIONS & OVERSIGHT

Mark A. Oram
Robert J. Tunnera
Sean A. Navin

PERSONNEL

Christian Dumais
David Doucette
Donald R. Landers

OPEN SPACE

Sean A. Navin
Mark A. Oram
Laura J. Wagner

VETERANS

Sean A. Navin
Samantha Perlman
Mark A. Oram

PUBLIC SAFETY

Samantha Perlman
Kathleen D. Robey
David Doucette

HUMAN SERVICES

Laura J. Wagner
Christian Dumais
John J. Irish

RULES COMMITTEE

Michael H. Ossing
Kathleen D. Robey
Donald R. Landers

******FIRST** PERSON NAMED SHALL SERVE AS COMMITTEE CHAIR****

The **second** person named denotes Committee Vice-Chair.

The President or Vice-President may serve as an ex-officio member
of any of the above Committees to form the required quorum.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 2, 2019

ORDERED:

That there being no objection thereto set **MONDAY JANUARY 13, 2020** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric, to install new underground equipment to feed street lights 52 through 57 from existing street light #24 on Donald J. Lynch Boulevard, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 19-1007863



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 2, 2019

ORDERED:

That there being no objection thereto set **MONDAY JANUARY 13, 2020** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric, to install push brace #7-89 on Front Street which will enable National Grid to remove the pole to tree guy wire, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 19-1007864



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 16, 2019

ORDERED:

That there being no objection thereto set **MONDAY JANUARY 13, 2020** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric, to install a new pole and anchor #30-84 on Bigelow Street which will enable National Grid to remove the pole to tree guy wire, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 19-1007877



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Thomas R. Boudreau
EXECUTIVE AIDE
2020 JAN -9 A 11:10
Patricia Bernard
EXECUTIVE SECRETARY

January 9, 2020

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

Re: Grant Acceptance – Marlborough Police Department

Honorable President Ossing and Councilors:

I am pleased to submit for your acceptance a grant for the Marlborough Police Department in the amount of \$3,000.00 from Cummings Properties. This donation comes as three \$1,000.00 checks from Cummings Community Giving. These grants will be used by Marlborough Police to aid the department's ability to offer community outreach programs to residents of the City of Marlborough.

Please find enclosed a letter from Chief Giorgi, a copy of the Notification of Grant Award forms, and a copy of the documents from Cummings Properties. This grant is a result of Cummings Properties' Employee Directed Giving; Marlborough residents Michael Burnell, Nicole Grunbaum, and Elida Barrera selected Marlborough Police as the local organization they wanted to support.

Thank you to Mr. Burnell, Ms. Grunbaum, Ms. Barrera, and Cummings Properties for supporting our police officers.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



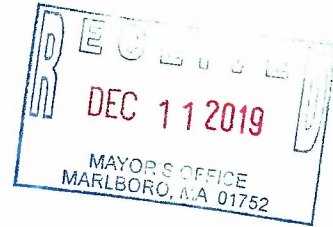
City of Marlborough Police Department

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

David A. Giorgi
Chief of Police

December 11, 2019

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



Dear Mayor Vigeant:

The Marlborough Police Department has received three donation checks in the amount of \$1,000.00 each from Cummings Community Giving as presented by Cummings Properties LLC which is affiliated with the New Horizons facility in Marlborough. The gift donation was made in the honor of and at the recommendation of three New Horizon employees and Marlborough residents- Michael Burnell, Nicole Grunbaum, and Elida Barrera. The donation has been offered to the department as Cummings Community Giving seeks to recognize and support the communities where colleagues and employees of their firm live. In addition, the donation significantly aids the department's ability to offer community outreach programs to residents of the City and is a genuine gesture of support welcomed by our officers.

Attached is a copy of the three letters which our department received from Cummings Community Giving, a Notice of Grant Award, as well as copy of the checks. I am requesting that the donation be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to let me know.

Sincerely,

David A. Giorgi
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: December 11, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: _____

GRANTOR: Cummings Properties LLC/New Horizons- Marlborough

GRANT AMOUNT: \$3,000.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED Donation to M.P.D. on behalf of Cummings Properties employees who live in
Marlborough and who nominated the department for a 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**



November 25, 2019

Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Congratulations! Cummings Properties is delighted to present **Marlborough Police Department** with a \$1,000 donation to be used for the area of greatest need.

This gift is in honor of, and is being made at the recommendation of:
Michael Burnell,

Through Cummings Community Giving, our firm seeks to recognize and support the communities where colleagues in its real estate division and its affiliated New Horizons retirement communities (Marlborough and Woburn) live. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

Please contact Communications Admin Cindy Carey at 781-569-2335 or cxc@cummings.com with questions. More information about Cummings Community Giving is available at www.cummings.com/charity.

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke
Chairman and CEO



Share the good news! Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using #CummingsCG.

PS To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. *Thank you.*

Cummings Buildings *Power* Charities

≡ Cummings Properties 200 West Cummings Park, Woburn, MA 01801 | 781-935-8000

CHK	NAME	ACCOUNT	BR	DATE	DESCRIPTION	AMOUNT	DISCOUNT	TOTAL
CPM	Cummings Properties	9800-300	110619-3	11/6/2019	Staff Giving	1,000.00	0.00	1,000.00

Payor: Cummings Properties, LLC	Date	Check No.	Check Amount
Payee: MARLBOROUGH POLICE DEPARTMENT	11/6/2019	1186018	1,000.00

Retain this statement for your records

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

Cummings Properties, LLC
Woburn Cash Mgmt LLC., Escrow Agent
200 West Cummings Park
Woburn, MA 01801

People's United Bank
One Conant Street
Danvers, MA 01923

53-7116
2113

Date	Check No.	Check Amount
11/6/2019	1186018	1,000.00

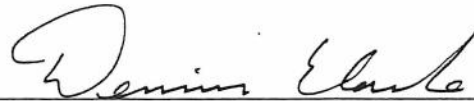
One Thousand AND 00/100 Dollars

Pay to the order of:

MARLBOROUGH POLICE DEPARTMENT

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE

355 BOLTON STREET
MARLBOROUGH, MA 01752



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT



November 25, 2019

Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Congratulations! Cummings Properties is delighted to present **Marlborough Police Department** with a \$1,000 donation to be used for the area of greatest need.

This gift is in honor of, and is being made at the recommendation of:
Elida Barrera,

Through Cummings Community Giving, our firm seeks to recognize and support the communities where colleagues in its real estate division and its affiliated New Horizons retirement communities (Marlborough and Woburn) live. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

Please contact Communications Admin Cindy Carey at 781-569-2335 or cxc@cummings.com with questions. More information about Cummings Community Giving is available at www.cummings.com/charity.

