

REGULAR MEETING
MARCH 8, 2021
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

2021 MAR -4 P 1:50

This meeting of the City Council will be held virtually on Monday, March 8, 2021 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.marlborough-ma.gov).

1. Minutes, City Council Meeting, February 22, 2021.
2. CONTINUED PUBLIC HEARING on the Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street, Order No. 21-1008199B.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 131 928 171 #. ****

3. From Council President Ossing having Mayor Vigeant, provide an update to the City Council regarding COVID-19.
4. Communication from the Mayor, re: Resolution to MA Department of Public Health to hold a Public Hearing and an independent cost analysis in relation to Mass General Brigham proposed expansion.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$17,300.00 from the Massachusetts Cultural Council awarded to the Cultural Council to fund grants for programming and cultural experiences.
6. Communication from the Mayor, re: Transfer Request in the amount of \$243,000.00 from PEG fund to IT to fund various upgrades to equipment and software programs.
7. Communication from the Mayor, re: Proposed Amendment to Code of the City of Marlborough, Chapter 510 "Sewers" §2(D) "Use of Public Sewers" as submitted by the Mayor.
8. Communication from the Mayor, re: Appointment of Christine Purple as Human Resources Director for a 3-year term effective day after Council confirmation.
9. Communication from the Mayor, re: Appointment of Robert Gustafson to the Retirement Board for a 3-year term effective on date of Council confirmation, replacing David Keene whose term expired on January 31, 2021.
10. Communication from Town of Berlin, Zoning Board of Appeals, re: Notice of Decision on Special Permit and Site Plan approval for retail marijuana establishment, 64 Banner Road, Berlin, MA.

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.

11. Communication from National Grid, re: Vegetation Maintenance Notification.
12. Communication from various residents and business owners in support of the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), Order No. 20-1007995J
13. Minutes of Boards, Commissions and Committees:
 - a) School Committee, January 26, 2021 & February 9, 2021.
 - b) Commission on Disabilities, December 1, 2020.
 - c) Conservation Commission, January 21, 2021.
 - d) Cultural Council, February 2, 2021.
 - e) Historical Commission, January 21, 2021.
 - f) Planning Board, February 8, 2021.
 - g) Traffic Commission, January 27, 2021.
 - h) Zoning Board of Appeals, February 9, 2021.
14. CLAIMS:
 - a) Eric Natoli, 38 Gregoire Drive, residential mailbox claim (2a).
 - b) Freida Silva, 72 Millham Street, residential mailbox claim (2a).
 - c) Larry Vifquain, 85 Johansen Drive, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

15. Resolution of City Council in support of installation of a traffic signal by the MA Department of Transportation on Route 20 at the site of the proposed development at 339 Boston Post Road and Village Drive.Submitted by Councilor Robey.

UNFINISHED BUSINESS:

From Finance Committee

16. **Order No. 21-1008183: Transfer in the amount of \$1,504,785.40 from Undesignated Fund (Free Cash) to OPEB Trust pursuant to the financial policy of the City.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer. Chair Irish called the Roll: Motion carried 5-0.

17. **Order No. 21-1008184: Transfer in the amount of \$1,504,785.40 from Undesignated Fund (Free Cash) to Undesignated Stabilization pursuant to the financial policy of the City.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer. Chair Irish called the Roll: Motion carried 5-0.

18. **Order No. 21-1008186: Transfer in the amount of \$39,447.00 from various departments for FY21 which moves funds from and to accounts noted in the spreadsheet included with the request.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer. Chair Irish called the Roll: Motion carried 5-0.

19. **Order No. 21-1008195A: Proposed amendment to Ch.125 Personnel of the City Code to add a stipend for members of the Conservation Commission, \$150.00 Conservation Commission Meeting Attended.**

Recommendation of the Finance Committee is to approve. LEGAL AD WAS ORDERED ADVERTISED AT THE FEBRUARY 22, 2021 CITY COUNCIL MEETING. ADVERTISEMENT WAS PUBLISHED ON TUESDAY, MARCH 2, 2021, ACTION CANNOT BE TAKEN UNTIL THE MARCH 22, 2021 CITY COUNCIL MEETING TO COMPLY WITH THE 10-DAY PERIOD.

20. **Order No. 21-1008195B: Transfer in the amount of \$3,150.00 to fund Conservation Commission Members, \$150.00 per meeting stipend, through June 30, 2021.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded Chair, to recommend approval of the transfer. Chair Irish called the Roll: Motion carried 5-0.

From Personnel Committee

21. **Order No. 21-1008196: Reappointment of James Griffin to the Board of Health for a three-year term to expire the first Monday in February 2024.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Landers, seconded by Chair, to recommend reappointment of James Griffin as requested. Chair Dumais called the Roll: Motion carried 3-0.

22. **Order No. 21-1008197: Appointment of Phillip Short to the Board of Health for a three-year term to expire the first Monday in February 2024.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Phillip Short as requested. Chair Dumais called the Roll: Motion carried 3-0.

23. **Order No. 21-1008178: Appointment of Jonathan Steinberg to the Board of Assessors for a three-year term from date of City Council confirmation.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Jonathan Steinberg as requested. Chair Dumais called the Roll: Motion carried 3-0.

24. **Order No. 21-1008179: Appointment of Shanissa Sampson to the Parks and Recreation Commission for a three-year term from date of City Council confirmation.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Shanissa Sampson as requested. Chair Dumais called the Roll: Motion carried 3-0.

25. **Order No. 21-1008177: Appointment of Krista Holmi as Chief Procurement Officer for a three-year term from date of City Council confirmation.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Krista Holmi as requested. Chair Dumais called the Roll: Motion carried 3-0.

From Veterans Affairs Committee

26. **Order No. 21-1008182: Communication from Mayor Vigeant requesting renewal of intermunicipal agreement between the City of Marlborough and the Town of Sudbury for Veterans services, pursuant to MGL c.40, §4A and MGL c.115, §10 agreement in proper form as prepared by Solicitor Grossfield.**

Recommendation of the Veterans Affairs Committee is to approve. Mayor Vigeant addressed the renewal. There was unanimous agreement that the City of Marlborough and the Town of Sudbury continue to be satisfied with the intermunicipal agreement and services rendered to veterans from both communities.

Motion by Councilor Oram, seconded by Councilor Perlman to recommend approval of the renewal of the intermunicipal agreement with the Town of Sudbury.

Chair Navin called the Roll: Oram, Perlman, Navin in favor. Motion carried 3-0.

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Robert J. Tunnera
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, FEBRUARY 22, 2021**

The regular meeting of the City Council was held on Monday, February 22, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Wagner, Oram, Perlman & Robey. Meeting adjourned at 9:26 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.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, February 8, 2021, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Mayor Vigeant provided the City Council with an update on the vaccine rollout and the city's efforts regarding COVID-19.

ORDERED: That the PUBLIC HEARING on the Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary’s Credit Union), 133 South Bolton Street, Order No. 21-1008199A, all were heard who wish to be heard, hearing recessed at 8:38 PM, adopted.

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

President Ossing called a recess at 8:35 PM and returned to open meeting at 8:37 PM.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the PUBLIC HEARING on the Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary’s Credit Union), 133 South Bolton Street, Order No. 21-1008199A, be **CONTINUED UNTIL MARCH 8, 2021**, adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$10,400,000.00 which moves funds from Ballparks and Fields Capital and Undesignated Fund to various accounts as noted on the transfer sheet to fund infrastructure projects as outlined by DPW Commissioner Divoll, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT: Mayor		FROM ACCOUNT:				FISCAL YEAR: 2021			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,813,122.94	\$3,000,000.00	27000	33086	Fund Bal-Parks & Fields Capital	\$2,000,000.00	19300006	58305	Cedar Hill Pump Station	\$0.00
	Reason:							FY21 Capital Request	
\$15,047,854.00	\$7,400,000.00	10000	35900	Undesignated Fund Balance	\$1,500,000.00	19300006	58716	Mnehan Sewer Install	\$0.00
	Reason:							FY21 Capital Request	
					\$2,000,000.00	19300006	53149	Donald Lynch Blvd Paving	\$0.00
	Reason:							FY21 Capital Request	
					\$3,000,000.00	19300006	55953	Bost Post Rd E Water	\$0.00
	Reason:							FY21 Capital Request	
					\$1,900,000.00	19300006	58312	Mill & Overlay Various	\$0.00
	Reason:							FY21 Capital Request	
	\$10,400,000.00	Total			\$10,400,000.00	Total			

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,250,101.00 from the Meals Tax Revenue account to fund FY21 bond payments associated with parks and recreation improvements, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Auditor				FISCAL YEAR:	2021			
		FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$4,813,122.94	\$1,250,101.00	27000	33086	Fund Bal-Parks & Fields Capital	\$1,250,101.00	19910009	49715	Transfer-Meal Local Option	\$0.00	
	Reason:	Local options meals tax funding FY21 bond payments associated with parks & fields as per the recap								
	\$1,250,101.00	Total			\$1,250,101.00	Total				

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$459,600.00 which moves funds from and to various accounts within DPW to fund equipment for the Easterly Wastewater Treatment Plant, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2021		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$63,348	\$45,218.00	60081001	50750	Equipment Operator	\$45,218.00	60081004	53174	Contact Services/Lab Te	\$52,350.00	
	Reason:	Excess due to vacancy					Servicing of machinery at East Plant			
\$885,475	\$414,382.00	60086006	52935	Solid Waste Disposal	\$351,882.00	14003006	52920	Rubbish Collection	\$192,000.00	
	Reason:	Excess due to end of WeCare contract					Reallocating disposal costs to Republic Services			
					\$62,500.00	14003006	52925	Curbside Recycling	\$83,110.00	
	Reason:						Due to increased recycling costs			
	\$459,600.00	Total			\$459,600.00	Total				

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$6,380.00 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 youth of Marlborough; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,880.00 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.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Request to rescind \$4,889,927.00 in various bonds for projects that are either complete or no longer available for bonding due to regulations as outlined below, referred to **FINANCE COMMITTEE**; adopted.

