

REGULAR MEETING
NOVEMBER 16, 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 NOV 12 P 1:00

This meeting of the City Council will be held virtually on Monday, November 16, 2020 at 8:00 PM with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlbrough-ma.gov).

1. Minutes, City Council Meeting, November 2, 2020.
2. PUBLIC HEARING On the Petition from Eversource Energy to install approximately 465' of 8" Intermediate Pressure gas main as part of a system improvement on South Street between 417 South Street and Maple Street, Order No. 20-1008136.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 192 945 613 #. ****

3. PUBLIC HEARING On the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., to amend condition #8 relative to the hours of operation for the medical and adult use marijuana retail establishment located at 416 Boston Post Road East, Order No. 18/20-1007318G.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 192 945 613 #. ****

4. Communication from the Mayor, re: Transfer Request in the amount of \$80,000.00 which moves funds from PEG Fund to IT Equipment to fund upgrades for Accela for various departments.
5. Communication from the Mayor, re: Transfer Request in the amount of \$4,154.67 which moves funds from P/T Mail Clerk to Retirement Fund to fund the additional retirement system appropriation for an employee on military leave.
6. Communication from City Solicitor Jason Grossfield, re: Proposed Tax Increment Financing (TIF) Agreement with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC for a 79,000 square foot facility and parking facilities to be constructed at 100, 110, 250 & 350 Campus Drive, in proper legal form, Order No. 20-1008135.
7. Communication from City Solicitor Jason Grossfield, re: Proposed Grant of Easement to MA Electric and Verizon New England for installation of electric equipment for charging stations on city property located at 45-47 Bolton Street
8. Communication from Assistant City Solicitor Jason Piques, re: Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, in proper legal form, Order No. 20-1008062B.

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.

9. Application for Renewal of Junk Dealer/Secondhand Dealer License, ecoATM, LLC, 601 Donald J. Lynch Boulevard
10. Minutes of Boards, Commissions and Committees:
 - a) Board of Assessors, May 4, 2020.
 - b) Municipal Aggregation Committee, October 29, 2020
 - c) Planning Board, October 19, 2020.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

11. **Order No. 20-1008062B: Application for Special Permit by Local Roots NE, Inc to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100.**

Recommendation of the Urban Affairs Committee is to approve as amended. Councilor Doucette moved to recommend approval of the special permit as amended, it was seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the November 2nd council meeting to have the petitioner's draft special permit decision, as amended, referred to the City Solicitor to be put in proper legal form for a final vote on November 16.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 NOV 12 A 8 10

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

NOVEMBER 2, 2020

Regular meeting of the City Council was held on Monday, November 2, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman & Robey. Meeting adjourned at 8:27 PM.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Minutes of the City Council meeting, October 19, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$154,964.00 from the Executive Office of Public Safety & Security awarded to the Police Department to be used to offset personnel overtime costs in the Public Safety Dispatching Center; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$36,869.20 from the Executive Office of Public Safety & Security awarded to the Police Department to fund all mandatory trainings for Dispatch personnel; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$27,841.74 from the Executive Office of Public Safety & Security awarded to the Police Department to fund the purchase of equipment, conduct quality assurance reviews and offset overtime costs for Dispatch personnel; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$5,663.00 from the Executive Office of Public Safety & Security awarded to the Fire Department to fund annual Student Awareness of Fire Safety Programs (SAFE) for the students in Marlborough; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,730.00 from the Executive Office of Public Safety & Security awarded to the Fire Department to fund annual Senior Awareness of Fire Safety Programs (SAFE) for the senior population in Marlborough; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Appointment of Patrick Jones as Finance Director/Treasurer, for a 3-year term effective from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Appointment of Barbara Pellegrini Allen to the Commission on Disabilities for a 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Reappointments of James Confrey and Judy Kane to the Council on Aging Board for 4-year terms respectively to expire on the first Monday in May 2024 (May 6, 2024), **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Amendment to the Code of the City of Marlborough, Chapter 270 “Building and Site Development” §9 “Fees” as recommended by the Mayor and Building Commissioner, referred to the **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement (attached) with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC for a 79,000 square foot facility and parking facilities to be constructed at 100, 110, 250 & 350 Campus Drive, referred to the **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That there being no objection thereto set **MONDAY NOVEMBER 16, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from Eversource Energy to install approximately 465’ of 8” Intermediate Pressure gas main as part of a system improvement on South Street between 417 South Street and Maple Street, referred to the **PUBLIC SERVICES COMMITTEE & ENGINEERING DEPARTMENT**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Conservation Commission, October 1, 2020 & October 6, 2020.
- b) Planning Board, September 21, 2020 & October 5, 2020.
- c) Traffic Commission, August 26, 2020 & September 30, 2020.
- d) Zoning Board of Appeals, October 20, 2020.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Reports of Committees:

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

City Council Urban Affairs Committee
Thursday, October 22, 2020; 7:00 PM
In Council Chambers and via Microsoft Teams
Minutes and Report

Voting members present in Chambers: Chairman Katie Robey, Councilor Landers, Councilor Doucette, Councilor Wagner and Councilor Navin.

Others in Chambers: Councilor Ossing and Councilor Irish.

Others attending Via Microsoft Teams: Councilors Oram and Perlman; for Local Roots NE Inc. Richard Olstein and Ron L’Ecuyer; and for WP Marlborough Brian Falk, Giles Ham and Michael Buckley

With all voting committee members in council chambers, the chair stated no roll call was necessary and votes would be by show of hands.

Order No.20-1008062: Application for Special Permit by Local Roots NE Inc to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100.

The petitioner opened the meeting with a power point reviewing the location and the floor plan. The committee then went thru the draft Special permit the petitioner provided. Changes were recommended as follows:

- Findings of Facts #11-change date of public hearing to Monday, September 14, 2020
- Findings of Facts #13. Change “zero members of public spoke in favor” to “no members”; strike “Zero members of public spoke in opposition to the Use” and insert: “An email from two residents dated August 3, 2020, was read into the record as being opposed.”
- Takes Following Actions: D. 1 Strike “patients and” so it reads-The Use will provide a safe and convenient location for adults to obtain marijuana products.
- Takes Following Actions: D. 16 Strike “The signage shown on the Plans is appropriate for the Use” and insert: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City’s Sign Ordinance.
- Takes Following Actions: D. 17 Strike “The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.” and insert “Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.”
- E. Conditions #6 c-delete “As shown on the Plans,” so it reads “The use shall have opaque exterior windows.”
- E. Conditions add in a new #14 Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hours of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail. (note this is a bit different than other permits in that it allows the Chief of Police to decide within the 60-day period that no detail is needed and the applicant can stop employing one.)

- o Renumber 14 to 15.

The committee also discussed the hours of operation in light of another business requesting a modification to their special permit hours. It was felt this petitioner could make a request to modify depending on the outcome of that request and their own business plans.

Councilor Doucette moved to recommend approval of the special permit as amended, it was seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the November 2nd council meeting to have the petitioner's draft special permit decision, as amended, referred to the City Solicitor to be put in proper legal form for a final vote on November 16.

Order No. 20-1007995B: Application for Special Permit by WP Marlborough MA Owner, LLC, 339 Boston Post Road East, to construct a multifamily dwelling residential project. The committee began discussion on this project on October 14 with an overview of the plans. We continued discussion with the applicant going over traffic analysis. At the request of the applicant, this has been postponed in committee until late November as the applicant goes over comments made at the Oct. 14 meeting to see if there are changes that could be made.

Suspension of the Rules requested – granted

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 16, 2020 COUNCIL MEETING**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:27 PM; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.