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke
Chairman and CEO



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Cummings Buildings *Power* Charities

≡ Cummings Properties 200 West Cummings Park, Woburn, MA 01801 | 781-935-8000

CPM	Cummings Properties	9800-300	110619-2	11/6/2019	Staff Giving	1,000.00	0.00	1,000.00
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Payor: Cummings Properties, LLC	Date: 11/6/2019	Check No.: 1186017	Check Amount: 1,000.00
Payee: MARLBOROUGH POLICE DEPARTMENT			

Retain this statement for your records

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

Cummings Properties, LLC
Woburn Cash Mgmt LLC., Escrow Agent
200 West Cummings Park
Woburn, MA 01801

People's United Bank
One Conant Street
Danvers, MA 01923

53-7116
2113

Date: 11/6/2019	Check No.: 1186017	Check Amount: 1,000.00
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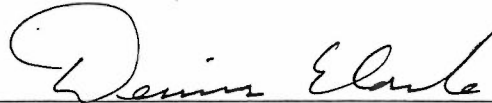
One Thousand AND 00/100 Dollars

Pay to the order of:

MARLBOROUGH POLICE DEPARTMENT

355 BOLTON STREET
MARLBOROUGH, MA 01752

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT



November 25, 2019

Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Congratulations! Cummings Properties is delighted to present **Marlborough Police Department** with a \$1,000 donation to be used for the area of greatest need.

This gift is in honor of, and is being made at the recommendation of:
Nicole Grunbaum,

Through Cummings Community Giving, our firm seeks to recognize and support the communities where colleagues in its real estate division and its affiliated New Horizons retirement communities (Marlborough and Woburn) live. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

Please contact Communications Admin Cindy Carey at 781-569-2335 or cxc@cummings.com with questions. More information about Cummings Community Giving is available at www.cummings.com/charity.

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke
Chairman and CEO



Share the good news! Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using #CummingsCG.

PS To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. *Thank you.*

Cummings Buildings Power Charities

≡ Cummings Properties 200 West Cummings Park, Woburn, MA 01801 | 781-935-8000

Ent	Name	Address	City	Date	Description	Amount	Other	Total
CPM	Cummings Properties	9800-300	110619-1	11/6/2019	Staff Giving	1,000.00	0.00	1,000.00

Payor: Cummings Properties, LLC Date: 11/6/2019 Check No.: 1186016 Check Amount: 1,000.00
 Payee: MARLBOROUGH POLICE DEPARTMENT

Retain this statement for your records

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

Cummings Properties, LLC
 Woburn Cash Mgmt LLC., Escrow Agent
 200 West Cummings Park
 Woburn, MA 01801

People's United Bank
 One Conant Street
 Danvers, MA 01923

53-7116
 2113

Date: 11/6/2019 Check No.: 1186016 Check Amount: 1,000.00

One Thousand AND 00/100 Dollars

Pay to the order of:
 MARLBOROUGH POLICE DEPARTMENT

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE

355 BOLTON STREET
 MARLBOROUGH, MA 01752

Dennis Clarke

SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT



City of Marlborough
Office of the Mayor

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

2020 JAN - 9 A 11: 10

Nathan R. Boudreau
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

January 9, 2020

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

Re: 60-Day Appointment of Interim Collector and Interim Comptroller

Honorable President Ossing and Councilors:

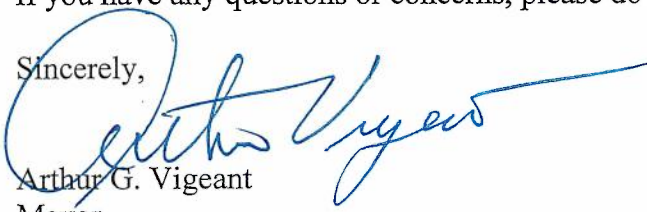
I have appointed Collector Eileen Bristol as the Interim Treasurer for the City of Marlborough effective Friday, January 10, 2020, at 5:00 pm for 60 days. This will allow Mrs. Bristol to sign warrants, access bank statements, and assist with the duties of the Treasurer while we conduct a search for a person to fill the position.

Additionally, I will be appointing Stephen Cirillo to the position of Interim Comptroller to assist with the financial operations of the City during the Comptroller / Treasurer search process also effective Friday, January 10, 2020, at 5:00 pm for 60 days. Mr. Cirillo is a seasoned municipal finance professional who comes highly recommended by the municipal finance community and top officials at the Massachusetts Department of Revenue.

I would like to thank Comptroller Brian Doheny for his service to the City of Marlborough and wish him well as Town Administrator in the Town of Ashburnham.

If you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

STEPHEN EDWARD CIRILLO
20 Myles Standish Road
West Roxbury, Massachusetts 02132

- EDUCATION:**
- MASTER OF PUBLIC ADMINISTRATION** June 1978
Maxwell Graduate School of Citizenship and Public Affairs
Syracuse University
Syracuse, New York 13210
- BACHELOR OF SCIENCE IN POLITICAL SCIENCE** June 1975
Northeastern University
Boston, Massachusetts 02115
- PROFESSIONAL EXPERIENCE:**
- TOWN OF BROOKLINE, MASSACHUSETTS** March 2003 – April 2016
Director of Finance – Treasurer Collector
- Coordinate activities of the Assessing, Comptroller, Purchasing and Treasury Divisions
 - Responsible for all insurance
 - Conduct all SBA Audits
 - Conduct Debt Arbitrage Analysis
 - Represent Board of Selectmen on the Retirement Board
 - Coordinate Annual Year-end Audit
 - Conduct Biennial Actuary Analysis of Retirement and Retiree Health Unfunded Liabilities
- TOWN OF BROOKLINE, MASSACHUSETTS** July 2000 – March 2003
Deputy Town Administrator
- Planned, prepared and submitted an ongoing six-year Capital Improvement Program
 - Developed a Debt Management Plan and managed surplus/free cash
 - Developed and presented the ongoing Five-Year Revenue and Expenditure Forecast
 - Planned, prepared and submitted the Mayor's Annual Operating Budget
- CITY OF NEWTON, MASSACHUSETTS** Sept 1991 – July 2000
Treasurer Collector
- Manage billing, collecting, and recording of \$230,000,000 of municipal revenue
 - Manage the distribution of municipal payroll, benefits, and accounts payable
 - Coordinate and execute all municipal debt service
 - Manage all municipal investments
 - Manage the Parking Hearings Division
 - Manage the activities of forty-five municipal trust funds
- CITY OF NEWTON, MASSACHUSETTS** July 1985 – September 1991
Chief Budget Officer
- Planned, prepared and submitted an ongoing six-year Capital Improvement Program
 - Developed a Debt Management Plan and managed surplus/free cash
 - Developed and presented the ongoing Five-Year Revenue and Expenditure Forecast
 - Planned, prepared and submitted the Mayor's Annual Operating Budget

- Provided legislative briefings, lead negotiations to resolve budgetary differences, and built consensus for the authorization of the next Fiscal Years budget by the Legislative Body
- Provided analysis on the cost of collective bargaining proposals
- Coordinated the annual review and submission of the City's State Legislative proposals
- Developed the City's Water/Sewer rates based upon a full cost recovery system
- Acted as Liaison to the School Committee, Finance Committee, MWRA, Mass Municipal Fiscal Policy Committee, and Middlesex County Advisory Budget Committee

FINANCIAL RESOURCES GROUP, LTD
Comptroller

January 1983 – July 1985

- Maintained financial records of five national / international corporations
- Managed ten real estate limited partnerships
- Screened, hired and coordinated the activities of twelve full time / part time staff

TOWN OF BROOKLINE, MASSACHUSETTS
Administrative Assistant – Budget and Management