That the City Council of the City of Marlborough hereby rescinds previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$1,759,927 balance of the \$56,720,000 authorized to be borrowed for the construction and upgrade to the Easterly Wastewater Treatment Plant, duly adopted by order of this Council and approved by the Mayor on August 8, 2011;

the \$3,095,000 balance of the \$3,095,000 authorized to be borrowed for the construction of municipal outdoor recreational facilities, duly adopted by order of this Council and approved by the Mayor on April 10, 2015; and

the \$35,000 balance of the \$110,000 authorized to be borrowed for building maintenance departmental equipment, duly adopted by order of this Council and approved by the Mayor on January 11, 1999.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the request of the Department of Public Works to create the new position of Resident Drop-Off Station Attendant to be included in the Marlborough Municipal Employee Association (MMEA) as outlined in the Job Description pursuant to Chapter 125 entitled "Personnel" §5 "Preparation of Classification Descriptions" of the Code of the City of Marlborough, referred to **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Amendment to Chapter 125 “Personnel” §6 “Salary Schedule” of the Code of the City of Marlborough relative to the proposed new position of Resident Drop-Off Station Attendant as submitted by the Mayor, referred to the **FINANCE COMMITTEE**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY	ANNUAL SALARY
00	\$18.0000	\$126.0000	\$630.00	\$32,760.00
01	\$18.7500	\$131.2500	\$656.25	\$34,125.00
02	\$19.5313	\$136.7191	\$683.60	\$35,547.20
03	\$20.3451	\$142.4157	\$712.08	\$37,028.16

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for Approval of a Flat Wall Sign, Apex Mini Golf, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), referred to **URBAN AFFAIRS COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for Approval of a Flat Wall Sign, Apex Kids, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), referred to **URBAN AFFAIRS COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for Approval of a Free-Standing Sign, Better Floors, 782 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY, MARCH 22, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Cal Verde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY, APRIL 5, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Global Montello Group Corp., to construct and operate a drive-thru facility to serve the current Alltown Convenience Store, 656 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MARCH 22, 2021**; adopted.

Yea: 11 – Nay: 0

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

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

Chapter 650 §33 – Results Way Mixed Use Overlay District

A. Purpose and objectives.

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to ~~Simarano Drive to the west, and~~ Forest Street to the north, ~~and Puritan Way and Results Way to the east~~ as indicated on the City Zoning Map and more particularly described in Exhibit A annexed hereto and incorporated by reference herein.¹
- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of permit granting authority.

- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD.
- (2) The City Council may elect to vary the dimensional and parking requirements of this section by special permit if, in its opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Master concept plan; development agreement. ~~The~~ A property owner/developer of ~~within~~ the RWMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for a MUD within the RWMUOD, file the following with the City Council for approval:

(1) Master concept plan.

- (a) A master concept plan (master plan) which shall in a general manner show:
- [1] The location and areas of proposed development;
 - [2] Proposed open space (usable or natural);
 - [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
 - [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).
- (b) A table showing approximate acres and calculations of the following:
- [1] Total land area of each development area (building envelope area);
 - [2] Total development limitations, if any, of uses in any developable area;
 - [3] Total maximum development (square footage/use limitations); and
 - [4] Approximate number of parking spaces ~~for the entire RWMUOD~~ District.
- (c) The master plan shall be approved by a super majority (2/ 3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the ~~RWMUOD~~MUD. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

(2) A development agreement in recordable form binding upon the developer/property owner.

- (a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the ~~RWMUOD~~MUD, which shall contain, without limitation:
- a. Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the ~~RWMUOD~~MUD progresses.
 - b. Restrictions on development areas and such other development limitations as may be agreed upon.
 - c. Proposed phasing of the development of the ~~RWMUOD~~MUD.
 - d. Obligations with respect to pedestrian and vehicular interconnectivity within the ~~RWMUOD~~MUD to facilitate pedestrian access and parking efficiencies.
 - e. The authority of the City Council to retain the necessary professionals to assist in its review of development applications.

- f. An agreement by the property owner/developer of the residential component of the property to make a onetime financial contribution to the City per residential unit developed at the ~~RWMUOD~~MUD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.
 - (b) The development agreement shall govern the implementation of the master plan and development at the MUD.
 - (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable MUD and shall not govern any development of other MUDs within the RWMUOD.
- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of ~~the RWMUOD~~ each MUD and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.

- (1) The following additional uses are also permitted by right in the RWMUOD:
 - (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
 - (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
 - (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
 - (e) Multifamily dwelling: up to ~~350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (f) Retail sales and services: up to ~~75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment~~ the maximum amounts set forth on Exhibit A.
 - (g) Hotels and motels.
 - (h) Hotels with conference facilities and commercial uses.
 - (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
 - (j) Consumer service establishments complementary to the other principal uses at the property.
 - (k) Restaurant, cafe with or without table service (including outside seating and service).
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - (m) Self-service laundry.
 - (n) Dry cleaning (pickup and dropoff only).
- (2) The following additional uses are also permitted by special permit in the RWMUOD:
 - (a) Multifamily dwelling — more than ~~350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.

- (3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:
- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
 - (b) Tattoo and body piercing parlors and shops.
 - (c) Dye works.
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
 - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
 - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
 - (g) Hazardous and toxic chemical manufacturing, except in accordance with applicable state and federal regulations.
 - (h) Trucking terminal and distribution center.
 - (i) Automotive sales and/or service.
 - (j) Retail gasoline, oil and lubrication stations.
 - (k) Commercial bakeries.
 - (l) On-site sales and rental of heavy machinery and vehicles.
 - (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
 - Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.
 - Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.
- F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:
- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
 - (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
 - (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
 - (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.

- (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
 - (a) Residential structures shall not exceed 70 feet; and
 - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
 - (6) Maximum lot coverage shall be calculated on the entire land area of the ~~RWMUOD-MUD~~ and not on an individual lot basis, and shall not exceed 60% of the total area of the ~~RWMUOD-MUD~~.
- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.
- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
 - (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
 - (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
 - (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.
- H. Signage.
- (1) Except as otherwise provided in this mixed-use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
 - (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - Street facade and exterior walls visible from public ways;
 - Public space;
 - Scale of buildings; and
 - External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

- (1) Roadways. Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. ~~The~~ Each MUD within the RWMUOD shall have a stormwater management system designed in accordance with the applicable Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

K. Amendments. After approval, ~~the~~an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.

EXHIBIT A – CHAPTER 650 §33

The RWMUOD shall comprise two separate subdistricts, as described below. Within each subdistrict, one MUD shall be permitted, which shall be subject to a separate development agreement and master plan, and which may contain up to the maximum number of units of multifamily dwellings and gross floor area of retail sales and services uses set forth below.

	<u>Included Parcels</u> <u>[NOTE: To be confirmed by Assessor].</u>	<u>Total number of dwelling units permitted as-of- right (subject to site plan approval as set forth herein)</u>	<u>Total gross floor area of retail sales and services uses allowed</u>
<u>RWMUOD Subdistrict 1</u>	<ul style="list-style-type: none"> ● <u>PID# 100-1</u> ● <u>PID# 100-1B</u> ● <u>PID #100-2</u> ● <u>PID #100-3</u> ● <u>PID #100-1A</u> ● <u>PID #101-2B</u> 	● <u>350 dwelling units as-of-right</u>	● <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u>
<u>RWMUOD Subdistrict 2</u>	<ul style="list-style-type: none"> ● <u>PID #100-19</u> ● <u>PID #111-1</u> ● <u>PID #111-2</u> 	● <u>100 dwelling units as-of-right</u>	● <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u>

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to May 28, 2021 at 10:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), **FILE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Oram, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY22 and Compliance Certification Policy, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Massachusetts Department of Transportation, re: MBTA Forging Ahead Service Proposal, Environmental Notification Form, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

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

a) School Committee, January 12, 2021.

b) Planning Board, January 25, 2021.

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

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

a) Ravinder Narula, 345 Littlefield Lane, residential mailbox claim (2a).

b) Angelo Puzella, 156 Barnard Road, residential mailbox claim (2a).

c) Charles Sarian, 51 Bouffard Drive, residential mailbox claim (2a).

d) Jeffrey Simon, 30 Sheffield Terrace, residential mailbox claim (2a).

e) Akihiro Yamada, 62 Littlefield Lane, residential mailbox claim (2a).

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the City Council Legislative & Legal Affairs Committee review the Proposed Amendment to Chapter 270 “Building and Site Development” Section 19 “Fences” in addition to Section 24 “Easements and Rights of Way” as outlined below, referred to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**.