IN CITY COUNCIL

Marlborough, Mass., _____ NOVEMBER 2, 2020

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 16, 2020** as the **DATE FOR PUBLIC HEARING**, on the Petition from Eversource Energy to install approximately 465' of 8" Intermediate Pressure gas main as part of a system improvement on South Street between 417 South Street and Maple Street, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE & ENGINEERING DEPARTMENT**.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ADOPTED

ORDER NO. 20-1008136



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 5, 2020

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 16, 2020** as the **DATE FOR PUBLIC HEARING**, on the Application for Modification of Special Permit of Garden Remedies, Inc., to amend condition #8 relative to the hours of operation for the medical and adult use marijuana retail establishment located at 416 Boston Post Road East, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 10 – Nay: 1

Yea: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Nay: Tunnera.

ADOPTED

ORDER NO. 18/20-1007318G



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2020 NOV 12 A 11:25

Patricia M. Bernard
EXECUTIVE AIDE

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

Michele A. O'Brien
EXECUTIVE SECRETARY

November 12, 2020

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

RE: Transfer request for Accela upgrades

Honorable President Ossing and Councilors:

I am requesting a transfer from the PEG funds to the IT equipment line to cover the Accela upgrades for various departments. These are necessary upgrades to customize the use for Inspectional Services and the Board of Health and enable additional departments use of the Accela platform as outlined in Mark Gibb's letter.

I anticipate these upgrades to take place in the coming months, as well as all necessary training. This is an essential upgrade, and I expect all applicable departments to be using this software when the upgrades have been completed.

Please do not hesitate to contact Mark Gibbs with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

IT DEPARTMENT
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3763 FACSIMILE (508) 481-6058



November 6, 2020

TO: Mayor's Office
FROM: Mark Gibbs, Information Technology Director

Mayor,

The IT Department is requesting PEG funding for modifications to Accela data entry processes as well as for additional training for all Accela users. Based on feedback from our Accela users in all applicable departments, we have determined that some changes are necessary to improve the way in which users input data into the application as well as some changes to the internal workflow of the permitting process within the application.

Since going 'Live' with the Building Department back in January of 2016, our users have had an opportunity to better understand the process and therefore recommend changes that they believe will make the process more efficient. The total request amount is \$80,000 that was provided by Accela partner Byrne Software. This amount will cover all requested changes and training. The first 'Phase' of the project will cover user training and the modifications to the Building Department and Board of Health data intake processes. The 2nd 'Phase' will be to modify the remaining department's data intake screens.

Please feel free to contact me with any questions or concerns. I can be reached at 508-460-3763 or mgibbs@marlborough-ma.gov.

Sincerely,

Mark Gibbs,
Information Technology Director

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: IT

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$460,128.83

\$80,000.00

27000099

47750

Receipts Reserved-PEG Funds

\$80,000.00

19300006

58618

IT Equipment

\$0.00

Reason:

Use PEG funds for Accela services

Reason:

Reason:

Reason:

\$80,000.00

Total

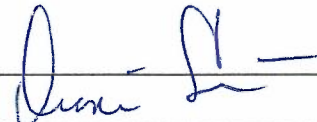
\$80,000.00

Total

Department Head signature:

Auditor signature:

Finance Director signature:



PEG FEES

8/29/2017 Verizon	\$111,192.81
8/29/2017 Comcast	\$105,212.77
11/7/2017 Comcast	\$104,451.39
11/29/2017 Verizon	\$108,894.94
2/27/2018 Verizon	\$105,934.98
2/27/2018 Comcast	\$102,247.17
2/27/2018 Comcast-franchise	\$3,332.00
4/2/2018 Verizon-franchise	\$3,295.50
5/8/2018 Comcast	\$96,069.98
5/21/2018 Verizon	\$107,727.46
8/23/2018 Comcast	\$95,348.01
8/23/2018 Verizon	\$101,215.51
8/28/2018 Verizon-franchise	\$2,678.62
11/16/2018 Comcast	\$94,728.72
12/4/2018 Verizon	\$97,462.08
12/4/2018 Verizon-franchise	\$5,049.85
2/20/2019 Comcast	\$95,246.35
2/20/2019 Verizon	\$97,007.90
3/4/2019 Verizon-franchise	\$5,026.30
3/25/2019 Verizon-annual fee	\$2,997.00
3/25/2019 Comcast-annual	\$3,208.00
5/17/2019 Comcast	\$92,916.51
5/31/2019 Verizon	\$99,268.12
8/15/2019 Comcast	\$91,956.97
8/15/2019 Verizon	\$96,147.32
10/31/2019 Verizon-franchise	\$4,981.72
11/27/2019 Comcast	\$91,515.93
11/27/2019 Verizon	\$91,540.94
11/27/2019 Verizon-franchise	\$4,743.06
2/19/2020 Verizon	\$90,845.00
2/19/2020 Comcast	\$91,062.00
2/19/2020 Verizon-franchise	\$4,707.00
3/6/2020 Comcast	\$3,039.00
3/26/2020 Verizon	\$2,699.00
5/21/2020 Verizon	\$87,007.22
5/21/2020 Verizon-video	\$19,508.15
5/21/2020 Comcast	\$90,576.12
8/14/2020 Comcast	\$88,411.98
8/31/2020 Verizon	\$82,874.09
8/31/2020 Verizon	\$4,299.18

Total Funding	<u>\$2,586,426.65</u>
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12/18/2017 co#17-1007095A	-\$282,100.00
5/21/2018 co# 18-1007263A	-\$355,519.00
10/15/2018 co# 18-1007352A	-\$254,000.00
3/11/2019 co# 19-1007565A	-\$510,832.30
9/9/2019 co# 19-1007730A	-\$220,000.00
9/23/2019 co# 19-1007751A	-\$30,000.00
3/23/2020 co# 20-1007940A	-\$473,846.52

Total Transfers	<u>-\$2,126,297.82</u>
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Available for future transfers	\$460,128.83
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City of Marlborough
Office of the Mayor

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

RECEIVED
CITY CLERK'S OFFICE
Arthur G. Vigeant
CITY OF MARLBOROUGH
MAYOR
2020 NOV 12 A 11:25
Patricia M. Bernard
EXECUTIVE AIDE

Michelle A. O'Brien
EXECUTIVE SECRETARY

November 12, 2020

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

RE: Transfer request for Military Service Appropriation

Honorable President Ossing and Councilors:

I am requesting a transfer from the PT Mail Clerk to the Retirement Fund to cover the military service appropriation. Enclosed for your review is a request from the Marlborough Retirement Board.

We are obligated to invest the amount that would normally be withheld for an employee who is out on military leave.

Please do not hesitate to contact me with any questions.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Office of the City Auditor
140 Main St.
Marlborough, MA 01752

November 10, 2020

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

RE: Military Service Appropriation

A memorandum was sent to the City for an additional retirement system appropriation for an individual on military leave. This appropriation represents the amount of money he would have paid into the system during his military leave.

Please contact me if you should have any further questions regarding this information.

Sincerely,

Diane Smith, CGA
City Auditor

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

MEMORANDUM

TO: Marlborough Retirement Board

FROM: John W. Parsons, Esq., Executive Director

RE: Military Service Appropriation

DATE: November 2, 2020



This Commission is hereby furnishing you with the additional amount to be appropriated for your retirement system to reflect the military service fund appropriation for the member shown below. This figure is based on information provided by the Board. This appropriation should be made as soon as possible. Note that this amount does not include any interest.

Eric Brugger \$4,154.67

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

JWP/jfb

P:\actuarial\APPROP\Militaryfund\marlboro 11-20.doc





City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

NOV 10 A 11:20

November 10, 2020

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

Re: Order No.20-1008135: Proposed Tax Increment Financing Agreement (TIF) with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed resolution and TIF agreement, in proper legal form, as recommended by the Finance Committee at its November 9, 2020 meeting.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Meredith Harris, Exec. Dir., MEDC

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 111, Parcel 1 (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

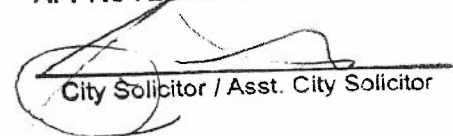
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve Revance Therapeutics, Inc.'s application for an EDIP Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs and not merely replace or relocate current jobs within the Commonwealth, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves Revance Therapeutics, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for fifteen (15) years.
2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC, and authorizes submission of the tax increment financing agreement (attached hereto) to the Massachusetts Economic Assistance Coordinating Council.