June 1979 – January 1983

- Developed internal revenue and expenditure forecasts
- Coordinated the annual budget and Capital Improvement Budget processes
- Acted as Liaison to the School Committee, Finance Committee, Mass Municipal Fiscal Policy Committee, and Norfolk County Budget Advisory Committee
- Served as Acting Director of Brookline Health Department

SUFFOLK UNIVERSITY
Adjunct Professor, Masters of Public Administration Program

September 1987 - Present

- Teach Public Budgeting, Forecasting, Capital Planning and Accounting
- Participate in the team development of curricula

NORTHEASTERN UNIVERSITY
Adjunct Professor, Masters Public Administration Program

September 1997 - Present

- Teach Public Budgeting, Forecasting and Capital Budget Planning
- Participate in the team development of curricula

**ASSOCIATIONS
AND
PUBLICATIONS:**

Chairman of MMA Fiscal Policy Committee	1997 - 1998
President, Mass Government Finance Officers Association	1988
Author, "Negotiating Pilot Payments," EOCD Publication	1991
Author, "Finance Officer's Role in Collective Bargaining," EOCD Publication	1988
Author, "Capital Planning: Techniques and Financing," The Municipal Forum, Summer 1987	1987
Co-Author "Maximizing User Fees," The Municipal Forum, Fall 1982	1982

REFERENCES: Furnished Upon Request



City of Marlborough
Office of the Mayor

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

2020 JAN -9 A 11:10

Nathan R. Boudreau
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

January 9, 2020

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

RE: Appointment of Director of Public Health

Honorable President Ossing and Councilors:

The Marlborough Board of Health has informed my office that they have appointed Interim Director of Public Health John Garside to the position of Director of Public Health. Director Garside has been employed by the City of Marlborough's Health Department as Health Inspector since 2015, serving as Interim Director of Public Health since early fall 2019, and has performed admirably. He brings a wealth of municipal and private sector health experience that will help him excel in the position of Director of Public Health.

The Marlborough Health Department plays a critical role in protecting and educating our residents and local businesses, and I am excited to bring on Director Garside to guide the department into the new decade.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

John R. Garside
566 Old Dunstable Road
Groton, MA 01450

OBJECTIVE: A progressively challenging public health opportunity that utilizes my public and private sector experience, motivation, and management skills.

EDUCATION: UNIVERSITY OF MASSACHUSETTS-LOWELL.
Masters in Environmental Studies, 15/30 degree credits completed
Masters of Management Science in Manufacturing Engineering
Bachelor of Science in Industrial Technology

EXPERIENCE:

2/15 - Present **Marlborough Board of Health, MA**
Health Inspector. Duties: inspection of food establishments, housing, beaches, pools, septic systems, recreational camps, and tanning establishments; investigation of health nuisance complaints; prepare enforcement orders and represent board of health in housing court as required.

7/03 - 2/15 **Wescon Inc., MA**
Project Manager. Duties: manage all aspects of residential/commercial development and construction; estimating; budgeting; cost analysis; scheduling; procurement of materials and contractors; quality control; supervising staff and subcontractors; inspections for code compliance and architectural detail; and serving as liaison to clients and sales associates.

11/99 - 7/03 **Westford Board of Health, MA**
Director of Environmental Services. Duties: review and permitting of title 5 disposal systems; inspection of recreational camps, pools, beaches, wells, food establishments, housing; responding to nuisance complaints; processing beaver management applications; working with the mosquito control program regarding program implementation and public education; organizing and maintaining the permitting database; participating in Health Fairs; reviewing subdivisions, site plans, and special permit requests; and overall environmental health program development.

5/98 - 1/00 **Ipswich Board of Health, MA.**
Health Director. Duties: review and approval of all conventional and innovative/alternative title 5 sewage disposal systems; inspection of recreational camps, bathing beaches, swimming pools, food establishments and housing; managing vaccine distribution to local providers; Tobacco Control Collaborative member; American with Disabilities Act Coordinator; administering contracts for community health nursing and counseling services, hazardous waste collection, and inspectional services; program and policy development.

REGISTRATIONS: Environmental Health Specialist, Mass. Registered Sanitarian, Mass. Certified Health Officer, Mass. Licensed Construction Supervisor, Mass. Licensed Lead Determinator, Mass. Licensed Soil Evaluator and Septic System Inspector, Grade 2B hoisting license, Certified Green Professional.

INTERESTS: Antique automobiles, biking and alpine skiing.



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Arthur G. Vigeant
MAYOR
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CITY OF MARLBOROUGH
2020 JAN -9 A 11:10
William R. Boudreau
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

January 9, 2020

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

RE: Re-Appointment to Disabilities Commission

Honorable President Ossing and Councilors:

Please find enclosed for your review and confirmation the re-appointment of Patricia Carlson to the Commission on Disabilities to expire two years from the date of City Council confirmation. Mrs. Carlson has been a valuable member of the commission since 2012 and is well prepared to continue making valuable and experienced contributions to this commission.

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

Sincerely,

Arthur G. Vigeant
Mayor



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Office of the Mayor

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Arthur G. Vigeant
MAYOR

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William R. Boudreau
EXECUTIVE AIDE

2020 JAN -9 A 11:10

Patricia Bernard
EXECUTIVE SECRETARY

January 9, 2020

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

Re: Re-Appointment to the Zoning Board of Appeals

Honorable President Ossing and Councilors:

Please find for your review and confirmation the re-appointments of four members of the Zoning Board of Appeals (ZBA) for terms set forth below:

- Paul Giunta for a term to expire three years from the date of City Council confirmation.
- Robert Levine for a term to expire three years from the date of City Council confirmation.
- Thomas Golden for a term to expire two years from the date of City Council confirmation.
- Ralph Loftin for a term to expire two years from the date of City Council confirmation.

These nominees are ZBA members in good standing and have a long history of community involvement. They have all participated in many ZBA meetings and are well-prepared to continue service.

Please do not hesitate to contact me with any questions or comments.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor



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Office of the Mayor

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Arthur G. Vigeant
MAYOR
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2020 JAN -9 A 11: 10
Nathaniel Boudreau
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

January 9, 2020

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

Re: Appointment to the Fort Meadow Commission

Honorable President Ossing and Councilors:

I am submitting for your review and confirmation the appointment of Paul Gould to the Fort Meadow Commission for a three-year term to expire three years from the date of City Council confirmation to replace Commissioner Delgenio who has become unavailable to serve. I would like to thank Commissioner Delgenio for his many years of service.

As a lifelong resident, active user, and involved commission volunteer, Mr. Gould will be an asset to the Commission. He is well-known throughout Marlborough as an employee of the Department of Public Works and is known and respected by patrons of the Fort Meadow Reservoir.

Mr. Gould will be available to meet with you to discuss his appointment and looks forward to the opportunity. If you have any questions in the meantime, please let me know.

Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOHN W. PARSONS, ESQ., *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. MCCARTHY | JENNIFER F. SULLIVAN

2019 DEC 16 P 12:26

MEMORANDUM

TO: Marlborough Retirement Board
FROM: John W. Parsons, Esq., Executive Director
RE: Appropriation for Fiscal Year 2021
DATE: December 12, 2019



Required Fiscal Year 2021 Appropriation: **\$9,187,513**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2021 which commences July 1, 2020.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2021 appropriation to be paid by each of the governmental units within your system.