(Submitted by Councilor Doucette)

Yea: 11 – Nay: 0

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 270, Article V (Fences), Section 270-19, entitled “Permit required”, by **inserting** a new Section 270-19(D) to read as follows:
 - D. No permit shall be required under this article for the following fences, provided that the fence is in full compliance with all other provisions of this article and all other City ordinances: 1) a fence not exceeding three (3) feet in height which is erected to enclose a garden and complies with Chapter 650, Zoning, Section 650-47N (site distances), or 2) a fence erected outside of the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Section 650-41, Attachment 2.
- II. Chapter 270, Article V (Fences), Section 270-24(A), entitled “Easements and rights-of-way” is hereby **amended** as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
 - A. On any lot subject to an easement where a fence will encroach upon or hinder the use of an easement area, the owner or applicant shall procure a release in writing from the holder of the easement, and said release shall be attached to the application for a fence filed with the Building Department.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
February 18, 2021
Minutes and Report**

The meeting convened at 7:12 PM and was held virtually with Councilors attending in person and/or remotely per the Governor’s orders and began with a Roll Call vote of committee members present

Chair Irish called the Roll – All members present:

Chair Irish, Councilors Dumais and Tunnera in Chamber; Councilors Oram and Perlman participating remotely

Also Present in Chamber: Councilors Ossing, Navin and Landers; Mayor Vigeant

Reports of Committee Continued:

Participating remotely: Councilor Robey; City Auditor Diane Smith; Finance Director Patrick Jones

Order No. 21-1008183: Transfer in the amount of \$1,504,785.40 from Undesignated Fund (Free Cash) to OPEB Trust pursuant to the financial policy of the City.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008184: Transfer in the amount of \$1,504,785.40 from Undesignated Fund (Free Cash) to Undesignated Stabilization pursuant to the financial policy of the City.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008186: Transfer in the amount of \$39,447.00 from various departments for FY21 which moves funds from and to accounts noted in the spreadsheet included with the request.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008195A: Proposed amendment to Ch.125 Personnel of the City Code to add a stipend for members of the Conservation Commission, \$150.00 Conservation Commission Meeting Attended.

Motion by Councilor Oram, seconded by Chair, to recommend approval of the stipend, effective April 1, 2021; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008195B: Transfer in the amount of \$3,150.00 to fund Conservation Commission Members, \$150.00 per meeting stipend, through June 30, 2021.

Motion by Councilor Oram, seconded Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

It was moved and seconded to adjourn; Chair called the Roll: Meeting adjourned at 7:43PM.

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
February 18, 2021
Minutes and Report**

The meeting convened at 6:35 PM and was held virtually with Councilors attending in person and remotely per the Governor's orders and began with a Roll Call vote of committee members present.

Chair Dumais called the Roll – all members present:

Chair Dumais and Councilor Landers in Chamber; Councilor Doucette participating remotely

Also Present in Chamber: Councilors Irish, Navin, Ossing, Councilor Tunnera arrived at 6:45 PM and Mayor Vigeant.

Reports of Committee Continued:

Participating remotely: Councilors Oram, Perlman and Robey

All appointees participated remotely:

Order No. 21-1008196: Reappointment of James Griffin to the Board of Health for a three-year term to expire the first Monday in February 2024.

Motion by Councilor Landers, seconded by Chair, to recommend reappointment of James Griffin as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008197: Appointment of Phillip Short to the Board of Health for a three-year term to expire the first Monday in February 2024.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Phillip Short as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008178: Appointment of Jonathan Steinberg to the Board of Assessors for a three-year term from date of City Council confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Jonathan Steinberg as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008179: Appointment of Shanissa Sampson to the Parks and Recreation Commission for a three-year term from date of City Council confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Shanissa Sampson as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008177: Appointment of Krista Holmi as Chief Procurement Officer for a three-year term from date of City Council confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Krista Holmi as requested. Chair Dumais called the Roll: Motion carried 3-0

It was moved and seconded to adjourn; Chair called the Roll. Meeting adjourned at 7:10 PM

Councilor Navin reported the following out of the Veterans Affairs Committee:

**City Council Veterans Affairs Committee
February 18, 2021
Minutes and Report**

The meeting convened at 6:15 PM and was held virtually with Councilors attending in person and/or remotely per the Governor's orders and began with a Roll Call vote of committee members present.

Chair Navin called the Roll – all members present:

Chair Navin in Chamber; Councilors Perlman and Oram participating remotely

Also Present in Chamber: Councilors Irish, Landers, Ossing, and Dumais; Mayor Vigeant.

Participating remotely: Councilors Doucette and Robey; Veterans Director Michael Hennessy.

Reports of Committee Continued:

Order No. 21-1008182: Communication from Mayor Vigeant requesting renewal of intermunicipal agreement between the City of Marlborough and the Town of Sudbury for Veterans services, pursuant to MGL c.40, s4A and MGL c.115, s.10 agreement in proper form as prepared by Solicitor Grossfield.

Mayor Vigeant addressed the renewal. There was unanimous agreement that the City of Marlborough and the Town of Sudbury continue to be satisfied with the intermunicipal agreement and services rendered to veterans from both communities.

Motion by Councilor Oram, seconded by Councilor Perlman to recommend approval of the renewal of the intermunicipal agreement with the Town of Sudbury.

Chair Navin called the Roll: Oram, Perlman, Navin in favor. Motion carried 3-0.

It was moved and seconded to adjourn. Roll Call: Oram, Perlman, Navin. Motion carried 3-0.

Meeting adjourned at 6:34 PM.

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

**City Council Urban Affairs Committee
Thursday, February 18, 2021; 7:00 PM
Minutes and Report**

Per the Governor's orders, this meeting began with a Roll Call vote of committee members present and the chair identifying others participating in the meeting.

Roll Call-Chairman Katie Robey, present; Councilor Landers, present; Councilor Wagner, present; Councilor Doucette, present; and Councilor Navin, present.

Other councilors present were Councilor Ossing, Councilor Irish, Councilor Dumais, Councilor Oram, and Councilor Perlman. Representing Speedy Auto Repair were Attorney Brian Falk; Irajá (Junior) Oliveira, owner; and Randy Carpenter, broker.

Due to other meetings taking place before this one, the meeting start was delayed until 7:45 PM.

Order No. 20-1008162: Application for a Special Permit on behalf of Speedy Auto Repair, Inc. to relocate an existing body shop from 315 Maple St. to 412-418 Maple Street in CA district with land less than one acre and containing a pre-existing, nonconforming structure; therefore, the change of use requires a special permit.

Discussion began on the draft special permit and remains in committee for further discussion.

Order No. 20-1007995B-Request for Extension of time by Attorney Falk to May 28, 2021 re Application for Special Permit by WP Marlborough MA Owner, LLC (Wayside residential), 339 Boston Post Road East, to construct a multifamily dwelling residential project.

Councilor Wagner moved to approve the extension of time to May 28, 2021; it was seconded, and the vote was taken by Roll Call-Councilor Wagner, yes; Councilor Navin, yes; Councilor Doucette, yes; Councilor Landers, yes; Councilor Robey, yes. Motion carried 5-0.

Reports of Committee Continued:

Chair Robey suggested that it would be helpful to have the Solicitor come to a future Urban Affairs meeting to discuss in general terms guidance on approving and denying special permit applications with some case law examples.

Councilor Wagner moved to invite the Solicitor to a future meeting to discuss approval/denial of special permits; it was seconded and the vote was taken by Roll Call-Councilor Doucette, yes; Councilor Landers, yes; Councilor Navin, yes; Councilor Wagner, yes; Councilor Robey, yes. Motion carried 5-0.

Order 20-1008100: That the city council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city’s downtown district.

Discussion on the proposed code changes and value of murals in general began and this item remains in committee for further discussion.

It was moved and seconded to adjourn. Roll Call vote: Councilor Wagner, yes; Councilor Navin, yes; Councilor Doucette, yes; Councilor Landers, yes; Councilor Robey, yes. Motion carried 5-0. The meeting adjourned at 9:28 PM.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

Yea: 11 – Nay: 0

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

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, February 22, 2021, the following proposed amendment to the Code of the City of Marlborough, to amend Chapter 125 entitled “PERSONNEL”, Section 6 entitled “SALARY SCHEDULE” having been read was **ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6 the following:

<u>Position</u>	<u>Rate</u>
Conservation Commission Member	\$150 Per Conservation Commission Meeting Attended

II. This ordinance shall supersede and replace any existing rate for said position in the current salary schedule.

III. The effective date of these amendments shall be April 1, 2021.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

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 City Solicitor be invited to attend a future Urban Affairs meeting to provide general information to its members regarding Approval and Denial of Special Permit Applications that may be referred to it. The information can include Massachusetts case law as well as other general information, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

(Submitted by Councilor Robey)

Yea: 11 – Nay: 0

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

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:26 PM; adopted.

Yea: 11 – Nay: 0

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



IN CITY COUNCIL

Marlborough, Mass., _____ FEBRUARY 22, 2021

ORDERED:

That the PUBLIC HEARING on the Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street, Order No. 21-1008199A, all were heard who wish to be heard, hearing recessed at 8:38 PM, be and is herewith **CONTINUED UNTIL MARCH 8, 2021**.

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

PUBLIC SPEAKING IN FAVOR

TRANSCRIPT NOT COMPLETE

That ends the entire Public Hearing. This is currently in the Public Services Committee.

ADOPTED

ORDER NO. 21-1008199B



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

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MAYOR
Arthur G. Vigeant

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Patricia M. Bernard
EXECUTIVE AIDE

Michele A. O'Brien
EXECUTIVE SECRETARY

March 4, 2021

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

RE: Resolution – Mass DPH to hold public hearing and an independent cost analysis in relation to Mass General Brigham proposed expansion (Determination of Need (“DoN”) Application Project #21012113-AS)

Honorable President Ossing and Councilors:

In support of Marlborough Hospital, I am putting forth a resolution to accompany an application from the City of Marlborough to register collectively as a Ten Taxpayer Group (City of Marlborough TTG) requesting the Massachusetts Department of Public Health hold a public hearing and perform an independent cost analysis in relation to the application by Mass General Brigham (MGB) regarding a proposed multi-site for three new ambulatory sites in Westborough, Westwood and Woburn. Registering as the City of Marlborough TTG prior to the DPH deadline of March 15, 2021 would allow us to participate on behalf of the City in DPH proceedings on the project application.

The site in Westborough is located within 20 minutes of 47 existing healthcare providers and could negatively impact current providers by reducing their services, revenue and employees and forcing our current providers to raise rates. This will impact our residents as well as Marlborough businesses who provide healthcare to their employees.