ADOPTED
In City Council
Order No 20-
Adopted

Approved by Mayor

APPROVED AS TO LEGAL FORM:



City Solicitor / Asst. City Solicitor

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH, REVANCE THERAPEUTICS, INC.**

AND

BH GRP TCAM OWNER LLC

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**"), Revance Therapeutics, Inc. (the "**Company**"), and BH GRP TCAM Owner LLC (the "**Owner**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company is a Delaware for-profit corporation having its global and U.S. headquarters located at 7555 Gateway Boulevard, Newark, CA 94560, and is authorized to do business in Massachusetts; and

WHEREAS, the Owner is a Delaware limited liability company having its principal office at 101 Federal Street, 16th Floor, Boston, MA 02110, authorized to do business in Massachusetts, and is the fee owner of the parcel of land located at 100, 110, 250 and 350 Campus Drive, Marlborough, Massachusetts 01752, as further depicted on Marlborough City Assessor's Map 111, Parcel 1 (the "**Property**") and which parcel is shown on the map attached to this Agreement; and

WHEREAS, the Company intends:

- 1) to lease from the Owner an approximately 79,000 square feet single tenant building, to be constructed by the Owner, located on the Property in Marlborough together with parking facilities and other improvements located thereon (hereinafter, the leased space is defined as the "**Project Area**"); and
- 2) to make improvements to the Project Area which shall consist of a new building for an office site and good manufacturing practice (GMP) facility for the Company, and which will accommodate commercial aseptic fill operations; and

WHEREAS, the Project Area is to be located within the boundaries of the Framingham - Marlborough Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, as amended, and referred to below as the "**ETA**"); and

WHEREAS, beginning on the effective date of this Agreement, the Company plans to create and, maintain over the term of the TIF Agreement, 76 new, permanent, full-time jobs open to qualified residents of Marlborough and the ETA at the newly constructed building located at the Project Area; and

WHEREAS, the improvements to the Project Area are estimated to result in an initial capital investment by the Company of approximately \$115 million in combined soft, real property and personal property costs (the "Project"); and

WHEREAS, the Owner shall make additional improvements to the Project Area in accordance with the terms of the lease agreement; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area and not to any other portion of the Property, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the ETA; and

WHEREAS, by letter dated October 29, 2020, the Mayor recommended the TIF Plan and the TIF Agreement to the Marlborough City Council.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on [REDACTED], 2020 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company and the Owner by the City in accordance with Chapter 23A, Section 3E, as amended; Chapter 40, Section 59, as amended; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of fifteen (15) years (the "Exemption Term"), commencing on July 1, 2021 (the beginning of fiscal year 2022) and ending on June 30, 2036 (the end of fiscal year 2036). The Exemption shall pertain only to real property taxes for the Project Area, and shall provide an exemption from taxation of the new

incremental value of the Project Area resulting from the Project, as determined by the City of Marlborough Assessor, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

Fiscal Year	Real Property Exemption Percentage
2022	100%
2023	100%
2024	90%
2025	90%
2026	85%
2027	80%
2028	75%
2029	70%
2030	65%
2031	60%
2032	50%
2033	40%
2034	30%
2035	25%
2036	10%

3. The base valuation for the Project Area shall be the Project Area's assessed valuation in the base year. The Project Area shall be assigned a sub-parcel ID for tax purposes by the Assessor, and the Company and Owner shall provide the Assessor with all information necessary to establish same. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. As provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Plan which is expected to be December 10, 2020. Therefore, the exemption is expected to commence on July 1, 2021, which is the beginning of fiscal year 2022. Accordingly, the base year for this TIF Agreement will be fiscal year 2021.

4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

5. The Company is (or shall be as of the Effective Date of this Agreement) a registered manufacturer by the Massachusetts Department of Revenue and is exempt by law from paying municipal personal property taxes.

B. THE COMPANY'S OBLIGATIONS AND THE OWNER'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will lease the Project Area from the Owner and develop the site into a GMP facility and office site;
 - (b) As part of leasing the Project Area, the Company agrees that the Company and the Owner will make capital improvements pursuant to the terms of the Project Area lease which are currently estimated to be approximately \$115 million in combined soft, real property and personal property costs to construct a new 79,000 square foot single tenant building to be occupied by the Company on the Project Area at the Property, and that it will timely pay all municipal permit fees required in connection with such improvements and investment;
 - (c) The Company and the Owner agree to timely pay all of the taxes owed to the City by the Company and the Owner, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to create 76 new permanent full-time jobs at the Project Area for permanent full-time employees (as "permanent full-time employee" is defined in 402 C.M.R. 2.03), to be employed at the Project Area as of June 30, 2025 and whose employment by the Company commences on or after the effective date of this agreement ("New Permanent Full-Time Employees"). The new jobs shall be performed, and maintained, in the newly constructed building at the Project Area until the termination of this TIF Agreement. The new jobs shall not be performed remotely. The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent
2022	0
2023	25
2024	50
2025	76
2026	76
2027	76
2028	76
2029	76
2030	76

2031	76
2032	76
2033	76
2034	76
2035	76
2036	76

The Company shall maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2022 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2022, ending on June 30, 2022, shall be submitted by the end of December 2022. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:
- (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of ETA and Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
 - (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA;
 - (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods

and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");

- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company and the Owner shall provide the City with any and all information reasonably related to the Project Area including the Company's and the Owner's improvements to the Project Area as the City may deem necessary to monitor the Company's compliance with this TIF Agreement.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

$$\frac{\text{Actual Cumulative New Permanent Full-Time Employee Level}}{\text{Minimum Cumulative New Permanent Full-Time Employee Requirement}} \times \text{Scheduled Exemption Percentage} = \text{Actual Exemption Percentage}$$

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2024 is 25 instead of 50, then the real property tax exemption percentage otherwise applicable for FY 2025 would be $(25/50) \times 100\%$, or 50%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Section B of this TIF Agreement, and the City further determines that such failure continues or remains uncured for one hundred eighty (180) days (or such longer time as the City may deem appropriate under the circumstances)

after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be effective upon receipt.

5. In addition to discontinuance of benefits as set forth in Paragraph B(4) above, if the Agreement is decertified because the Company has failed to satisfy any of the requirements in Section B, then, pursuant to Massachusetts General Laws Chapter 23A, Section 3F(e), the City may recapture the value of any taxes not paid due to the Exemption provided herein. Said recapture shall be made through a special assessment on the Company in the municipal fiscal year that follows the EACC's decision to revoke project certification. The assessment, payment, and collection of said special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to Massachusetts General Laws Chapter 59, Section 75, notwithstanding the time period set forth in said Chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment. This paragraph does not provide for any right of recapture against the Owner or the Property.
6. The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public (specifically excluding any communications to the Owner or the Company's employees) of a proposed move from, vacation of, abandonment of, or other failure to maintain operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company, and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company or the Owner.
7. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part

of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 7. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 7 shall be in the Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, and upon the City and its successors and assigns, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
3. The Owner shall pass along to the Company all real property tax savings resulting from this Agreement. No other building at the Property shall be eligible for a Tax Increment Financing Exemption, unless specifically authorized by a separate tax increment financing agreement. The parties acknowledge and agree that there is no public construction contemplated by this Agreement and, therefore, no betterment schedule referred to in Massachusetts General Laws Chapter 40, Section 59 is required.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be December 10, 2020, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the EDIP Preliminary Application and TIF Agreement.
6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City, Company, or Owner, as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
City Hall, 4th Floor
Attention: Mayor's Office
140 Main Street
Marlborough, MA 01752

With a copy to: Legal Department at same address

COMPANY: REVANCE THERAPEUTICS, INC.
Attention: Brian Blagg
Vice President of Engineering, Facilities, EH&S and Supply Chain
7555 Gateway Boulevard
Newark, CA 94560

cc: General Counsel
7555 Gateway Boulevard
Newark, CA 94560

OWNER: BH GRP TCAM Owner LLC
c/o Greatland Realty Partners
Attention: Philip Dorman
101 Federal Street, 16th Floor
Boston, MA 02110

cc: Goulston & Storrs PC
Attention: Kevin Renna
400 Atlantic Avenue
Boston, MA 02110

7. This TIF Agreement may be executed in counterparts by the parties, and each such counterpart shall be considered an original and all such counterparts shall constitute one and the same instrument.
8. This TIF Agreement may be amended, changed, modified, or altered only by a written instrument signed by the parties to this TIF Agreement.
9. This TIF Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. The rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the Commonwealth of Massachusetts.