The current schedule is due to be updated by Fiscal Year 2022.

The amounts shown in this letter reflect an assumed payment date of July 1. The Housing Authority typically makes its payments in October, November and December (on average, assumed November 15). The adjusted payment for the Housing Authority is \$123,741.

As requested, the breakout of the City's appropriation is as follows:

City	\$5,924,817
Water	264,316
Sewer	273,364

If you have any questions, please contact PERAC's Actuary, John Boorack, at (617) 666-4446 Extension 935.

JWP/jfb
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

p:\actuarial\approp\approp21\fy21 for web\marlborough approp 21.docx

FIVE MIDDLESEX AVENUE, SUITE 304 | SOMERVILLE, MA 02145
PH 617 666 4446 | FAX 617 628 4002 | TTY 617 591 8917 | WWW.MASS.GOV/PERAC



Marlborough Retirement Board

Projected Appropriations

Fiscal Year 2021 - July 1, 2020 to June 30, 2021

Aggregate amount of appropriation: **\$9,187,513**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2021	\$11,918,320	\$9,187,513	\$0	\$9,187,513	\$9,187,513	\$0	\$2,730,807
FY 2022	\$12,584,723	\$9,524,575	\$0	\$9,524,575	\$9,524,575	\$0	\$3,060,148
FY 2023	\$13,289,601	\$9,873,569	\$0	\$9,873,569	\$9,873,569	\$0	\$3,416,032
FY 2024	\$14,035,176	\$10,234,891	\$0	\$10,234,891	\$10,234,891	\$0	\$3,800,285
FY 2025	\$14,823,796	\$10,608,954	\$0	\$10,608,954	\$10,608,954	\$0	\$4,214,842

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Marlborough Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2021 - July 1, 2020 to June 30, 2021

Aggregate amount of appropriation: **\$9,187,513**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Marlborough	70.34%	\$6,462,497	\$0	\$6,462,497
School Department	28.35%	\$2,604,660	\$0	\$2,604,660
Housing & Community Devel. Authority	1.31%	\$120,356	\$0	\$120,356
UNIT TOTAL	100%	\$9,187,513	\$ 0	\$9,187,513

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

KEEGAN WERLIN LLP

ATTORNEYS AT LAW
99 HIGH STREET, SUITE 2900
BOSTON, MASSACHUSETTS 02110-3113

(617) 951-1400

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CITY OF MARLBOROUGH
FAX COPIER:
(617) 951-1354

2019 DEC 26 P 1:14

VIA OVERNIGHT COURIER

December 23, 2019

City of Marlborough City Council
140 Main Street 2nd Floor
Marlborough, MA 01752

Re: NSTAR Electric Company, d/b/a Eversource Energy EFSB 17-02/D.P.U. 17-82/17-83

Dear Council Members:

Please find enclosed a copy of the Final Decision of the Energy Facilities Siting Board (the "Siting Board") issued on December 18, 2019 in the above-referenced proceeding. This is being provided to you pursuant to the instructions of the Final Decision of the Siting Board (see page 238).

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,



Kristin M. Reynolds
Paralegal
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
(617) 951-1400

Enclosure



Massachusetts Cultural Council

Marlborough LCC Meeting Agenda

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2019 DEC 13 P 5:17

Marlborough LCC Meeting in 4th Floor Conference Room at City Hall
Date: Tuesday, November 19th at 7 PM

Attendees: Samantha Perlman, Gabriele Luzzi, Kathy Oliver Jones, Jessica Bowen, Monica Lucey

Absent: Stephen D'Alessandro

Members of the Public Attending: N/A

I. Call to order – meeting called to order at 7:06

- A. Welcome and recap
- B. Thank you to Gabriele and David for being Labor Day Parade float judges
- C. Update on the use of centralized email account --marlboroughculturalcouncil@gmail.com
 - a. Hub for all materials related to the Council

II. Review Council applications for current grant cycle and deliberate funding allocations for 2020.

- A. \$16,300 to be allocated this cycle
- B. Grant criteria in which an applicant could be denied:
 - [1] the proposal was not well researched and documented, with a clear and complete plan for execution, including information about sponsors, funding sources, project location, audience ,dates, and cost involved.
 - [2] the proposal is not primarily for the benefit of Marlborough citizens.
 - [3] the proposal does not serve the largest possible percentage of the population.
 - [4] the proposal does not recognize the cultural diversity of Marlborough.
 - [5] the proposal did not demonstrate a willingness to present new and innovative programs as well as maintaining existing programs
 - [6] the proposal relied solely on Marlborough LCC for funding.

Project Title	Amount Given OR Reasons why Denied
Messiah Sing	\$250
From JAZZ to Hip Hop	1, 3
Cultural Arts at Jaworek	\$2300
MECC Cultural Arts Program	\$950
NACC Spring and Winter Concerts 2020	\$200

Kane Enrichment Programs	\$2300
Mabel and Jerry - a play	\$100
Musical Baseball Show	\$100
Pastel Paint Your Georgia O'Keeffe Miracle Flowers	\$200
King Elementary Before-School Yoga	2, 4
Cultural Arts Program at Richer	\$2300
Fueling the Creative Economy	\$1400
A Cultural and Historical Reflection of the 1960s through the Music of The Beatles	1
The Box From The Future	1, 2
John Morello - Actor, Comedian & Author: A Performance About Tough Issues	6
Shakespeare for All	\$1400
Writing for Wellness Series	2, 3
Songbirds of the Northeast	3, 4, 5
EBT \$1 Anytime Admission Program	\$300
See Yourself in STEM - Mentorship Program for High School Students ***we would like feedback on this program for next year to see how successful it is***	\$1050
Radio-Active Theatre	\$100
Women's Role in Suffrage/Voting Rights	1
HMS Pinafore	\$250
Symphony Pro Musica 2019-20 Season	\$250
Amplify!	2, 3, 4
Thinking Outside The Boxes - City Beautification Project	\$500
Marlborough Makers Public Art	\$2000
Nashoba Symphonic Band: Holiday Pops at Solomon Pond Mall	\$200
Family Concerts: Which Animal Are You?	\$150

III. Cultural Council Structure

- A. Recruitment of new members
 - a. Sam had contacted the City and had conversations for possible members
- B. Establish whether Council should meet more regularly i.e. planning of grantee reception
 - a. April 2, 2020 at Hillside School, Monica has confirmed Hillside can host
- C. Discuss ideas for community input process to engage residents in what they would like to see from the Council.
 - a. Digitally -- table this for after grant reception, but do a digital survey and ask if they have done something i.e. have your children ever participated in X?

IV. Announcements

- A. Thank you to Jessica for her time on the Council!