I respectfully request your support and ask that you adopt the enclosed resolution and join in forming the City of Marlborough TTG. Please let me know if you have any questions, and I thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

**A RESOLUTION URGING THE MASSACHUSETTS DEPARTMENT OF
PUBLIC HEALTH TO HOLD A PUBLIC HEARING AND CONDUCT AN
INDEPENDENT COST ANALYSIS RELATIVE TO A PROPOSAL THAT
THREATENS THE FINANCIAL VIABILITY AND SAFETY NET
MISSION OF MARLBOROUGH HOSPITAL**

WHEREAS, Marlborough Hospital has been a vital resource to the residents of the City of Marlborough since 1890 and presently provides this city with critical services including emergency care and a wide range of inpatient and outpatient medical, surgical and ancillary services; and

WHEREAS, Marlborough Hospital's deep commitment to health equity is reflected in its recent A+ rating and Top 100 ranking out of nearly 3,300 U.S. hospitals by *The Lown Index*, America's first ranking system that accounts for how well hospitals serve people of lower income or education levels and people of color; and

WHEREAS, the Commonwealth of Massachusetts Center for Health Information and Analysis ("CHIA") recognizes Marlborough Hospital's status as a safety net and low cost provider, as reflected in its classification of the hospital as a "High Public Payer" Community Hospital and its cost data showing that the hospital's relative price is lower than the statewide median; and

WHEREAS, a recently published report by the Attorney General of the Commonwealth found that safety net providers "typically receive less revenue per patient than providers that have smaller proportions of Medicaid patients" and that safety net providers "must ensure that they have a high enough share of commercially insured patients for financial survival"; and

WHEREAS, the Commonwealth's largest and most expensive health system has proposed to open an expansive facility in Westborough on a site that is easily accessible to higher income, commercially insured patients from this region; and

WHEREAS, this proposal should be closely scrutinized to assess its impact on the ability of Marlborough Hospital and other safety net providers to maintain high enough shares of commercially insured patients for financial survival, explore how resultant financial instability of safety nets would impact their ability to serve vulnerable patients, evaluate the risk it will increase health care costs by drawing even more commercially insured patients into the largest and highest cost health system in the Commonwealth, and analyze how such increased healthcare costs could drive up health insurance rates for businesses and their employees; and

WHEREAS, Chapter 111, Section 25C of the Massachusetts General Laws directs the Massachusetts Department of Public Health ("DPH") to review any such proposal and "approve or disapprove in whole or in part", directs DPH to take "into account any comments from" CHIA or the Massachusetts Health Policy Commission, and allows DPH to "require a public hearing" and require "an independent cost-analysis...to demonstrate that the application is consistent with...the health care cost-containment goals" of the Commonwealth; now therefore be it

RESOLVED, that the Mayor and City Council hereby urge the Massachusetts Department of Public Health to exercise its full authority under Massachusetts General Law to hold a public hearing on this proposal, to require a thorough and truly independent cost analysis, to closely scrutinize potential impacts upon health equity, the financial viability of safety net providers and health care costs, and, in so doing, to consider all relevant data and reports from other divisions of the Commonwealth such as the Center for Health Information and Analysis, the Health Policy Commission and the Office of the Attorney General.

Arthur G. Vigeant, Mayor

Michael H. Ossing, President

Date



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

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Michele H. O'Brien
EXECUTIVE SECRETARY

March 8, 2021

VIA EMAIL DPH.DON@State.MA.US
AND FIRST-CLASS MAIL

Lara Szent-Gyorgyi
Director, Determination of Need Program
Massachusetts Department of Public Health
250 Washington Street, 6th Floor
Boston, MA 02108

RE: Determination of Need ("DoN") Application Project #21012113-AS – Mass General Brigham Incorporated ("MGB") Proposed \$223,724,658 Multi-Site DoN for Three New Ambulatory Sites located in Westborough, Westwood & Woburn (the "Application") – Registration of City of Marlborough (Mayor & City Council) Ten Taxpayer Group ("City of Marlborough TTG")

Dear Director Szent-Gyorgyi:

We, the undersigned, write to formally register with the Massachusetts Department of Public Health as the City of Marlborough TTG and a Party of Record to the Application. The below TTG members are each acting as an agent for the City of Marlborough, located at City Hall, 140 Main Street, Marlborough, MA 01752. Each TTG member is a resident of the Commonwealth of Massachusetts and subject to any Massachusetts state income, excise or property tax during 2021, the year in which the Application was filed. The representative of the City of Marlborough TTG designated to be the recipient of all communication concerning the Application is, Mayor Arthur Vigeant. All materials can be sent to City of Marlborough, Mayor's Office, 4th Floor, 140 Main Street, Marlborough, MA 01752.

Additionally, the City of Marlborough TTG hereby requests that a public hearing be held on this Application. To the extent there is an in person option, we request that there is a hearing in the service area of each project location. The TTG also hereby requests that Application be subject to an independent cost-analysis ("ICA") pursuant to See M.G.L. c.111, §25C(h) and 105 CMR 100.405 to determine if the Proposed Project is consistent with the Commonwealth's health care cost-containment goals.

Thank you in advance for your attention to this matter.

Sincerely,

Arthur G. Vigeant
Mayor

City of Marlborough TTG

Name (signature & printed)

Home Address

1.	
2.	
3.	
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5.	
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Patient migration to high-cost Partners is major concern

By  Bruce Mohl Health Care 1 Comment Jan 14, 2020



THE STATE'S HEALTH POLICY COMMISSION identified three industry trends on Tuesday that are driving up commercial health care costs in surprising ways, and two of the trends have a direct link to the state's most expensive health care provider, Partners HealthCare.

One major trend is that more and more surgeries are being done on an outpatient basis, meaning the patient checks in for the procedure and then leaves later that day. Outpatient procedures, as long as they can be done safely, are good in a policy sense because they cost a lot less than the same procedure done on an inpatient basis.

But what the commission discovered in analyzing new data was that a growing number of patients are not shifting to outpatient procedures at their own hospital, but instead gravitating toward the higher-priced Partners hospitals. The end result is the money-saving shift to outpatient procedures ends up costing more than if the setting for the procedure had remained the same.

The Health Policy Commission illustrated the nature of the problem by comparing hysterectomies done at Good Samaritan Medical Center in Brockton and Brigham and Women's Hospital in Boston. Between 2015 and 2017, Good Samaritan saw a

big dropoff in inpatient hysterectomies and a small increase in outpatient hysterectomies. Brigham and Women's, by contrast, saw a moderate dropoff in inpatient hysterectomies and a huge increase in outpatient hysterectomies, suggesting the hospital was drawing patients from other facilities.

It's not clear Good Samaritan patients were migrating to Partners, but the financial implications are stark. At Brigham and Woman's, an outpatient hysterectomy costs 22 percent less than an inpatient hysterectomy. But the Brigham's \$20,144 cost for an outpatient hysterectomy was still \$5,000 more than the price of Good Samaritan inpatient hysterectomy and \$10,000 more than the hospital's outpatient hysterectomy, according to the commission.

As more outpatient procedures shift to Partners hospitals, costs overall go up. The trend could accelerate, as Partners recently announced that it intends to spend \$400 million opening or expanding four new outpatient centers in Westwood, Woburn, Westborough, and Salem, New Hampshire.

Partners accounted for 20 percent of all major outpatient surgeries in 2017 and 27 percent of all outpatient surgery spending. As its market share grows, the state's overall health care costs are likely to rise. The Brigham and Women's hysterectomy price tag of \$20,144 was nearly twice the median price of \$11,343 for all hospitals in the state.

The same pattern is occurring with minor outpatient surgeries, but the cost differential is much narrower. Partners hospitals snared 25 percent of minor outpatient surgeries in 2017 and 30 percent of the overall spending on minor outpatient surgeries. A colonoscopy with a biopsy cost \$3,469 at the Partners-

owned Massachusetts General Hospital, compared to the median price statewide of \$2,571.

David Cutler, a Harvard University economics professor who heads the Health Policy Commission's market oversight and transparency committee, said he didn't know why so many patients are gravitating to Partners.

"Some amount of it is probably patient demand, but some of it could also be the referring physicians and where they choose to go, and some of it may be ... the Partners outpatient facilities may be more convenient," he said.

"The prices at Partners are obviously higher than at other places and that's something we've known for a while," Cutler said. "It has been a longstanding concern of the commission."

A second major trend in the Massachusetts health care market is that commercial insurance spending on inpatient care rose 11 percent between 2013 and 2018 even as the number of patients being treated at hospitals declined by 14 percent. The Health Policy Commission attributes a large part of the spending increase to upcoding by hospitals – the practice of increasing the severity of a patient diagnoses to take advantage of higher insurance payments to deal with more complicated health care problems.

The commission said inpatient acuity – the term used for the severity of a diagnosis – increased 10 percent between 2013 and 2018 while other indicators of disease severity did not budge. The number of patients discharged with septicemia, a bloodstream infection, increased 180 percent between 2010 and

2018, while other diagnoses that are normally precursors of septicemia, such as pneumonia, increased only 17 percent. The commission concluded health care providers are upcoding to the more serious septicemia diagnosis to take advantage of the higher treatment costs. Septicemia costs \$22,618 to treat, nearly twice as much as the treatment for pneumonia.

The commission did not single out Partners for the coding problem, but it noted that teaching hospitals and academic medical centers appear to be faring better amid the decline in hospital admissions. For maternity admissions, for example, teaching hospitals and academic medical centers saw a single-digit drop in admissions between 2014 and 2018, while the falloff was double digits at community hospitals.

The commission staff repeatedly documented how the higher prices charged by Partners hospitals are making it difficult to rein in health care costs. The commission noted, for example, that risk-adjusted medical spending by patients affiliated with Partners primary care physicians was \$6,028 in 2017 – the highest in the state and \$1,500, or 33 percent higher, than patients affiliated with physicians at Atrius Health.