WITNESSETH, the execution and delivery of this Agreement by the Company, the Owner and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

COMPANY

REVANCE THERAPEUTICS, INC.

By: _____

Dated: _____, 2020

Tobin Schilke
Chief Financial Officer
REVANCE THERAPEUTICS, INC.

COMMONWEALTH OF CALIFORNIA

_____, ss.

On _____, 2020, before me, the undersigned notary public, personally appeared Tobin Schilke, as Chief Financial Officer of REVANCE THERAPEUTICS, INC., and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF AUTHORITY

The undersigned, _____, hereby certifies as follows:

1. The undersigned is the _____ of the Company.
2. The undersigned hereby certifies that Tobin Schilke, Chief Financial Officer of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation this Agreement.

The undersigned has executed this certificate as of this date.

Name:
Title:
Dated: _____

OWNER

BH GRP TCAM OWNER LLC

By its Manager:

Dated: _____, 2020

[name]
Manager

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2020, before me, the undersigned notary public, personally appeared _____, as manager of PROPERTY OWNER, and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF AUTHORITY

The undersigned, _____, hereby certifies as follows:

1. The undersigned is the _____ of the Owner.
2. The undersigned hereby certifies that _____ of the Owner, is authorized to execute binding agreements on the Owner's behalf, including without limitation this Agreement.

The undersigned has executed this certificate as of this date.

Name:
Title:
Dated: _____

CITY OF MARLBOROUGH

By: _____

Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2020

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2020, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public

Printed Name: _____

My Commission Expires: _____

ATTACHMENT

Property Map



100-11

100-10

100-21

101-2

100-1A

100-1

100-27

100-19

101-2B

111-5

99-3

111-2

111-9

111-7

110-5C

111-1

112-3

112-4

112-6

111-11

112-10A

112-6A

110-11

111-3

111-10

111-1A

116-10

115-11

115-12

115-1

115-3B

115-1B

115-3

115-3D

116-1

116-12

116-5

110-7

115-8A

115-8

115-7

115-7A

115-6A

115-6

115-5

116-6

116-9

116-8

116-7

115-10

118-2

118-2A



City of Marlborough Legal Department

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 NOV 12 AM 11:25
JASON D. GROSSFIELD
CITY SOLICITOR
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
HEATHER H. GUTIERREZ
PARALEGAL

November 12, 2020

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

Re: Proposed Grant of Easement to Massachusetts Electric Company and Verizon New England, Inc. – 45-47 Bolton Street

Dear Honorable President Ossing and Councilors:

Enclosed please find a proposed order concerning a grant of a deed of easement to the Massachusetts Electric Company and Verizon New England, Inc. for the purposes of providing service relating to the installation of electric equipment for charging stations at city property located at 45-47 Bolton Street, Marlborough, and a copy of the Grant of Easement and plan. The proposed order and easement are in proper legal form.

DPW Assistant Commissioner for Operations Theodore L. Scott, P.E. will be available to answer any questions regarding this matter. Please contact me as well if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Sean Divoll, DPW Commissioner
Theodore L. Scott, P.E., Assistant Commissioner for Operations

ORDERED:

That pursuant to Mass. Gen. Laws c. 40, § 3, the City of Marlborough grants a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "National Grid") and Verizon New England, Inc., as enclosed, constituting a Grant of Easement relating to the installation of electric equipment for the charging stations at city property located at 45-47 Bolton Street, Marlborough.

ADOPTED

In City Council
Order No. 20-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Property Address: 45 -47 Bolton Street, Marlborough, MA Middlesex South

GRANT OF EASEMENT

CITY OF MARLBOROUGH, a body politic duly organized under the laws of the Commonwealth of Massachusetts, of Marlborough, Massachusetts 01752 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 and VERIZON NEW ENGLAND, INC., a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the “OVERHEAD SYSTEM”) over, across, under and upon the Grantor’s land in Marlborough, Middlesex County, Massachusetts, to serve Grantor’s property and others

Said “OVERHEAD SYSTEM” is to be installed on Grantor’s property, which is located on the easterly side of Bolton Street, to originate Pole P6, which is located on the westerly side of Bolton Street, then proceed in an northeasterly direction over, across and upon land of the Grantor to new Pole P6-1, to become established by and upon the final installation thereof by the Grantees.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate and patrol and otherwise change said “OVERHEAD SYSTEM” and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the “OVERHEAD SYSTEM” is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the “OVERHEAD SYSTEM”.

WR# 29582209

Address of Grantees:
Mass. El., 40 Sylvan Road, Waltham, Massachusetts 02451
Verizon, 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110

After recording return to:
Carol Barrows
National Grid USA
Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451

It is agreed that the "OVERHEAD SYSTEM" shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM". The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the Overhead System may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon a certain parcel of land shown as "AREA: 11843.35 Sq. Ft. +/-, A" on a Plan of Land recorded with the Middlesex South County Registry of Deeds in Plan Book 140, Page 28.

And further, said "OVERHEAD SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: "NationalGrid; EASEMENT SKETCH 45-47 BOLTON ST MARLBOROUGH, MA 01742," Date: 9-30-20; Drawn By: D. LARSON; Actrix Drawing Number: 29582209, a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said "OVERHEAD SYSTEM" shall become established by and upon the installation and erection thereof by the Grantees.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within a portion of the Grantor's land an "OVERHEAD SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM".

For Grantor's title, see deed dated March 11, 2020, recorded with the Middlesex South County Registry of Deeds in Book 74273, Page 331.

IN WITNESS WHEREOF, City of Marlborough has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Arthur G. Vigeant, Mayor being thereto duly authorized this _____ day of _____, 2020.

CITY OF MARLBOROUGH

By: ARTHUR G. VIGEANT
Its: Mayor

Commonwealth of Massachusetts

County of Middlesex } ss.

On this the _____ day of _____, 2020, before me,
Day Month Year

Name of Notary Public

the undersigned Notary Public,
personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identity,
which was

Description of Evidence of Identity

to be the person whose name is signed on the preceding Grant of Easement, and acknowledged
to me that he signed it voluntarily for its stated purpose as Mayor for City of Marlborough.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

05 MARLMA GEN

CITY OF MARLBOROUGH

TO

MASSACHUSETTS
ELECTRIC COMPANY

GRANT OF EASEMENT

AFTER RECORDING RETURN TO:

CAROL BARROWS
NATIONAL GRID USA
SERVICE COMPANY, INC.
40 SYLVAN ROAD
WALTHAM, MA 02451

Approved By: _____



FRANCIS ST

BOLTON ST

NATIONAL GRID TO INSTALL
NEW POLE / ANCHOR 6-1 TO
SERVE CUSTOMER AT 45-47
BOLTON ST

PROPOSED PRIVATE PROPERTY POLE



EXISTING PUBLIC PROPERTY POLE



PROPOSED PRIVATE PROPERTY ANCHOR



OVERHEAD WIRE



P7

P6-1

P6

PUBLIC PROPERTY SIDEWALK

WASHINGTON ST

P4

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

nationalgrid

EASEMENT SKETCH
45-47 BOLTON ST
MARLBOROUGH, MA 01752

Scale: NONE
Date: 9-30-20
Drawn By: D.LARSON

Actrix Drawing Number

29582209



City of Marlborough
Legal Department

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 NOV 10 A 10:29

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

November 10, 2020

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

Re: City Council Order No. 20-1008062
Special Permit Decision, 910 Boston Post Road East, Suite 100, Marlborough

Dear Honorable President Ossing and Councilors:

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

Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,


Jay Piques
Assistant City Solicitor

Enclosure

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

_____, 2020

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 20-1008062

Application of:
Local Roots NE Inc.