V. Adjournment 9:10pm

Respectfully submitted by Monica J Lucey

Marlborough Public Library Board of Trustees
Meeting Minutes

November 5 2019
Bigelow Auditorium, Marlborough Public Library

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CITY OF MARLBOROUGH
2020 JAN -2 P 12:44

Meeting called to order by Tom Abel at 7:02pm

Board Members Present: Tom Abel, Fred Haas, Nena Bloomquist, Robyn Ripley, Karen Bento, Samantha Khosla, Janice Merk

Also Present: Margaret Cardello, Library Director

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the October 1, 2019 meeting
3. Trust Fund/State Aid reports for October 2019
4. Director's Report
5. Inclement Weather Procedure

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the October 1, 2019 meeting was passed (Haas/Ripley).*
2. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for October 2019 was passed (Ripley/Bento).*
3. **Director's Report:** (see attached for more details)
 - The Library Building Committee met on October 10 to review progress to date on the library renovation project. The cost estimate for the current design should be available by the committee's next meeting, which is November 14. Once approved by the committee, the schematic designs will be presented to the Mayor and other officials as well as the public, for input. Upon completion of the schematic phase, the architects will move onto design development in greater detail.
 - Margaret noted that our Mass Board of Library Commissioners' consultant has reviewed our progress on the renovation project and is pleased with the results to date.
 - Plans for how to best utilize the space in the Walker Building as a temporary library are still being finalized but are moving ahead very smoothly. Margaret is grateful for the support being provided by the city's Facilities team. As a bonus, a local corporation looking to have its employees contribute a day of service will

likely be put to work cleaning and painting some areas in the Walker Building that will be used by the library.

- A candidate for the open PT position in the Children's Department withdrew his application upon learning of the hourly wages. This position has been open since August. The low wages have made it very difficult to fill with a qualified candidate.
- A collection of Marlborough High School yearbooks from 1960 – 2019 are being digitized by the Boston Public Library as part of the state's Digital Commonwealth program. This is MPL's first experience with a digitization project of this scale, which will allow anyone to access the yearbook contents easily online through the library website, as well as through Digital Commonwealth and other sites.
- Margaret has been invited to participate in a quarterly meeting of urban librarians, which she feels will be a good opportunity to exchange ideas and learn about common issues and the solutions being implemented.
- The Children's Department Halloween Part was a tremendous success, with well over 100 children, parents and grandparents attending. The crowd was very diverse and, according to Margaret, was a beautiful representation of the City of Marlborough.
- The Teen Librarian has been invited to attend The Bridges program at MHS once a month. This will be excellent opportunity to engage with students who are transitioning back into a school setting. MPL has also received calls from English teachers at the Academy of Math and Science charter school about bring students in to tour the library and receive a library card.

4. Committee Reports:

- Marlborough Public Library Foundation:
Nena Bloomquist, MPLF Chair, updated the Trustees on the Foundation's plans to host events at the library once the renderings of the new facility are completed.

5. Old Business:

- Margaret submitted the revised Inclement Weather Procedure for Trustee approval. The policy states that the library will follow the City's lead on weather-related closings during regular City Hall hours. The Library Director will confer with the Mayor for approval to close should inclement weather occur when the library is open but City Hall is closed, such as on evenings and weekends. *A motion to approve the revised Inclement Weather Procedure was passed. (Khosla/Bloomquist).*

6. New Business:

- The MHS Guidance Office once again thanked the Trustees for the annual scholarships provided to graduating Marlborough Seniors, and has requested any changes to the scholarship requirements be submitted soon. Nena Bloomquist will bring the current scholarship form to the December Trustees meeting for review.
- Tom Abel reminded the board that elections for 2020 Trustee officers are due to take place in January.

7. Adjournment: *A motion to adjourn passed at 8:15pm (Khosla/Haas)*

Minutes submitted by Janice Merk.

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 December 2, 2019
2019 JAN 2 P 12:44

Call to Order

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

1. Meeting Minutes

A. October 21, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to approve and file the meeting minutes of October 21, 2019. Motion carried.

B. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to approve and file the meeting minutes of November 18, 2019. Mr. Fay abstained. Motion Carried.

2. Chair's Business (None)

3. Approval Not Required

A. ANR 92 Crowley Drive, Assessor's Map 15 Parcels 22 and 23 – Applicant: First Colony Crowley Drive One, LLC, Jon Delli Priscoli - Representative. Engineer: Arthur F. Borden & Associates, Inc., 302 Broadway, Unit 4, Raynham, MA.

Mr. Delli Priscoli explained that that the purpose of the plan was to make a minor area adjustment between adjoining commonly-owned lots. The proposed retirement community development project recently went through site plan review. This ANR ensures that the development plan meets the required setbacks. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the ANR application and plan. Mr. LaVenture read the review letter of Assistant City Engineer Collins into the record. The plan dated 10-29-19, revised 11-22-19, modifies Lot 3 and Lot 4, creating Lots 3-1 and 4-1. Both lots have adequate area and frontage, meet the lot shape requirement and have present adequate access. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence and endorse the above referenced plan as Approval Not Required under the Subdivision Control Law. Motion carried.

To allow time for City Councilor participation prior to their 8:00 meeting, Ms. Fenby requested a motion to move item 4B up in the agenda. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to take up item 4B next in the agenda. Motion carried.

4. Public Hearings

B. Public Hearing - Council Order Number 19-1007716A, Proposed Zoning Amendment, Section 650-7, entitled "Districts Enumerated"; Section 650-17, entitled "Table of Uses"; New Section, Section 650-40, entitled "Special Provisions Applicable to the Route 20 East (Wayside) Zoning District.

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

Presentation:

City Councilor Delano and Josh Fiala, Principal Planner, Metropolitan Area Planning Council (MAPC) were in attendance to represent the proposed zoning amendment. Mr. Delano explained that the concept for the proposed zoning amendment along Route 20 has been around since about 2012. There have been numerous meetings and much discussion resulting in the proposed amendment before the Planning Board.

Mr. Delano said that historically the east side of RT 20 has been a challenging business climate. The proposed zoning amendment will better support businesses in the area, while facilitating overall improvements to make the area a better place to live, work and play. Marlborough is sometimes criticized that proposed zoning changes are often developer driven. The purpose of this amendment is to be forward thinking by providing the framework for design standards and desired community growth. While the original plan was to extend the zoning district further to Phelps St., due to some councilors' reservations, the scope has been narrowed. The zone is now proposed from the Sudbury line to Wilson St. It is Mr. Delano's hope that the next Council will build upon this initial zoning work and extend the zone further west. Mr. Delano invited Mr. Fiala from MAPC to continue the presentation.

Mr. Fiala explained that this zoning opportunity parallels planned street improvements for the RT 20 E corridor. The zone change will encourage development that is more compact and pedestrian friendly and allow for commercial, mixed-use development to promote livability and improved quality of life. The proposed zoning ordinance integrates design standards to align site and building design with enhanced quality and walkability. One key feature is encouraging inter-parcel connectivity, enabling vehicular traffic inside developments vs. multiple curb cuts to RT 20. (Apex was used as an example.) Goals are articulated as allowed uses in the ordinance. Mr. Fiala also mentioned RT 1 in Saugus and RT 9 in Wellesley as models of previously "automobile centric" areas that are benefiting from this approach. Mr. Delano agreed that timing for this zoning change is favorable considering the planned roadway improvements on RT 20 East.

Speaking in Favor:

No person spoke in favor of the proposed amendment. Ms. Fenby closed that portion of the hearing.

Speaking in Opposition:

No person spoke in opposition to the proposed amendment. Ms. Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

City Engineer DiPersio asked about page 3, section G on parking access. The ordinance would appear to require development work on property that is not their own. Mr. Fiala said that the access requirement encourages properties to work on internal connectivity vs. reliance on RT 20 for passage between parcels.