The commission also reviewed seven services it believes are therapeutically unnecessary yet still authorized at health care systems largely because of “organizational inertia.” Baseline lab tests before surgeries, for example, are done on 27 of every 100 patients, on average, even though the tests are unnecessary. Similarly, thyroid screenings are done on 11 of every 100 patients even though the test has little or no value.

Partners hospitals were not the worst offenders in any of the seven categories of unnecessary services, but because Partners facilities charge more than their competitors for the tests the impact was greater. More than \$1,300 was spent on the seven low value services per 100 eligible Partners commercial patients in 2017, according to the commission. By contrast, the dollar impact was less than \$600 at Atrius, Boston Medical Center, and Reliant.

While commercial insurance medical spending in Massachusetts has grown at less than the national rate since 2013, the Health Policy Commission raised concerns about how much Bay State employers and employees are spending on premiums. Massachusetts, for example, has the third highest average family premium in the United States at just over \$20,000, trailing only Alaska and New York. Commission officials said premiums for one of every 10 commercially insured Massachusetts families in the state exceed \$30,000 a year.

ABOUT

About Bruce Mohl

Bruce Mohl is the editor of *CommonWealth* magazine. Bruce came to *CommonWealth* from the *Boston Globe*, where he spent nearly 30 years in a wide variety of positions covering business and politics. He covered the Massachusetts State House and served as the *Globe's* State House bureau chief in the late 1980s. He also reported for the *Globe's* Spotlight Team, winning a Loeb award in 1992 for coverage of conflicts of interest in the state's pension system. He served as the *Globe's* political editor in 1994 and

went on to cover consumer issues for the newspaper. At *CommonWealth*, Bruce helped launch the magazine's website and has written about a wide range of issues with a special focus on politics, tax policy, energy, and gambling. Bruce is a graduate of Ohio Wesleyan University and the Fletcher School of Law and Diplomacy at Tufts University. He lives in Dorchester.

And then there was the news that employees at firms that pay relatively low wages pay much higher premiums than other workers. According to the commission, the lowest-wage employees paid roughly the same amount in premiums as others until 2014, when their premiums skyrocketed. In 2018, according to the commission, the premiums paid by low-wage workers averaged \$8,196, while the premiums paid by all other workers hovered between \$5,377 and \$5,692.

"We don't know exactly why that is, but it's kind of a counterintuitive finding," said David Auerbach, senior director of research and cost trends at the Health Policy Commission.

SHARE



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
CITY OF MARLBOROUGH
MAYOR
2021 MAR - 4 A 11: 35
Patricia M. Bernard
EXECUTIVE AIDE

Michele A. O'Brien
EXECUTIVE SECRETARY

March 4, 2021

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

RE: Grant Acceptance for the Cultural Council

Honorable President Ossing and Councilors:

Please find enclosed for your acceptance a grant in the amount of \$17,300.00 for the City of Marlborough to be expended through the Marlborough Cultural Council.

Local arts and cultural organizations are eligible to apply for grant funding from the Marlborough Cultural Council enabling them to offer selected applicants programming and cultural experiences for the public to enjoy. The Cultural Council will meet over the coming weeks and begin the application process and award the funding.

Thank you for your consideration.

Sincerely,

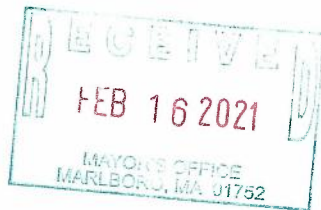
Arthur G. Vigeant
Mayor

Enclosures



February 10, 2021

Arthur G. Vigeant, Mayor
City of Marlborough
City Hall
140 Main Street
Marlborough MA 01752-3871



(via email)

Dear Mr. Vigeant:

State Comptroller regulations require State Agencies to have a signed contract and signature authorization form on file for all transfers of funds from state to local accounts unless the agency is statutorily released from this mandate, which the Mass Cultural Council is not.

The contract includes: a signature page with the amount of the allocation (\$17,300), dates of service (July 1, 2020 to June 30, 2021), and a place to sign. You only need to sign it, include an email address, and make any corrections if needed. The second page is the scope of services that defines how the funds are to be expended following Mass Cultural Council regulations. Lastly, the Signature Authorization page is a required form for all contracts with state agencies that clearly identifies the person or persons authorized to sign contracts for a vendor, in this case your municipality.

The contract should be signed with a completed Signature Authorization form and returned via USPS to me by March 15, 2021.

I will not be able to transfer the Local Cultural Council allocation until I have a completed contract package from your municipality. If you or any of your staff have any questions, please feel free to contact me at 617/858-2702 or by email at Elsie.Sanon@art.state.ma.us.

Thank you very much.

Attached is a contract and scope of services for the City of Marlborough that covers the transfer of FY2021 Local Cultural Council funds from the Mass Cultural Council to your local cultural council account for the Marlborough Cultural Council.

Sincerely,

Elsie Sanon
Fiscal Officer

Attachments

Scope of Services/Budget

The allocated amount or maximum obligation for the contracted city or town will be deposited in the local account for the local or regional cultural council, provided that the city or town:

- Maintain a revolving account for the local or regional cultural council as required by Massachusetts General Law, Chapter 10, Section 58
- Report on said fund annually by completing the Massachusetts Cultural Council's Local Cultural Council Account Form

The local or regional cultural council will expend the funds following the procedures outlined in Massachusetts Cultural Council guidelines and regulations.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

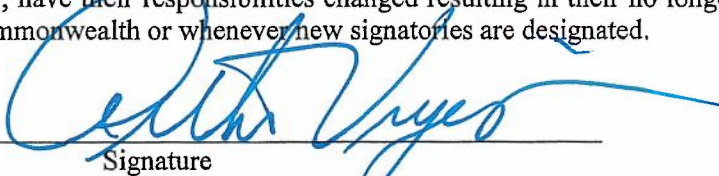
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Arthur G. Viseant	Mayor

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



Signature

Date: 3/2/21

Title: Mayor

Telephone: 508-460-3770

Fax: 508-460-3648

Email: Mayor@Marlborough-Ma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the [Standard Contract Form Instructions and Contractor Certifications](#), the [Commonwealth Terms and Conditions for Human and Social Services](#) or the [Commonwealth IT Terms and Conditions](#) which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): City Hall Legal Address: (W-9, W-4): 140 Main Street Marlborough MA 01752-3871		COMMONWEALTH DEPARTMENT NAME: Mass Cultural Council MMARS Department Code: ART Business Mailing Address: 10 St. James Ave 3rd Floor, Boston, MA 02116	
Contract Manager: Arthur G. Vigeant, Mayor Phone: 508/460-3770		Billing Address (if different):	
E-Mail: mayor@marlborough-ma.gov Fax: 508/481-6354		Contract Manager: Elsie Sanon Phone: 978/858-2702	
Contractor Vendor Code: VC6000192111		E-Mail: Elsie.Sanon@art.state.ma.us Fax: 978/574-7305	
Vendor Code Address ID (e.g. "AD001"): AD__ (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
RFR/Procurement or Other ID Number:			
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <i>Prior</i> to Amendment: ____, 20__. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00 . <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <i>new</i> total if Contract is being amended). \$ <u>17,300</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) <p style="text-align: center;">Local Cultural Council Allocation for the Marlborough Cultural Council</p>			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input checked="" type="checkbox"/> 3. were incurred as of <u>July 1, 2020</u> , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30 2021</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>3/4/21</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David T. Slatery</u> Print Title: <u>Deputy Director</u>	



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
2021 MAR -4 A 11:35
Patricia M. Bernard
EXECUTIVE AIDE

Michele A. O'Brien
EXECUTIVE SECRETARY

March 4, 2021

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

RE: Transfer request for IT Department for replacing network monitoring software

Honorable President Ossing and Councilors:

I am submitting a transfer request in the amount of \$243,000.00 from the PEG fund account to the IT department to fund various upgrades for the IT department.

Attached is a memo from IT Director Mark Gibbs outlining the capital expenditures that are needed for the IT department to maintain our network security, Vision software upgrade to support our Assessor's department, wireless antennas and network devices.

If you have any questions, please contact me or IT Director Mark Gibbs.

Thank you for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough 
Marlborough Public Schools
Information Technology

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3763
mgibbs@marlborough-ma.gov



January 26 2021

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

Mayor,

I would like to respectfully request Peg funds for the following projects in order of priority:

1. Due to the SolarWinds hack of several government entities and over 18,000 companies we must replace our network monitoring software at an estimated cost of **\$70,000** for the next 3 years.
2. Upgrade & Conversion the Assessor's Department's property assessments software – Vision. Support for the current version will be ending sometime next year. The new version will include a cloud base solution and provide new data exports. The estimated cost is **\$51,000**.
3. Replace outdated wireless antennas at 3 elementary schools to handle the large amount of data when kids return from school next year at an estimated cost of **\$50,000** After ERate.
4. Replace outdated iSCSI switches. These switches handle traffic to and from our local storage area network device. The current switches are running at 70% utilization creating a bottleneck. The estimated cost is **\$72,000**.

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
<u>\$436,486.54</u>	<u>\$243,000.00</u>	<u>27000099</u>	<u>47750</u>	<u>Receipts Reserved-PEG Funds</u>	<u>\$243,000.00</u>	<u>19300006</u>	<u>58618</u>	<u>IT Equipment</u>	<u>\$0.00</u>
	Reason:	<u>Use PEG funds for network monitoring system</u>							
	Reason:								
	Reason:								
	Reason:								
	\$243,000.00	Total			\$243,000.00	Total			

Department Head signature:

Auditor signature:

Finance Director signature:

Three handwritten signatures in blue ink are present over horizontal lines. The top signature is for the Department Head, the middle one is for the Auditor, and the bottom one is for the Finance Director.