Locus:
910 Boston Post Road East, Suite 100
Map 62, Parcel 21

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Local Roots NE Inc., with a mailing address of 910 Boston Post Road East, Suite 310, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: November ____, 2020

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the ___ day of November, 2020.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Local Roots NE Inc.

Locus:
910 Boston Post Road East, Suite 100
Map 62, Parcel 21

DECISION ON A SPECIAL PERMIT
ORDER NO. 20-1008062

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Local Roots NE Inc. (the “Applicant”) to build and operate an Adult Use Marijuana Retail Establishment at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 910 Boston Post Road East, Suite 310, Marlborough, MA 01752.
2. The Applicant’s business will be located at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 62 as Parcel 21 (the “Site”). The Site’s owner is Blackcomb Associates, LLC with a business address of 1 Main St., Whitinsville, MA 01588.
3. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the “Use”).
4. The Site is located in the Wayside Zoning District with frontage on Boston Post Road (Route 20).
5. The overall Site has an area of 61,416 +/- square feet (1.4099 acres).
6. The Use will occupy an existing unit at the Site with an area of 2,650 +/- square feet.

7. The Applicant filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use, as provided in this Decision.

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and the following plans: (i) a plan entitled “Parking Plan of Land in Marlborough Massachusetts owned by Blackcomb Associates, LLC of property at 910 Boston Post Road East” by Thompson-Liston Associates dated August 2, 2018; (ii) a floor plan entitled “Proposed Condition Plan” dated July 20, 2020, (collectively the “Plans”), attached hereto as “Attachment A.”

9. 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 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

10. Pursuant to the Rules and Regulations of the City Council 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.

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, September 14, 2020. The hearing was closed on that date.

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

13. At the public hearing, no members of the public spoke in favor of the Use. An email from two residents dated August 3, 2020, was read into the record as being opposed.

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

A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

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

C. The City Council finds that the Site is located in the portion of the Wayside District along Massachusetts State Highway 20 (Boston Post Road) near the Sudbury town line

with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F.1 of the Zoning Ordinance.

D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:

1. Social, economic, or community needs which are served by the proposal:

Finding: The Use will provide a safe and convenient location for adults to obtain adult use marijuana and marijuana infused products.

2. Traffic flow and safety, including parking and loading:

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

3. Adequacy of utilities and other public services:

Finding: The Site provides adequate utilities and public services for the Use.

4. Neighborhood character and social structures:

Finding: The Use is consistent with the established retail area in the vicinity of the Site.

5. Impacts on the natural environment:

Finding: The Use will have no greater impact than the established retail uses in the area.

6. Potential fiscal impact, including impact on City services, tax base, and employment:

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.

7. Hours of operation:

Finding: The hours of operation of the Use are specifically conditioned below.

8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:

Finding: The provision of contact information is specifically conditioned below.

9. Requiring payment of a community impact fee:

Finding: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

11. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

12. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police who shall have the authority to disapprove the employment of any person(s) as a result of said background check:

Finding: This requirement is specially conditioned below.

13. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises:

Finding: This requirement is specially conditioned below.

14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes:

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:
 - a. provide a secure indoor waiting area for clients;

- b. provide an adequate and secure pick-up/drop-off area for clients, customers and products;
- c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;
- d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses; and
- e. provide opaque exterior windows;

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City's Sign Ordinance.

17. Names of businesses, business logos and symbols, subject to state and federal law and regulations:

Finding: Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.

E. 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 operate an Adult Use Marijuana Retail Establishment, 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 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.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to

the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

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. Compliance with State Requirements. In accordance with § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.

6. Security.

- a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby / waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to qualified patients / caregivers or persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
- b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up / drop-off area for patients, customers, and products.
- c. The Use shall have opaque exterior windows.
- d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
- e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.

7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with

marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.

8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.

9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.

10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Massachusetts Cannabis Control Commission.

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.

12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.

13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.

14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hours of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.

15. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense

shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: _____ - Nay: _____ - Absent: _____

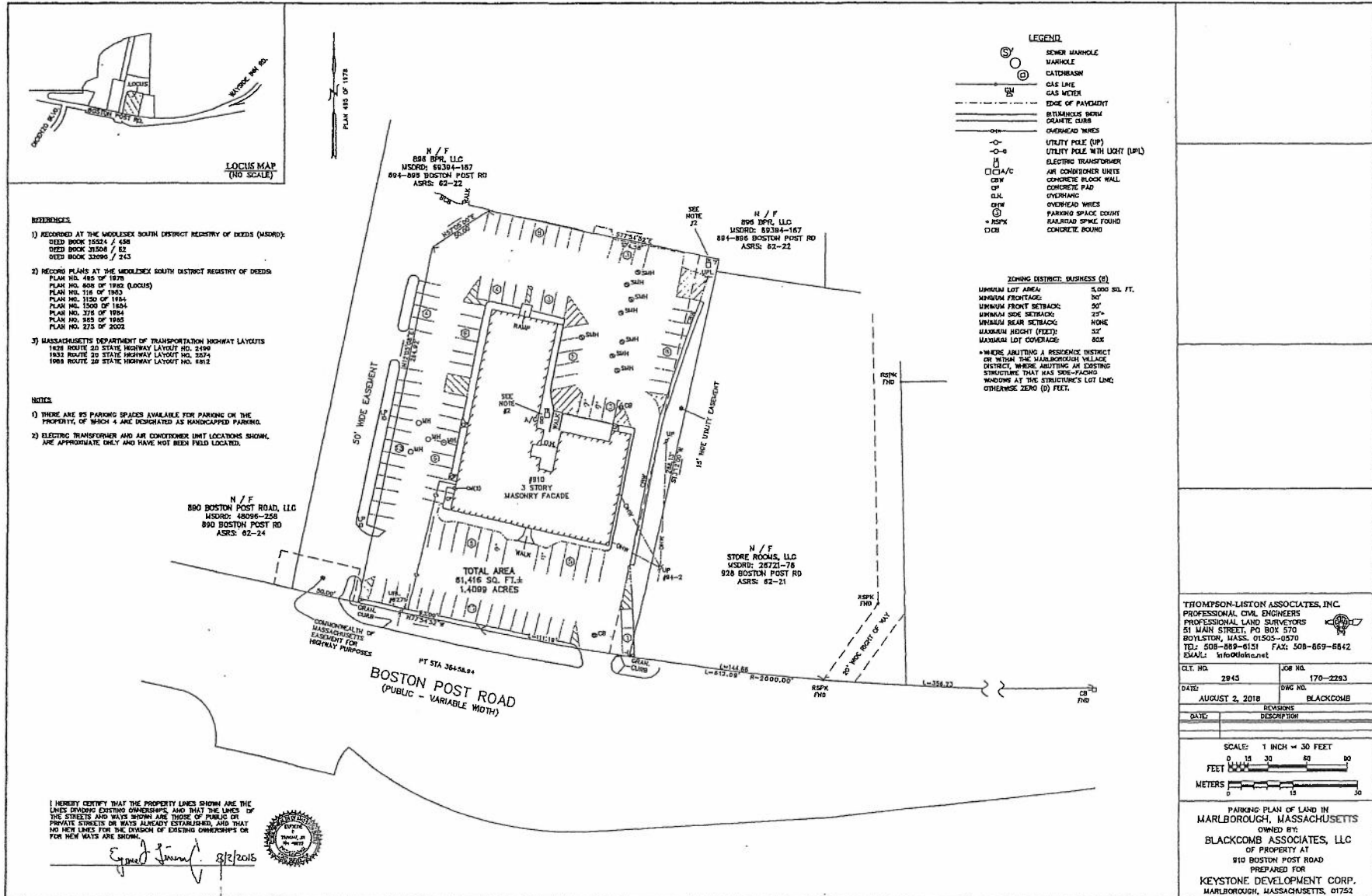
ADOPTED
In City Council
Order No. 20-1008062