Mr. Fay asked how the ordinance affects Marlborough Nissan. Mr. Delano stated that the zone did not allow expansion of car sales across the street. Mr. Fay mentioned the redevelopment of the Marist property in Framingham, which is now "The Branches of Framingham", an assisted living and memory care facility. He wondered whether the Sisters of St. Anne could someday be developed in a similar way. Referencing the Table of Uses, the response was no, retirement communities are not an allowed use in the district.

Mr. Fay also asked about the mobile home park that is included in the proposed zoning district. Will this amendment ultimately push people out if a new mixed-use development is proposed? There could be a loss of low-income housing in the City. Mr. Delano said that mobile home parks are extremely difficult to close. He did not anticipate the amendment to affect the existing mobile home park. Mr. Delano stated that many of the residential parcels were already removed from the proposed ordinance. Mr. Fay wondered why the park was included in the first place then. Mr. Fiala pointed to the geometry of the zone. The inclusion of the park gives depth to the zone as opposed to only including parcels that are less deep but abut RT 20. Mr. Hodge expressed concern. Rezoning could facilitate the reduction of low-income housing. We shouldn't discount this potential impact.

Mr. LaVenture asked if similar zoning changes met the desired expectations. Mr. Fiala pointed to Rt 1 in Saugus. This was a very automobile-centric, highway-like setting. Mixed uses are beginning to transform this area; changes do not transform instantaneously, but incrementally.

Chair Fenby expressed that the proposed zoning district is too limited. The former McGee Farm is prime for development, but this area is not included in the new district. It would be preferred to include the area to Phelps Street, otherwise we are missing an opportunity. Mr. Delano said that Councilors have been debating the boundaries for quite some time. This abbreviated district is a compromise first step that can be expanded upon in the future. Ideally, the district would be extended.

Mr. Russ would like to see more types of housing added at various price points and to extend the district as far as possible. Mr. Delano said that part of the reason the district is more limited is that some Councilors feared losing its grocery store in the Price Chopper Plaza. Mr. Russ also asked how the 52' height restriction was derived and how it compares with existing structures. Mr. Delano explained that there are opportunities to increase height by special permit. Councilors are sensitive to abutting properties and how developments may affect residents. Mr. Fay expressed his consistent reservation in the language "at the discretion of Council". He added, the Council's composition is variable, and it is preferred to spell out the rules as clearly as possible and not leave the decisions up to a City Council of uncertain makeup. Mr. Delano acknowledged the benefit of allowing some flexibility. Sometimes a special permit will tip the scale in establishing a project's financial viability. Members also asked about hotels. Mr. Fiala said that hotels will be limited to more "boutique-style" developments as opposed to large major chains. Mr. Hodge reiterated his point regarding low-income housing. Anyone following the news realizes the impact of development on low income housing. Development is creating a housing crisis in many places. In the current district, the trailer park seems to be singled out.

As there were no comments or questions, Ms. Fenby closed the public hearing. Mr. Delano said if the Board was ready to make their recommendation, the Council would appreciate their comments. If the Board needs additional time, that is fine. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the Marlborough City Council on the proposed zoning amendment with two additional recommendations:

- 1) That the Wayside Zoning District be expanded to Phelps St. If this extension cannot be accomplished with this proposal, the matter should be taken up by the next Council in 2020.
- 2) That the Council revisit their justification for including the mobile home park on the west side of the district. Motion carried.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to take a brief recess to deliver their recommendations to Council. Motion carried.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to reopen the meeting and return to item 3B. ANR 285, 297 Concord Rd. Motion carried.

3. Approval Not Required

- B. ANR 285, 297 Concord Rd. Middlesex South Registry of Deeds Book 19501 page 343 and Book 30947 page 443. Applicants: Paul, Joseph and Sandra May, Engineer: Hancock Associates, 315 Elm Street, Marlborough, MA 01752, J. Dan Bremser, applicant's representative.

J. Dan Bremser of Hancock Associates introduced the ANR. He acknowledged that the ANR has previously appeared before the Board informally. He summarized that the lots created with the ANR are all oversized for the zone – 38K, 34K and 35K square feet, but the issue of frontage has been debated, since the frontage on the plan is derived along an unconstructed way. Mr. Bremser pointed to the work of attorney Sem Aykanian that sought to establish the unconstructed portion of Hemenway St. as a public way. He read the definition of "Subdivision" from Massachusetts General Laws, Chapter 41. He continued, stating his position that if the lots have frontage along a public way, the question of adequacy of the way is irrelevant. He said that the gates on each end of the unconstructed road can provide access to emergency vehicles.

Referencing the "Ball case", Mr. Bremser shared Attorney Aykanian's characterization of the Hemenway Street access as 'could be better but manageable', vs. 'illusory'. Mr. Fay reminded Mr. Bremser that there is a significant difference between the opinion of an attorney advocating for his client and an established fact. Mr. Bremser asserts that the burden to maintain Hemenway St. is the City's. Mr. Fay disagreed that if the portion of Hemenway Street in question is a public way that the adequacy of the way providing the required frontage is irrelevant. Mr. Fay stated that this is a distortion of the findings in the Ball case, and that in prior meetings of the Planning Board, the Board concluded that access was illusory in keeping with the Ball case based on the comments of Chief Breen. Mr. Fay stated that that portion of Hemenway Street is a path to the forest. Mr. Fay stated that development of Mr. May's parcel could occur if that portion of Hemenway Street is a public way by improving the roadway to an acceptable standard. Mr. Bremser contends that if the City did not intend for the roadway to be considered a public way, the City should have discontinued that section of Hemenway as a public way. Mr. Fay questioned whether the applicant had established that that portion of Hemenway Street is a public way and reminded Mr. Bremser that the burden was on the applicant to do so.

Mr. Fay recapped the Board's meeting with Attorney Aykanian for Mr. Bremser, since he was not at the meeting. He stated that he was surprised to see this ANR application since at that meeting there was a clear consensus of the Board that that portion of Hemenway Street could not be used to create the required frontage for an ANR plan. This was confirmed by Chief Breen's comments in a public meeting, photographs offered by Solicitor Rider, and site visits by Board members. Ms. Fenby added that there are any number of unconstructed ways throughout the City. Ignoring a standard for adequate access in determining whether the plan qualifies for Approval Not Required would set a bad precedent. Mr. Fay said that since adequate access remains unestablished, the applicant may wish to withdraw the application and consider another means to develop the lot by improving the way if it is established as a public way. Mr. Bremser's client is away, so that is not possible. Mr. Fay suggested consulting with his client before the next meeting of the Planning Board on December 16 and consider withdrawing the application without prejudice. Mr. Fay reiterated that there are significant questions of law involved with this application, and that it is unlikely that the applicant will be able to meet their burden of proof by the next meeting, and that the City Engineer, without further findings, could not send a letter recommending approval of the plan, only that the dimensional requirements were met. Based on that, Mr. Fay stated that he would not be able to vote in favor of the plan. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to refer the ANR plan to Engineering. Motion carried.