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	\$82,974.09
8/31/2020 Verizon	\$4,299.18
11/25/2020 Comcast	\$89,038.41
11/25/2020 Verizon	\$81,285.83
11/25/2020 Verizon	\$4,211.69
2/19/2021 Comcast	\$86,807.95
2/19/2021 Verizon	\$80,730.88
2/19/2021 Verizon	\$4,182.95

Total Funding	<u>\$2,932,784.36</u>
---------------	-----------------------

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
pending	-\$370,000.00

Total Transfers	<u>-\$2,496,297.82</u>
-----------------	------------------------

Available for future transfers	\$436,486.54
--------------------------------	--------------



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
2021 MAR -4 A 11:35
Patricia M. Bernard
EXECUTIVE AIDE

Michele A. O'Brien
EXECUTIVE SECRETARY

March 4, 2021

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

RE: Sewer Ordinance Amendment

Honorable President Ossing and Councilors:

Please find enclosed for your review a draft amendment to the City's sewer ordinance in accordance with Ch. 510, Sec 2 (D).

This amendment lightens the restrictions that are currently in place and will require a sewer hookup where public sewer exists with any transfer of property with limited exceptions outlined in the draft enclosed ordinance. Additionally, any new sewer lines that are completed will require residents to hook up within 180 days after the date of official notice by the Commissioner of Public Works.

The City has been largely investing in our outdated infrastructure and can't continue to move forward with any additional sewer projects until there is a written guideline in place.

Please don't hesitate to contact me or Commissioner Divoll with questions regarding this proposed ordinance.

Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510, ENTITLED "SEWERS," AS FOLLOWS:

I. Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the City and abutting on any street, alley or right-of-way in which there is now or may in the future be located a public sanitary sewer of the City, are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within the following time limits~~within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line;~~

- (i) Where said public sewer now exists at the time of the effective date of this clause, the connection shall be completed: (a) prior to transfer of the property, (b) prior to change in use of a structure as set forth in Chapter 650, Zoning, (c) prior to an increase in the sewage design flow applicable to a structure for purposes of Title 5, 310 CMR 15.000, of the State Environmental Code, or (d) upon failure of any system under said Title 5, 310 CMR 15.000, whichever shall occur first.
- (ii) Where said public sewer is constructed and/or located after the effective date of this clause, the connection shall be completed: Within 180 days after date of official notice by the commissioner that the public sewer is available for connection.

For purposes of this subsection, the term "transfer" shall mean the conveyance of any interest in real property, with or without consideration, including by deed, lease, or assignment, but excluding: (a) taking a security interest in a property, including but not limited to issuance of a mortgage; (b) refinancing a mortgage or similar instrument, whether or not the identity of the lender remains the same; (c) a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are the beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries; (d) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses during life, out right or in trust; or the death of a spouse; and (e) the appointment of or a change in a guardian, conservator, or trustee.

An exemption from the connection requirement in this section may only be granted upon application to the board of health, and with the recommendation of the city engineer, unless prevented by topographical or other for reasons of extraordinary site conditions due to which the land cannot be drained into such sewer, or due to weather conditions limiting the ability to connect, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board.

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



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
2021 MAR -4 A 11:35
Patricia M. Bernard
EXECUTIVE AIDE

Michele A. O'Brien
EXECUTIVE SECRETARY

March 4, 2021

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

RE: Appointment of Human Resources Director

Honorable President Ossing and Councilors:

It is with great pleasure that I submit for your approval the appointment of Christine Purple as Director of Human Resources for a three-year term effective the day after appointment.

Ms. Purple has many years of experience in municipal government, municipal trade associations and holds a Bachelor of Science with a double major in Economics and Political Science. Coincidentally, Ms. Purple started her career with the City of Marlborough in 1997 in Personnel.

Ms. Purple will start at Step One with an additional week of vacation in accordance with the recently amended ordinance in relation to Chapter 125, Sec 18.

Ms. Purple has a 60 day temporary appointment and will be onboarding with interim Human Resource Director Dave Brumby, and I anticipate she will adapt well with her familiarity with municipal government and experience in human resources.

Please see her resume for your review and thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



CHRISTINE L. PURPLE

February 7, 2021

The Honorable Arthur Vigeant
Mayor of the City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant,

I am writing today to express my desire to join the City of Marlborough's community as the Human Resources Director that was advertised on the City's website.

I worked for the Massachusetts Association of Assessing Officers (MAAO) since October 2005 and leading the organization as Executive Director from April 2018 until this past August. During the past 15 years, I was involved in every aspect of the Association, including preparing annual budgets, monthly reconciliations, and associated audits; assisting the HR Committee with the development of job descriptions and company policies; developing and implementing trainings, programs, and annual conferences; and working directly with the Association's Executive Board and Committees to implement changes that benefited their 1,400+ members. During my tenure as Executive Director, I made changes to their structure and systems that allows the organization to be more flexible and more efficient in their operations, which allowed the Association to continue to thrive in a virtual world necessitated by this pandemic.

Prior to the MAAO, I worked in several positions in municipal and educational settings with a Human Resources focus. All of these positions required strict confidentiality due to the information being handled, and also required excellent customer service. Meeting with employees to discuss issues and benefits that are extremely personal to them requires tact and sensitivity. I have worked for or on behalf of municipalities most of my career, with my first municipal employment being with the City of Marlborough.

I believe that my experience makes me the ideal candidate to carry out the City's mission and vision as the Human Resources Director.

I look forward to meeting with you to further discuss the position, and hope to hear from you soon.

Sincerely,





CHRISTINE L. PURPLE



EDUCATION

Bachelor of Science | University of Massachusetts at Boston

Bachelor of Science with a Double Major in Economics and Political Science; Specialization in Government Finance and Public Policy

Additional Course Work |

Bentley University Human Resources Management Courses

QuickBooks QuickBooks Pro Training



EXPERIENCE

Executive Director | Massachusetts Association of Assessing Officers, Northborough, Massachusetts

APRIL 2018 TO AUGUST 2020

- Responsible for the daily oversight and management of the Association with over 1,400 members;
- Implemented a new membership registration and database;
- Oversees and assists with all of the Association's Committee activities;
- Responsible for the setting and managing of the workload for the Administrative Assistant;
- Coordinate the Association's instructors and volunteers;
- Responsible for the logistics for day-long and multi-day meetings, courses and workshops, negotiations for all facilities and services, marketing of all conferences and seminars, preparation of all meeting materials, and registration;
- On-site (in person and online) staff for most MAAO-sponsored events;
- Successfully moved in-person events and training to virtual offerings due to COVID-19;
- Coordinate with other associations and state agencies;
- Responsive to members' requests for information and assistance;
- Oversees the Association's website, including all posting, updates, and membership communications;
- Oversees the finances of the Association, prepares monthly and annual financial reports for the Board of Directors, including all necessary financial information for the annual audit and State reporting;
- Responsible for the Association budget preparation and maintenance;
- Assists with administration of the MAAO Professional Designation Program;
- Responsible for the publication of the Association's quarterly Newsletter.

Data Specialist | University of Massachusetts at Boston, Edward J. Collins Center for Public Management, Boston, Massachusetts

DECEMBER 2016 TO JUNE 2018

- Assisted with compensation and classification studies performed by the Center;

- Responsible for conducting wage and benefit surveys; prepared comparative analysis; conducted position interviews; prepared position analysis as well as updated job descriptions.

Administrative Assistant | Massachusetts Association of Assessing Officers, Marlborough, Massachusetts

OCTOBER 2005 TO APRIL 2018

- Responsible for the oversight and management of the Association's membership services database, including the creation and updating of all membership records both for the Organizations as well as the Individuals;
- Prepared, disseminated, and maintained the annual dues for all members of the Association;
- On-site staff for most MAAO-sponsored events;
- Responsive to members' requests for information and assistance;
- Maintained Association's website, including all postings and updates;
- Processed incoming payments from all sources, and tracked payments in both the database as well as the accounting software;
- Assisted with the preparation of materials, attended, and maintained the minutes for the Association's Executive Board meetings;
- Assisted with the compilation of materials and oversight of the annual audit;
- Assisted with the publication of the Association's quarterly Newsletter;
- Ad-Hoc member of the Human Resources Committee that developed the MAAO Employee Handbook.

Assistant Director of Human Resources | Franklin Pierce University, Rindge, New Hampshire

JULY 1999 - JUNE 2002, ADDITIONAL CONSULTING WORK IN 2003 AND 2004

- Responsible for the benefit programs offered to all employees, including health and dental insurance, life insurance, long and short-term disability, Employee Assistance Program (EAP), Defined Contribution Retirement Plan, Education Benefit, as well as vacation, sick and personal time accruals;
- Conducted new hire orientations for employees located at the main campus as well as satellite campuses located throughout New Hampshire;
- Participated in negotiations for annual renewal of benefit contracts; assisted in the implementation of new employee benefits, as well as transition in benefit vendors, including marketing and employee education;
- Assisted in the development of an on-line employee policy handbook;
- Responsible for the coordination of workshops, trainings, and events for employees, including the annual Benefits Fair;
- Involved in the implementation and upgrade of a payroll/HRIS system;
- Oversight of areas within the HRIS system, including payroll;
- In charge of the Workers Compensation program, including assisting with return-to-work process for injured employees;
- Designated as Sexual Harassment Officer;
- Assisted in the compilation of information necessary for NEASC re-certification.

Personnel Director | City of Gardner, Gardner, Massachusetts

JULY 1998 - JULY 1999

- Responsible for all aspects of the hiring process, including advertising, review of resumes, candidate selection, interviewing, compliance with AA/EOE, job offer, pre-employment physical, reference checking, and orientation;
- Developed and implemented standardized hiring procedures, including an orientation packet for new employees;

- Responsible for negotiations with seven of the City's collective bargaining units; involved in all aspects of Civil Service including hiring, termination, and grievance procedures;
- Reviewed and developed Personnel Ordinance for City Council approval; responsible for the administration of self-insured health and benefits programs including medical, dental and life insurance for approximately 600+ employees;
- Administered a self-funded Workers' Compensation program;
- Designated as Sexual Harassment Officer.