Adopted: _____ 2020

A TRUE COPY
ATTEST:

City Clerk

ATTACHMENT "A"





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

2020 NOV 10 P 4: 12

Lisa M. Thomas
City Clerk

MARLBOROUGH, MA

DATE: 5/25/2020

To the City Council:

Owner Name: ecoATM, LLC

Residential Address: 10121 Barnes Canyon Road, San Diego, CA 92121

Telephone Number: 858.766.7244

Business Name: ecoATM LLC

Business Address: 601 Donald Lynch Blvd., Marlborough, MA 01752 (Solomon Pond Mall)

Business Telephone Number: 858 766 7244

Email Address: hunter.bjorkman@ecoatm.com

Owner Signature: 

The above-signed David A. Maguera respectfully requests that he/she be granted a Junk Dealer/Second Hand Dealer License.

In City Council

Marlborough City Clerk's Office ■ 140 Main St. ■ Marlborough, Massachusetts 01752
Telephone (508) 460-3775 ■ Fax (508) 460-3723

MEETING MINUTES: May 4, 2020

2020 NOV -4 P 2:10

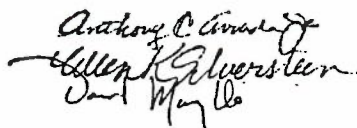
1. CALL TO ORDER: 10:06 am
2. MEMBERS PRESENT: Anthony Arruda (Participating remotely) are David Manzello, and Ellen Silverstein
Also, in attendance: (Participating remotely) Wilmar Coelho, Assessor, (Present) Cindy Healy, Senior Clerk, and Mark Gibbs, IT Monitoring Virtual meeting
3. MOTION TO ACCEPT: Minutes of the April 22, 2020 meeting: (Mr. Manzello, second Ms. Silverstein) Vote: 2-0
4. DISCUSS AND VOTE: **Real Estate Abatement Applications** for: 12 Devens St (70-20), 28 Lilac Cir #235 (74-2- 235), 145 Pleasant St #407A (68-478-A-407A), 7 Lincoln St (57-239), 102 Warren Ave (71-113), 5 Lincoln St (57-231) **Motion to Deny:** Vote 3-0 (Mr. Arruda, Mr. Manzello and Ms. Silverstein)
5. OTHER BUSINESS: Cindy Healy asked the Board if it was OK to use the Official Board of Selectmen stamp, for signatures needed on all abatements, reports, meeting minutes etc. Mr. Manzello stated that he had no problem with using the stamp. Ms. Silverstein, and Mr. Arruda, agreed.

Meeting Adjourned: 10:21 AM





MARLBOROUGH ASSESSORS



Ad-Hoc Municipal Aggregation Committee

Meeting Minutes – October 29, 2020

The Ad-Hoc Municipal Aggregation Committee met on October 29, 2020 from 2:14 PM to 2:37 PM in Memorial Hall. The meeting was conducted in accordance with the Governor's March 12, 2020 Executive Order. The following individuals were in attendance:

Ad-Hoc Municipal Committee members:

- Chief Procurement Officer Beverly Sleeper
- Mayor Arthur Vigeant – participated remotely
- City Councilor Rob Tunnera
- DPW Commissioner Sean Divoll – participated remotely
- City Councilor Michael Ossing (Chairman of the Ad-Hoc Municipal Aggregation Committee)
- Members absent: None

Additional individuals at the meeting:

- Colonial Power Representatives Mark Cappadona (in Memorial Hall) and Denise Allard (participated remotely)

The following items were discussed:

- 1. Recognize DPW Commissioner Sean Divoll as a member of the Committee**
 - The Chair recognized DPW Commissioner Sean Divoll as a member of the Committee filling the DPW Commissioner position identified in Order 19-1007578B.
- 2. Minutes of the June 25, 2020 Ad-Hoc Municipal Aggregation Committee meeting:**
 - The Committee approved the June 25, 2020 meeting minutes with a 4 – 0 vote (Roll Call – In favor – Vigeant, Sleeper, Tunnera and Ossing. Abstain – Divoll).
- 3. Council Update – in accordance with Council Order 19-1007578 item 4:**
 - The Committee was informed that the City Council was provided information at the following meetings:
 - Council meeting July 20, 2020 – agenda item 26b – June 25, 2020 minutes
 - Council meeting August 24, 2020 – agenda item 3 – Blend and extend Inspire Energy contract extension
 - Council meeting September 21, 2020 – agenda item 3 – Second quarter 2020 savings
- 4. Discuss implementation/timeline of the blend and extend contract extension with Inspire Energy – August 2020 to January 2024:**
 - The Committee reviewed the timeline that was prepared to notify residents of the new lower rate with Inspire Energy. See Attachment 1. The timeline provides an outline of the actions that need to occur (approving the notification post card to residents, updating the city website and confirming new rates are in effect) to ensure residents are aware of the rate change in the supply portion of their electricity bill. The timeline was successfully implemented. This timeline can be used for future rate changes to ensure residents are notified and the city website updated.

5. **Discuss NGrid Winter Rates – November 2020 to April 2021:**
 - Colonial Power provided the winter rates issued by National Grid (NGrid) for the period of November 2020 to April 2021. The NGrid winter rate for this period will be 0.12388 \$/kW-hr. This rate is lower than last winter’s rate (November 2019 to April 2020) of 0.13957 \$/kW-hr. The new winter rate is higher than the current NGrid summer rate of 0.9898 \$/kW-hr. In all cases, these rates are higher than the City’s municipal aggregation rate of 0.09390 \$/kW-hr which means the council order 19-1007578B item 2 continues to be met by providing “stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.”
6. **Review savings through June 2020 with Inspire Energy and projected savings from July 2020 to March 2021**
 - The committee reviewed Attachment 2 that shows the current savings of over \$1,600,000 with the Inspire Energy Contract from the period of November 2019 to June 2020. During this period there was an average of ~11,000 Marlboro residents participating in the program.
 - The committee then reviewed the “projected” savings from July 2020 to March 2021 and determined the potential savings to residents over this period to be in excess of \$1,000,000. Actual savings during this time will be reported to the City Council when the official data becomes available.
 - The committee acknowledged that the Municipal Aggregation program has saved residential participants over \$5,800,00 since the program inception in 2006.
7. **Basic Service Mailing for November 2020**
 - Colonial Power has sent letters to anyone in Marlborough (~1,100) who is on Basic Service but hasn’t already been mailed to (e.g. residents who are new in town, residents who have ended a third-party contract and switched back to Basic Service, etc). The mailing informs residents about the City’s Program, shows them the savings over Basic Service and allows them a 30-day opt-out period before being automatically enrolled.
8. **Department of Public Utilities – Energy Switch Website**
 - The committee discussed an initiative by the Department of Public Utilities to allow communities that offer a municipal aggregation program to list their program’s products on the [Energy Switch website](#). The purpose of the site is to provide electricity consumers in Massachusetts with choices regarding who provides their electric supply. The Massachusetts Department of Public Utilities has developed this website to assist consumers in shopping for electric supply products. The site currently only lists Competitive Supply offers; however, expanding it to include municipal aggregation programs will give consumers the ability to see all options available to them.
 - The committee voted 5 – 0 (roll call vote) to allow the City’s municipal aggregation rate to be displayed on the DPU Energy switch website.
 - The website is: <https://www.energyswitchma.gov/#/>
 - **ACTION:** M. Ossing to work with Colonial Power to provide Marlboro municipal aggregation information to the DPU for inclusion on the Energy Switch website.
9. **Discuss analogy of how electricity is supplied**
 - The committee discussed the analogy presented in Attachment 3. The key take away is that regardless of where electricity is generated (Massachusetts generated versus outside of

Massachusetts) or the supply source (gas/oil/coal/hydro/solar/nuclear etc.) the committee's focus is to ensure the municipal aggregation plan delivers savings to the residents. There is no way of knowing when one turns on their light switch the source of the electricity being supplied.