4. Public Hearings

- A. **Continued:** Public Hearing - Council Order Number 19-1007738C, Proposed Zoning Amendment Section 650-8, 269 Mechanic Street. Proposed change from Limited Industrial to Residence B. (Assessor's Map 56, parcel 126, plus a small area behind the parcel within an easement area.) Attorney Michael Norris

Communication from City Solicitor Grossfield re: 269 Mechanic - Legal opinion request.

Chair Fenby reopened the public hearing continued from 11-18-19. Attorney Michael Norris was present for the hearing.

On a motion from Mr. Fay, seconded by Mr. LaVenture, the Board voted to waive the reading of the communication from City Solicitor Grossfield. Motion carried. Having confirmation of the applicant's rights, and with no further questions from the Board, Chair Fenby declared the hearing closed. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to make a favorable recommendation to the Marlborough City Council on the proposed zoning amendment. Motion carried.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to take a brief recess to deliver their recommendation to the City Council. Motion carried.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to reconvene the meeting and move to agenda item 5. Motion carried.

5. Subdivision Progress Reports (City Engineer- Updates and Discussion)

A. Goodale Estates

Mr. LaVenture read the November 20, 2019 emailed letter from Kevin Gillis, Managing Director, Northborough Capital Partners into the record. Mr. Gillis requests that in accordance with the Covenant, that the amount of the bond required to ensure the completion of the subdivision be established. Mr. Gillis also provided a draft deed for the roadway and drainage easement, which will become part of the petition for City Council acceptance at the end of the subdivision maintenance period. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the materials and to refer the matter of the establishment of the bond securing the completion of the subdivision to Engineering. Motion carried.

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

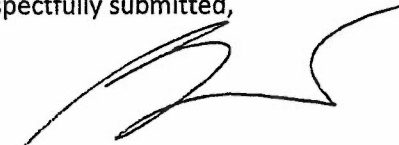
10. Unfinished Business (None)

11. Calendar Updates (None)

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

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

Respectfully submitted,



George LaVenture/Clerk

/kih

**Minutes
Retirement Board Meeting of
October 29, 2019**

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2020 JAN -6 A 7:27

The monthly meeting of the Marlborough Retirement Board was held on October 29, 2019. Gregory Brewster, William Taylor, David Keene, Diane Smith, Daniel Stanhope, Margaret Shea, and Nathaniel Chen were present. The meeting was at 289 Elm Street, Marlborough.

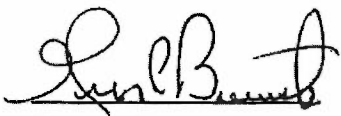
1. The meeting was called to order at 8:15 a.m.
2. A motion was made and seconded to approve the minutes. Vote unanimous.
3. Henry Jaung and Stephen MacLellan attended the meeting to review fund performance and the results of the search for custodial services. The value of the funds as of September 30, 2019 was \$182.3 million. The asset allocation was within policy range. The fund returned 1.1% for the quarter with a year-to-date return of 12.5%. The one-year return is 5%. Jaung and MacLellan noted that a typical allocation to equity for a fund of Marlborough's size would be approximately 53% - 55%. Marlborough's allocation is 45% leading to underperformance in years with strong equity returns. A discussion followed regarding economic expansion and recession concerns. They discussed issuing an RFP for high yield bonds and another for index equity funds before the end of the year.

Four custodial banks responded to the Board's RFP: Comerica, People's United Bank, U.S. Bank, and UMB Bank. Meketa ranked Comerica and US Bank as highly advantageous. MacLellan and Jaung distributed an updated RFP analysis since there has been corrections to the fees listed in Meketa's quarterly report. The differences in fees between Comerica and US Bank was not substantial. After discussion, a motion was made and seconded to rehire Comerica for a term not exceeding seven years. Vote unanimous.

4. The Board discussed its recent RFP for consultant services. Three firms responded: The Meketa Group, Dehab, and FIA. The director distributed the responses to the Board's RFP as well as the evaluation sheet. The director requested that members rank each respondent by the ten criteria and return the sheets to the office by November 15, 2019.
5. The Board reviewed the final draft of the Actuarial Valuation as of January 1, 2019. After discussion, a motion was made and seconded to accept and place on file. Vote unanimous.
6. The Board reviewed the Financial Statements prepared by Roselli, Clark, and Associates. A motion was made and seconded to accept and place on file. Vote unanimous.



7. The Board reviewed correspondence between PERAC and the Meketa Group regarding EnTrust. A motion was made and seconded to accept and place on file. Vote unanimous.
8. Approval of retirements was the next item on the agenda. Roger Darling was scheduled to receive a superannuation retirement allowance effective September 27, 2019. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
9. The following individuals applied for refunds of their annuity savings accounts: Charles Carpenter and Catherine Staley. The Middlesex County Retirement System had requested a transfer of Abby McLaughlin Kuchura and Suzanne Smith's accounts. The Massachusetts Teachers' Retirement System requested a transfer of Amanda Burke and Linnea Garvin's accounts. The Worcester Regional System requested a transfer of Kristen Snow's account. The Leominster Retirement System requested a transfer of Erin Zuaro's account. The Wellesley Retirement System requested a transfer of Robert Copeland's account. The Haverhill Retirement System requested a transfer of Christine Venti's account. A motion was made and seconded to approve all refunds and the transfer. Vote unanimous.
10. The Board reviewed a cash flow analysis and operating budget as of October 31, 2019. The Board also reviewed the September cashbooks, journals, and trial balance. The Board reviewed the August and September cash reconciliation and bank statement. A motion was made and seconded to accept and place on file. Vote unanimous.
11. New Business / Old Business was the next item on the agenda. There was no old or new business.
12. The Board approved the following warrants: retiree payroll warrants for October 2019, #242019, #252019, and #262019.
13. A motion was made and seconded to adjourn the meeting. Vote unanimous.



Gregory P. Brewster, Chairman

Minutes
Retirement Board Meeting of
November 26, 2019

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2020 JAN -6 A 7 27

The monthly meeting of the Marlborough Retirement Board was held on November 26, 2019. Gregory Brewster, William Taylor, David Keene, Diane Smith, Daniel Stanhope, and Margaret Shea were present. The meeting was held at 289 Elm Street, Marlborough.

1. The meeting was called to order at 8:15 a.m.
2. A motion was made and seconded to approve the minutes. Vote unanimous.
3. The Board reviewed the results of their analysis of the submissions for the consulting services RFP. Although all three firms earned a highly advantageous ranking, Meketa scored the highest and had the lowest annual fees for each of the seven years of the contract. After discussion, a motion was made and seconded to approve. Vote unanimous.
4. The Board then discussed the purchase of PTG's Employee Self-Service (ESS) and Scanning modules. The director discussed the cost of the modules and PTG's offer to price the modules at \$6,000 annually if we purchase both together; a savings of \$2,000 per year. She discussed her informal survey of retirement systems who purchased both modules and explained the benefits and limitations of each. The Board discussed whether Marlborough's members would utilize the ESS. The director was asked to research usage of the ESS in other retirement systems.
5. Approval of retirements was the next item on the agenda. Laura Bourn of the DPW was scheduled to receive a superannuation retirement allowance effective October 15, 2019. After review of pertinent information, a motion was made and seconded to approve. Vote unanimous. The director asked the Board to approve a superannuation retirement allowance of Roger Darling. They had approved the benefit at last month's meeting, but the benefit amounts were listed incorrectly. After a review of revised information, a motion was made and seconded to approve. Vote unanimous.
6. The following individuals applied for refunds of their annuity savings accounts: Nicholas Charbonneau, Stephen Vigeant, and Anthony Salgado. The Arlington Retirement System had requested a transfer of Mia Nardini's account. The Maynard Retirement System requested a transfer of Justin Demarco's account. The Massachusetts Teachers' Retirement System requested a transfer of Loyda Burk's and Erin Catelline's annuity savings accounts. A motion was made and seconded to approve all refunds and transfers. Vote unanimous.
7. The Board reviewed a cash flow analysis and operating budget as of November 30, 2019. The Board also reviewed the October cashbooks, journals, and trial balance. The October cash reconciliation was not available. A motion was made and seconded to accept and place on file. Vote unanimous.