Personnel Assistant | City of Marlborough, Marlborough, Massachusetts

AUGUST 1997 - JULY 1998

- Responsible for the administration of self-insured health and benefits programs including medical, dental and life insurance for approximately 600+ employees;
- Responsible for tracking self-funded Workers' Compensation program and attended open case review meetings;
- Involved in all aspects of the hiring process, including Civil Service positions;
- Designated as Sexual Harassment Officer;
- Designated as main contact with city, school and retired employees regarding policies, procedures, benefits, salary, workers' compensation, as well as other requests; responsible for personnel and workers' compensation filing;
- Member of the City of Marlborough's Safety Committee; assisted with the development of a citywide safety manual.



SKILLS

- Microsoft Applications including Word, Excel, PowerPoint, and Publisher
- QuickBooks
- Zoom
- Proficient with Social Media Platforms such as Facebook, LinkedIn & Twitter
- Database Administration
- HRIS Administration
- Website Administration



ACTIVITIES

- Member of the International Association of Assessing Officers and the Northeast Regional Association of Assessing Officers;
- Past member of the Commonwealth of Massachusetts Human Resources Division's Committee on Civil Service Continuous Testing (ConTest) program;
- Member of the Shrewsbury High School Parent Forum, where I have assisted with the planning of events as well as helping with social media postings and design of marketing materials;
- Parent Representative on the Shrewsbury High School Booster Association;
- Prepares and designs programs and flyers for Dawn's School of Dance, Northborough, Massachusetts;
- Past Representative Town Meeting Member, Shrewsbury, Massachusetts;
- Past PTO Treasurer, Coolidge School, Shrewsbury, Massachusetts;
- Served on several teacher hiring committees at Shrewsbury High School; Shrewsbury, Massachusetts;
- Served as the Team Parent for the Shrewsbury High School Soccer Team.



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
CITY OF MARLBOROUGH
MAYOR

2021 MAR - 4 AM: 35
Patricia M. Bernard
EXECUTIVE AIDE

Michele H. O'Brien
EXECUTIVE SECRETARY

March 4, 2021

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

RE: Appointment to the Marlborough Retirement Board

Honorable President Ossing and Councilors:

Pursuant to M.G.L. Chapter 32 § 20(4)(b) I am submitting for your approval the appointment of Robert K. Gustafson to the Marlborough Retirement Board for a three-year term upon date of confirmation. Mr. Gustafson will be a fifth member replacing board appointed David Keene whose appointment expired on January 31st. Since it has been over 30 days, I have the authority to appoint a replacement. I'd like to take this opportunity to thank Mr. Keene for his service.

Unlike Mr. Keene, Mr. Gustafson is a resident of Marlborough and has over thirty years of experience in the securities and insurance industries and currently manages over \$160 million for individuals and businesses. I believe Mr. Gustafson's experience is exactly what we need on the retirement board, and I've enclosed his resume for your review.

Additionally, I will be reviewing the process to potentially transfer all funds to the state to maximize returns and reduce costs.

Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Robert K Gustafson

President/CEO

Contact

58 Kelleher Street
Marlborough, MA 01752

Education

UMass Amherst – 1989
Isenberg School of Management

Batchelor of Business
Administration,
Minor in Economics

Key Skills

Financial Planning
Portfolio Management
Estate, Insurance & Tax Planning
Business Ownership
Communication Skills
Self-Motivated

Other Interests

Fishing, Kayaking, Boating
Skiing, Snowmobiling
Home Restoration

Executive Profile

A lifelong resident of Marlborough, and owner of Triton Financial Group, Inc. A Certified Financial Planner® with over 30 years of experience in the securities and insurance industries. Triton Financial offers comprehensive financial planning and wealth management services and currently manages over \$160 million for individuals and business.

Experience

1991

Registered Representative • JW Investment Bankers – La Jolla, CA

1993

Financial Advisor • American Express Financial Advisors – Auburn, MA

1995 - Present

Owner/President/CEO • Triton Financial Group, Inc. – Marlboro, MA

2012 - Present

Co-Founder • First Beacon Business Advisory Group – Marlboro, MA

Leadership

Current Board of Directors:

- Marlboro Chamber of Commerce
- Thrive Support and Advocacy

Past Board of Directors:

- Financial Planning Association of Northern NE
- Executive Board/Past Chair of Marlboro Chamber of Commerce
- Finance Committee at Seventh Day Adventist Church

Accomplishments

- Host of Financial Spotlight, a weekly financial show on WCRN True Talk Radio 830 for the past 10 years.
- Marlboro Chamber of Commerce - Business Person of the Year

The Commonwealth of Massachusetts
Town of Berlin
Board of Appeals

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAR -1 A 11:51

Eloise Salls
Town Clerk
Town Offices
Berlin, MA 01503

Petitioner: C3 BERLIN LLC
2082 South State Street, Ann Arbor, MI 48104

Subject Location: 64 BANNER ROAD, BERLIN, MASSACHUSETTS

The Berlin Zoning Board of Appeals convened a public hearing on Wednesday, January 13, 2021 at 7:30 PM via ZOOM Webinar which was continued until February 10, 2021 regarding the petition of C3 Berlin LLC of 2082 South State Street, Ann Arbor, MI for a special permit and site plan approval for retail marijuana at 64 Banner Road in Berlin, Massachusetts. The subject location is owned by Bentaga Holdings LLC of 96 Pleasant Street, Berlin, Massachusetts. The applicant was seeking a special permit under Section 585 MEDICAL MARIJUANA AND ADULT USE MARIJUANA ESTABLISHMENTS and its sub-sections and site plan approval under Section 1230 SITE PLAN APPROVAL and its sub-sections of the Berlin Zoning By-law.

Sitting as a Board: Lynn Ryan, Chair
James Royer, Vice-Chair
Dennis Bartlett, Clerk
Patricia Jackson
Virginia Zukatynski
Suzanna Roberts
Keith Soucy

For Petitioner: Ankur Rungta, CEO of C3 Berlin LLC
Garrett Horsfall, Kelley Engineering Group
Shaun Kelly, Traffic Engineer for Vanasse & Associates

Evidence Presented

1. The applicant stated in the permit application that all state permits are expected to be received by the time of the hearing. Further stated was that a letter of intent had been filed with the Berlin Conservation Commission.

Dgr

2. The petitioner presented a letter dated February 19, 2020 from Richard D. Hanks, Berlin Building Inspector, stating that the property is within the Limited Business Zone which allows several marijuana uses subject to a special permit and site plan approval.
3. A letter dated December 14, 2020 from Garrett Horsfall of Kelley Engineering Group, Civil Engineering Consultants, which included copies of plans dated December 14, 2020 prepared by Kelley Engineering Group.
4. Copies of a Traffic Memorandum prepared by Vanasse & Associates, Inc. dated November 18, 2020.
5. Proposed floor plans of the space to be rented at 64 Banner Road.
6. A copy of the lease agreement between the petitioner and land owner.
7. A letter from Atty. Brian R. Falk of Mirick O'Connell of 100 Front Street, Worcester, MA dated January 13, 2021 representing Digital Federal Credit Union, a Marlborough abutter to 64 Banner Road. He stated his client's objections to the special permit. Digital Federal Credit Union is the property owner of the easement which provides access to the property from Donald Lynch Boulevard in Marlborough.
8. A letter dated January 13, 2021 from Jeffrey Cooke, Building Commissioner/Zoning Enforcement for the City of Marlborough, stating the city's objection to the special permit.
9. After a presentation by the petitioner at the January 13, 2021 hearing session, the petitioner was advised that the Board would need resolution of the access issue, definition of current tenants in the building, parking spaces required by nature of businesses and their square footage, existing and proposed lighting and signage, definition of parking area material (hot top or porous), a meeting with Fire Department, letters of approval from Conservation Commission and Board of Health, and proof of state approval in order to continue with the hearing.
10. At the January 13, 2021 hearing a motion was made by Board Member Royer to continue the public hearing for site plan approval and special permit for a retail marijuana facility at 64 Banner Road until 7:30pm on February 10, 2021, via Zoom virtual meeting. The motion was seconded by Board Member Zukatynski, and the motion passed 5-0 by a roll call vote (Ryan, Royer, Bartlett, Jackson, Zukatynski).

Dgr

11. At the continuance of the hearing on February 10, 2021, Mr. Rungta of C3 Industries stated a letter dated February 9, 2021, was submitted to the Board requesting withdrawal of its petition without prejudice. Mr. Rungta stated it was unlikely they would be able to proceed with this site.
12. At the February 10, 2021 hearing, a motion was made by Board Member Royer to accept withdrawal of the petition without prejudice. The motion was seconded by Associate Board Member Soucy, and the motion passed 5-0 by roll call vote (Ryan, Royer, Bartlett, Jackson, Zukatynski).

Findings and Decision

- 1) The petitioner has requested a vote of the Berlin Zoning Board of Appeals to allow withdrawal of his petition without prejudice.
- 2) The petitioner stated that objections by the City of Marlborough and the Digital Federal Credit Union are unlikely to be resolved making the petition unable to proceed with this site.

Therefore, the Board of Appeals, based on the evidence presented at the hearing, including but not limited to the facts and findings presented above, Board Member Royer made a motion to accept withdrawal of the petition without prejudice. The motion was seconded by Associate Board Member Soucy, and the motion passed 5-0 by roll call vote (Ryan, Royer, Bartlett, Jackson, Zukatynski).

Voting in favor of withdrawal of petition without prejudice were: Patricia Jackson, James Royer, Virginia Zukatynski, Dennis Bartlett, and Lynn Ryan.