10. Other Business.

- The next meeting will be in the spring 2021 after National Grid releases their summer 2021 basic service rates.

Attachment 1: Timeline to implement the blend and extend contract extension with Inspire Energy – August 2020 to January 2024

Attachment 2: Current and Projected Savings with the Inspire Energy Contract

Attachment 3: Analogy of how electricity is supplied

Attachment 1

Timeline to implement the blend and extend contract extension with Inspire Energy – August 2020 to January 2024

Below is the updated timeline for informing the participants in municipal aggregation of the new electricity rates. The timeline is now complete as the September bill has been issued which reflects the new rate with Inspire Energy as 0.09390 \$/kW-hr (effective in August 2020).

- **COMPLETE** - July 10 – City approves wording on postcard that will be mailed to all residents
- **COMPLETE** - July 17 – Ossing to send Ad-Hoc June 25 meeting minutes to Council for information (will appear on July 20 council agenda)
- **COMPLETE** - July 17 – Inspire approves wording on postcard that will be mailed to all residents
- **COMPLETE** - August 7 – Ossing to draft letter to Council describing new rate change and effective date (will appear on August 24 council agenda)
- **COMPLETE** - August 14 – Colonial to send postcard to all municipal aggregation participants
- **COMPLETE** - August 14 – Colonial provides City with information to update City website
- **COMPLETE** - August 14 – City updates the website with new electric rate information
- **COMPLETE** - ~August 21 – The new electric rates take effect with the August 21 meter reads (residents will not see the new rates until they receive their September bill)
- **COMPLETE** - ~September 21 – participants in the municipal aggregation program receive electric bill with new lower rates.

Attachment 2

Current and Projected Savings from the Inspire Energy Contract

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
Fourth Quarter 2019	Oct - .10793 Nov - .13957 Dec - .13957	Oct - .09732 Nov - .09690 Dec - .09690	\$606,864	\$730,877
First Quarter 2020	Jan – Mar .13957	Jan – Mar .09690	\$812,099	\$1,034,092
Second Quarter 2020	Apr - .13957 May - .09898 Jun - .09898	Apr – Jun .09690	\$250,091	\$199,150

Projected Savings from the Inspire Energy Contract July 2020 to March 2021:

NOTE 1: Projections for residential savings are based on usage numbers from July 2019 to March 2020. Actual savings will vary. For illustration purposes only.

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential Electricity Usage NOTE 1 (kW)	City Residential User Savings NOTE 1
Third Quarter 2020	Jul – Sept 0.09898	Jul – 0.09690 Aug – 0.09690 Sept – 0.09390	Jul – 7,611,328 Aug – 5,069,208 Sept – 4,168,833	\$47,553
Fourth Quarter 2020	Oct – 0.09898 Nov – 0.12388 Dec – 0.12388	Oct – Dec 0.09390	Oct – 5,295,785 Nov – 5,818,766 Dec – 7,058,318	\$412,958
First Quarter 2021	Jan - Mar 0.12388	Jan – Mar 0.09390	Jan – 6,741,326 Feb – 6,115,029 Mar – 6,175,729	\$570,580

Insights:

- From November 2019 to June 2020 – saved residential users over \$1,600,000
- Projected residential savings from July 2020 to March 2021 - \$1,000,000
- Through June 2020, Program has saved over \$5,800,000 since inception
- Continue to meet Council Order for savings over NGrid

Attachment 3

Analogy of how electricity is supplied

Electricity cannot be transmitted through a regional grid in such a way that specific electrons can be delivered from the point of generation to specific end sources -- electrons follow the laws of physics and not the terms of contracts. So while the NEPOOL GIS system keeps track of who puts how much energy into the grid and how that energy was generated, it is not possible to trace a single electron already on the grid back to its source.

"Let's say we had to fill up an Olympic-sized swimming pool and have 10 people doing it. I could measure how much each of the 10 people put into the swimming pool ... but when it's going the other way, if we started to extract water from that Olympic-sized swimming pool and someone pulled out a gallon, I couldn't possibly tell them who put that gallon in," Petros said. "Indeed, it's likely that to some degree everybody put the gallon in, depending on where you scooped it from."

If someone were to pull out a set of electrons from the grid and try to determine their source, "just like the swimming pool they almost certainly came from many multiple sources," he said.

MINUTES
MARLBOROUGH PLANNING BOARD

MARLBOROUGH, MA 01752

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 October 19, 2020

Call to Order

The remote meeting of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matt Elder, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, also participated in the remote meeting.

1. Meeting Minutes

- A. September 21, 2020
- B. October 5, 2020

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the September 21, 2020 meeting minutes (with item 3A motion amendment) and to accept and file the October 5, 2020 meeting minutes. Yea: Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried. Mr. Elder and Mr. Fay abstained from the vote.

2. Chair's Business

- A. Working Group Update – Rules and Regulations

Chair Fenby informed the Board that the Metropolitan Area Planning Council (MAPC) prepared a scope of service based on its interpretation of the desired updates to the City of Marlborough Planning Board Rules and Regulations. The working group has scheduled a meeting on Thursday, October 22 to review the scope of service. The group will meet, evaluate priorities and report out the post-meeting objectives.

3. Approval Not Required

- A. Engineering Review Letter - ANR Application: Post Road Trailer Park & Sales, Inc.
 (Post Road Mobile Home Park & Sales, Inc.)

Land Surveyor: RJP Construction & Engineering.

Location: 181 Boston Post Road & Phelps Street. Middlesex South Registry of Deeds Book 11449 Page 675, City Assessor's Map 72, Parcel 29.

Mr. LaVenture read the 10-15-20 Engineering review letter from Assistant City Engineer Collins into the record. Mr. Collins confirmed that Lots 1 and 2 have adequate area, the required frontage, meet the Lot Shape requirement and have present adequate access for buildable lots within their respective zoning boundaries. Chair Fenby asked for confirmation from the City Engineer that the recommended plan updates were incorporated into the mylars. Mr. DiPersio confirmed that the changes were complete on the referenced plan. (Rev. 10-15-20)

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to endorse the referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

4. Public Hearings

- A. 76 Broad St. 4-Lot Subdivision

Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Project Engineer, Representative.

Recorded Deed: Middlesex South Registry of Deeds Book 72215, Pages 106-107

Location and Description of Property: 76 Broad St., Assessor's Parcel 68-123, 1.86 acres

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 in opposition 4) Comments and questions from Board members

Presentation:

Robert DiBenedetto of Hancock Associates represents the applicant, W.R.E., LLC. The proposed plan is a four-lot subdivision located at 76 Broad St. He provided an overview of the submitted documents on the agenda, which included a summary letter, a second letter: Narrative for No Comparative Impact Analysis and a third letter from Attorney Sandra Austin: Proposed Subdivision 76 Broad street by W.R.E., LLC; Easement/Right of Way.