8. New Business / Old Business was the next item on the agenda. There was no old or new business.
9. The Board approved the following warrants: retiree payroll warrants for November 2019, #272019, #282019, 292019, and #302019.
10. A motion was made and seconded to adjourn the meeting. Vote unanimous.

A handwritten signature in cursive script, appearing to read "Greg P. Brewster".

Gregory P. Brewster, Chairman



City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

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2019 DEC 13 P 3:50

Minutes
December 10, 2019

6:30 PM **Executive Session** pursuant to M.G.L. c. 30A, Section 21(a)(3): "To discuss strategy with respect to... litigation if an open meeting may have a detrimental effect on the... litigating position of the public body and the chair so declares" in the matters of Gina A. DiMatteo Individually and As Trustee of the 729 Farm Rd. Trust vs. Paul Giunta et al., Superior Court Docket No. 1981CV030445 and Trombetta Family Limited Partnership v. City of Marlborough Zoning Board of Appeals et al., Land Ct. No. 19 MISC 000509. At the close of executive session, meeting was opened to the general public.

7:00 PM 30 Maple St. – Pigs & Coconuts, LLC (**Postponed to Jan. 7, 2020**)
For a variance or variances, or an administrative appeal of the Zoning Denial letter issued by the Building Commissioner dated Sept. 24, 2019, relative to a request to use the existing structures at 30 Maple St. located in Zoning District Residence C, as a five-unit multi-family. Applicant seeks to appeal, to the extent relief is not granted by variance, or the basis of either a pre-existing, non-conformity or not applicable.

Other Business:

- 17 Beauregard Circle – Thomas Potter
The public portion of the hearing was closed on November 26, 2019.

Members Present: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Robert Levine and Thomas Golden.

Date of Appeal: Sept. 20, 2019

Location of Subject Property: 17 Beauregard Circle (this lot is located in an Open Space Subdivision).

Zoning relief requested: Thomas Potter desires to construct a 16 ft. x 15 ft. covered porch and a 14.5 ft. x 15 ft. deck at the rear of his house. And to expand his current driveway at 17 Beauregard Circle. Map 18, Parcel 154, located in Zoning District A-2. The proposal does not comply with Chapter 650-41 Table of Lot Area,

Yards and Height of Structures”, Chapter 650-48 “Off Street Parking” and Chapter 650-49 “Driveways and curb cuts” as follows:

1. Total required maximum Lot Coverage is 30% vs. the proposed 35.9%
2. Expanded driveway, Chapter 650-48C(5b-1) Required minimum setback of 5 ft. vs. proposed rear right side setback .8 ft.
3. Proposed driveway expansion attached to the right side of the house. Chapter 650-49(2c) no driveway shall be located within 5 ft. of a building, except for driveway intended for drive-up window service.

Meetings: The Zoning Board of Appeals held a public hearing on the above-entitled proceeding on October 22, 2019 at 7:30 PM at Marlborough City Hall, 3rd Floor-Memorial Hall, with a continuation meetings on November 26, 2019 and December 10, 2019.

Members Present: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Thomas Golden and Robert Levine.

No audience was present.

The Board’s secretary, Susan Brown, stated the Building Dept. has reviewed his revised plan dated 11/25/2019 and Building has no objections to the revised plan.

A motion was made by Thomas Golden to grant zoning relief (variance) for Lot Coverage of 32.7% and approved the revised plan dated Rev. 11/25/2019 with conditions. Ralph Loftin seconded the motion.

The Board voted 5-0 to grant zoning relief (variance) for Lot Coverage of 32.7% and approve the revised plan dated Rev. 11/25/2019 with conditions.

A motion was made by Paul Giunta seconded by Robert Levine to close the hearing. A vote of 5-0 was made to close the hearing.

Findings and Determination

The Board makes the following findings:

- A. The house lot is located in an Open Space Subdivision in which lot size, lot coverage and setback requirements are less than a conventional residential house lot. Lot coverage in an Open Space Subdivision is calculated with everything proposed and existing on the lot, so the proposed open patio must be factored into lot coverage, which may have caused the increase in lot coverage. In a conventional residential lot, open patios are not factored into lot coverage.
- B. Desirable relief may be granted without substantial detriment to the public good because the proposed lot coverage of 32.7% vs. the maximum required of 30% is very minimal. The proposed additions (open patio and enclosed porch) will be

located at the rear of the house and its “use” will be in compliance within Zoning District Residential A-2.

Decision

Based on the above findings, the Board voted 5-0 to grant zoning relief (variance) with the following conditions:

Petition: Thomas Potter desires to construct a 16 ft. x 15 ft. covered porch and a 14.5 ft. x 15 ft. deck at the rear of his house. And to expand his current driveway at 17 Beauregard Circle. Map 18, Parcel 154, located in Zoning District A-2. The proposal does not comply with Chapter 650-41 Table of Lot Area, Yards and Height of Structures”, Chapter 650-48 “Off Street Parking” and Chapter 650-49 “Driveways and curb cuts” as follows:

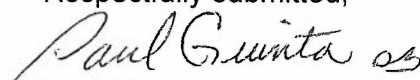
1. Total required maximum Lot Coverage is 30% vs. the proposed 35.9% (Applicant revised his plans and seeking a lot coverage of 32.7%)
2. Expanded driveway, Chapter 650-48C(5b-1) Required minimum setback of 5 ft. vs. proposed rear right side setback .8 ft. (The applicant eliminated the expansion of the proposed driveway.)
3. Proposed driveway expansion attached to the right side of the house. Chapter 650-49(2c) no driveway shall be located within 5 ft. of a building, except for driveway intended for drive-up window service. (The applicant eliminated the expansion of the proposed driveway.)

Conditions:

1. The Board approved the revised plan entitled: Plot Plan in Marlborough, MA, 17 Beauregard Circle, dated Rev. 11/25/2019. The only zoning relief is for Lot Coverage of 32.7%.
2. Prior to the issuance of a Building Permit, the applicant at their expense shall record this zoning relief (variance) in the Middlesex South District Registry of Deeds after the City Clerk has certified that the 20-day appeal period has elapsed with no appeal having been filed and before the applicant shall apply to the Building Dept. for a building permit.

End of Conditions

Respectfully submitted,



Paul Giunta – Chairman
Zoning Board of Appeals