The plan set was displayed. Mr. DiBenedetto provided an overview of existing conditions and the proposed lotting plan. The roadway will consist of a dead-end way and creates the necessary frontage for four building lots. The lotting plan shows the conceptual plans for a 2-family home on each of the four lots. A detailed site plan will be submitted in a different project phase prior to home construction. The grading and drainage plan details the proposed drainage structures. Mr. Benedetto anticipates several changes to the proposed drainage system. The drainage system revisions, he explained, have no impact on the submitted stormwater analysis. There will be two additional temporary sediment basins added to the low points at the end of the right of way. One basin near the rear side to capture any potential water runoff and a second diversion pool closer to the construction entrance.

Chair Fenby requested the Mr. LaVenture read the three applicant submittal letters into the record. Mr. DiBenedetto's summary letter included a list of proposed plan revisions including shifting of drain manholes away from proposed sewer manholes, adjusting storm drain inverts in the roadway to avoid conflicts with sewer pipes and revising proposed drainage easements to reflect minor shifts in proposed infiltration systems. Once Hancock receives all City department comments, the revisions will be incorporated into the revised plan set.

The second letter- Narrative for No Comparative Impact Analysis, was revised to include references to the project zoning (Residence C- RC) and lot area. Mr. DiBenedetto's letter reiterates the applicant's intention to build a total of 8 units, which is under the 10 units required to complete a Comparative Impact Analysis.

The third letter- Proposed Subdivision 76 Broad Street by W.R.E., LLC, Easement/Right of Way was written by the applicant's counsel, Attorney Sandra Austin. The letter details her legal opinion as to whether the law provides a developer the ability to develop small portions of the roadway over easements on abutting property in its right-of-way for a subdivision road. Her analysis concluded that W.R.E., LLC may utilize the easements to meet the roadway rounding requirements of the Subdivision Regulations. She stated that no waivers are required, since the Subdivision Regulations do not require fee ownership for the Way.

Mr. LaVenture also read communications from both the Conservation Commission and the Board of Health into the record. The 10-05-20 letter from Conservation Commission Chair, Ed Clancy, outlines the Commissions comments following its 10-01-20 review of the proposed plan. The items noted in the letter include the following: 1) Wetlands: There are no wetlands near the project; therefore, Conservation Commission review is not required. 2) Drainage: Since the project drains into Lake Williams, the drainage design must meet the higher water quality standards of the Water Supply Protection District. The applicant should ensure that the infiltration system won't have any groundwater impact on any downhill properties. 3) Erosion Controls: Due to the heavy concentration of silty till soil, the Commission recommends that the applicant prepare a full construction sequencing and erosion control plan. Temporary detention basins will be needed to ensure the integrity of the critical infiltration system. The Commission notes that the southern end of the site and the eastern edge along the Waterwind Knolls Condominium complex are critical areas to control runoff to ensure no impact to Lake Williams or the Waterwind Knolls development. 4) Preservation of Woodland Buffers – To the extent possible, the Commission recommends preservation of as many large trees as possible.

Trees provide cooling and shade and dissipate the effects of storm events. If trees must be removed, the Commission recommends that new trees be required to be planted along these edges once the property has been graded in addition to planting trees along the roadway and cul-de-sac.

In his October 14, 2020 emailed communication to the Planning Board, Board of Health (BOH) Director, John Garside, indicated the Board of Health reviewed the Definitive Subdivision Plan for 76 Broad St. The BOH is not opposed to the issuance of subdivision approval following the City Engineer's review of the stormwater drainage design and calculations.

Those Speaking in Favor:

No person spoke in favor of the proposed development.

Those Speaking Against:

Mr. LaVenture read the October 18, 2020 email communication from Valerie Bruso – 558 Lincoln St. and Mary and David Phillipo, 582 Lincoln St. into the record. The letter details several concerns they have for the project. Ms. Bruso and Ms. Phillipo joined the meeting remotely to elaborate on their concerns about drainage, erosion and the replacement of greenery. They also asked whether the applicant intended to rent or sell the 2-family properties. The applicant's counsel confirmed that Mr. White intended to rent the properties. Ms. Bruso and Ms. Phillipo expressed their opposition to the proposed rental of the properties based on existing rental properties owned by the applicant. Alice Wertheimer, a Waterwind Knolls resident at 45 Lakeside Ave., also expressed drainage concerns. She stated that a huge amount of water pours out of the woods and freezes over. She asked for assurances that the east side of the property receive scrutiny for potential drainage issues affecting downhill neighbors. Project Engineer DiBenedetto acknowledged that while the area of impervious surfaces on the site would obviously increase, runoff would be directed to catch basins and infiltration structures. He stated that the addition of these design elements would reduce the property runoff. Major storm events could over-burden the structures, but the drainage off the site would still be less than its current state.

Questions and Comments from Board Members:

Mr. Russ asked about grading over the drainage basins. Mr. DiBenedetto described the project slope characteristics for the Board.

Mr. DiPersio asked for Mr. DiBenedetto to provide an overview of the disposition of the various parcels shown on the plan. Mr. DiBenedetto provided the following overview: Details A-F describe the parcels. Detail A-Easement A (Parcel H) is the northwest proposed rounding easement at 84 Broad St., Detail B-Easement B (Parcel G) is the proposed easement at 70-72 Broad St. Detail C-Easement C (Parcel C) is a small sliver created to ensure the right-of-way has the proper dimensions on the curve. Detail D (Parcels D, E, F) pertain to other abutters on the southeast portion of the right-of-way. These parcels are to be deeded to abutting properties, providing frontage on the right-of-way. Mr. DiPersio asked whether it has been considered to have the rounding easements (parcels G and H) be deeded to the developer. Mr. DiBenedetto said that the area and frontage of the Broad St. abutters would be not be adequate to do so. Mr. DiPersio suggested that the frontage and area could be recovered by utilizing the deeded property along the right-of-way, thus eliminating the need for the permanent rounding easements. Mr. DiBenedetto would like to investigate this opportunity in further detail.

Mr. Fay asked Attorney Austin whether her client was committing to build only 2-family homes. Attorney Austin confirmed that her client has communicated this intent and has never suggested other densities, and she was unsure whether the site's zoning could support 3-family residences. Mr. DiBenedetto offered that lots 1,2 and 3 are large enough to support 3-family dwellings, and lot 4 is large enough to support up to a 7-family dwelling.

Mr. DiBenedetto also stated that his client's intent is to only build 2-family units on the property. Mr. White (the applicant) joined the meeting to unequivocally state that he will only build 2-family homes on the property. Mr. Fay was satisfied with Mr. White's statement to the Board. Mr. Fay asked Attorney Austin if there were any waivers proposed for this development. It was confirmed that should the City Solicitor affirm that a waiver was not required for the easements on the roundings, there were no other planned waivers. Mr. Fay offered that if the City thought a waiver was required, the applicant could request a waiver from the Board.

Chair Fenby asked for a motion to accept and file all related correspondence and to make the necessary referrals. On an amended motion by Mr. Elder, seconded by Mr. Fay, the Board voted to accept and file the correspondences and refer Attorney Austin's letter to the Legal Dept. for review and comment and to refer the definitive subdivision plan to Engineering for review and comment. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. There was a request by one of the abutters to continue the public hearing. After some discussion, it was decided to leave the public hearing open and continue the public hearing to the next meeting, November 2.

5. Subdivision Progress Reports

A. Subdivision Status Report - City Engineer DiPersio- Goodale Update

Mr. DiPersio confirmed that Eversource finished the gas main installation. There were storm events resulting in dirty runoff from the gas trench and house lots. The site was cleaned.

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

11. Calendar Updates

It was confirmed that the public hearing advertisement and abutter notices were completed for the Stevens St. preliminary plan.

November 2, 2020 – Public Hearing on the preliminary subdivision plan on Stevens St.

November 2, 2020 – Continued Public hearing – 76 Broad St. Definitive Subdivision Application

12. Public Notices of other Cities & Towns

A. Town of Sudbury (3 Notices)

B. City of Framingham (13 Notices)

C. Town of Southborough (2 Notices)

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

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting.

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Respectfully submitted,


George LaVenture/Clerk

/kih