Lynn Ryan
Lynn Ryan, Chair

Date: 02/23/2021

James Royer
James Royer, Vice-Chair

Date: 2/23/2021

Dennis Bartlett
Dennis Bartlett, Clerk

Date: 2-19-21

Patricia Jackson
Patricia Jackson

Date: 2-20-21

Virginia Zukatynski
Virginia Zukatynski

Date: 2-23-2021

Received Feb, 24, 2021
Elaine F. Salls
The 30 day appeal period ends
March 17, 2021
Elaine F. Salls

Via First Class

March 1, 2021

Marlborough Mayor Arthur Vigeant
140 Main St
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

nationalgrid

2021 MAR -1 P 2: 36

Re: National Grid's Transmission Vegetation Maintenance Notification Pursuant to 220 C.M.R. § 22.03(1);

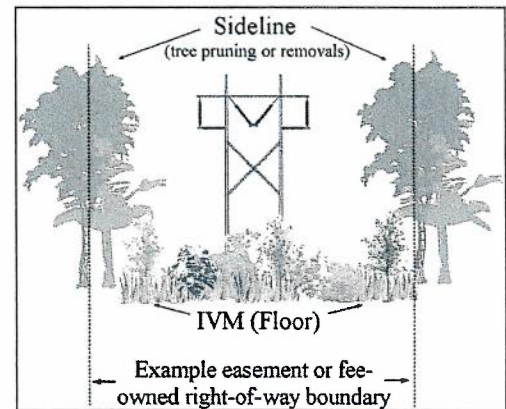
Dear Mayor Arthur Vigeant:

In accordance with the transmission vegetation maintenance notification requirements set forth in 220 C.M.R. §§ 22.03(1), New England Power Company and/or Massachusetts Electric Company, each d/b/a National Grid (together, "National Grid") is providing **Marlborough** with the annual notification of upcoming sideline vegetation management activities within your municipality. These activities will be conducted between April 1, 2021 and March 31, 2022. You will receive an additional notice 30 days prior to the commencement of the sideline vegetation maintenance activities.

National Grid manages its rights of ways by using two programs: a floor program (IVM) and a sideline program.

National Grid's Integrated Vegetation Management Program ("IVM") focuses on the removal of tall-growing trees and shrubs to encourage the establishment of a low growing shrub population on the right-of-way. The primary method of control will include manual cutting, selective mechanical mowing and the application of federally approved and state registered herbicides to control targeted vegetation where site conditions allow. This program follows the regulations outlined in 333 CMR §§ 11.00.

National Grid's sideline (SL) program focuses on tree pruning and tree removals within the electric transmission right-of-way easement. Enclosed is a map showing where the sideline maintenance activities will take place.



Note: If you have any ROWs within your municipality that are being treated under the IVM program, then you have already been notified of this work under the procedures followed in 333 CMR §§ 11.00. Your municipality has these maps on file.

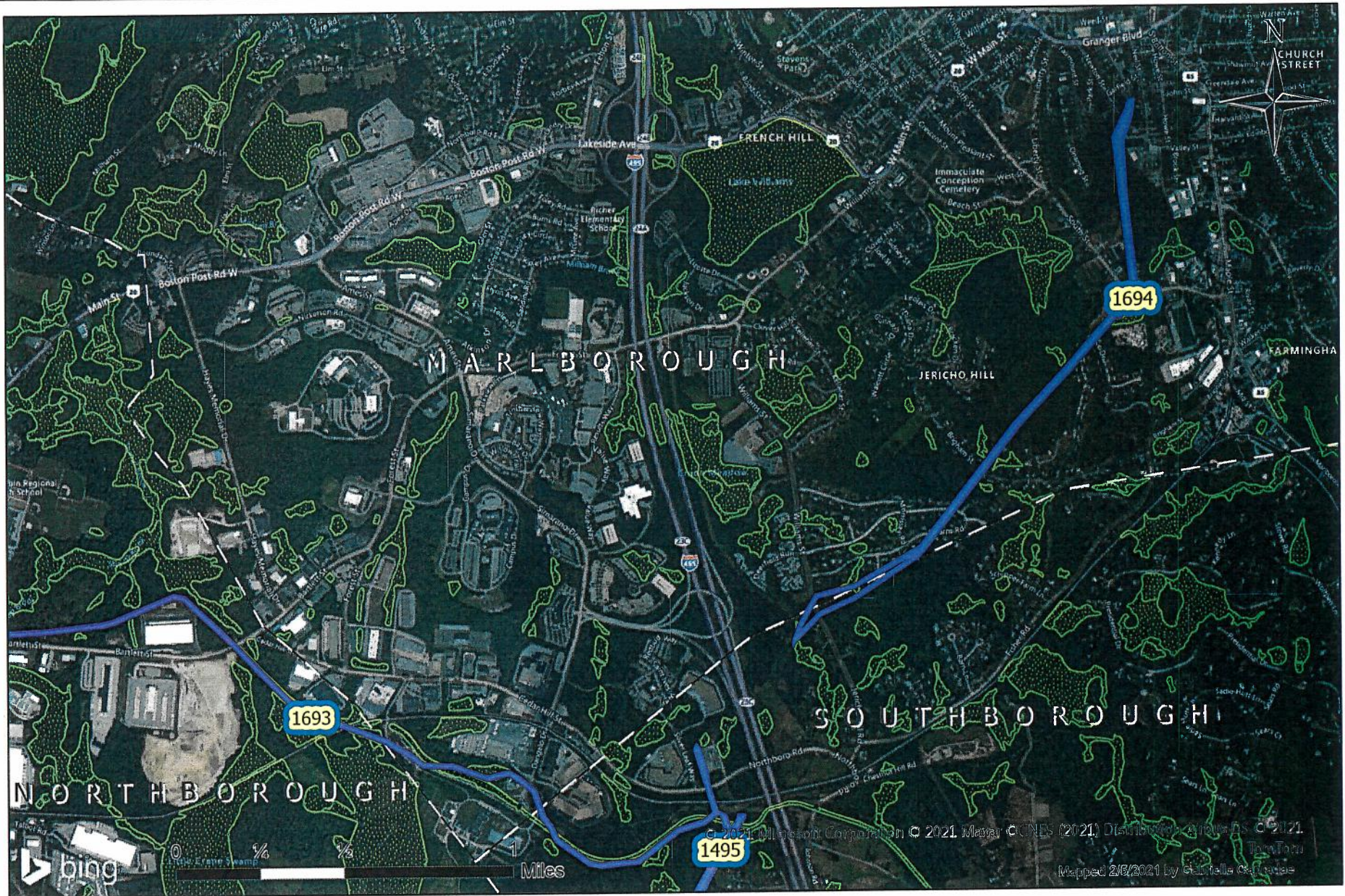
Please contact me at (508) 860-6282 or by email mariclaire.rigby@nationalgrid.com if you have any questions about National Grid's vegetation management programs.






Thank you for your time and attention to this matter. Please forward this notice on to other departments within your municipality that may want to review the notification.

Sincerely,

Mariclaire Rigby
Mariclaire Rigby
Lead Specialist

Marlborough ROW(s): 1693 1694



-  Right of Way
-  Wetland
-  Public Well
-  Town Border
-  Private Well

Rights-of-Way 1693, 1694

Marlborough, MA

SideLine FY22

nationalgrid

To the Marlborough City Council:

As residents, former residents, and business owners in Marlborough, we know just how special this city is. We are fortunate to have a diverse base of local businesses, a well-balanced budget, and most importantly of all, a wonderful community that cares about each other's well-being. But these things do not develop by accident- they require political leadership and economic investment. That is why we support the proposed Walcott Heritage Farms residential project along Boston Post Road East, an exciting project that would strengthen Marlborough on all three of these fronts.

Walcott Heritage Farms would provide new housing opportunities in Marlborough at a time when they're desperately needed. Individuals and corporations are being drawn to our city for the prosperous, friendly climate we've cultivated- and that's a good thing. But without adequate housing supply, we won't be able to fully take advantage of the jobs and contributions they'll bring; nor will housing costs remain stable for current residents. The tax revenues associated with this project, new customers for local businesses, and contributions to civic life will also build on the momentum we've created in Marlborough and position us for an even stronger future.

We know that we owe the leadership of Mayor Vigeant and the City Council for much of the progress we've seen in Marlborough. It is precisely by thoroughly vetting and then finding productive ways to support projects like Walcott Heritage Farms that the city has been able to grow so strongly. As you consider all that this project and its proponent, Waypoint Residential has done to fit it into the fabric of our community, we urge you to support it and continue the strong track record of success you have cultivated in Marlborough over the years.

Sincerely,



Michael Emberley
362 Boston Post Road East



Ed Santos
Brazilian Steak Grill
416 Boston Post Road East



Mike Zaranto
85 Prospect St. Apt 1L



Benny Le
Benny's Barber Shop
554 Boston Post Road East



Laura Tersarotto
F.T. Signs
136 Main St



Tony Su
Silk Road Bistro
150 Main St



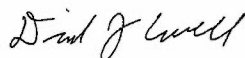
David J. Welch
Minuteman Press
160 Main St



Luciana Lourenco
Point Insurance
190 Main St



Jorge Pesantez
JV Express
231 Main St



David Cowell
Hancock Associates
315 Elm St

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAR -4 A 7:10



School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

January 26, 2021

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Heidi Matthews, and Denise Ryan. Katherine Hennessy was remotely present. Also present were Chairman Vigeant, Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, Assistant Superintendent of Teaching and Learning, Mary Murphy, and Assistant Superintendent of Student Services and Equity, Jody O'Brien. MEA Representative, Eileen Barry, was remotely present as well.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.

Superintendent Bergeron read the public participation guidelines, which include a phone number to call for this public hearing.

3. **Presentation:**

- A. **EdAssist Launch**

A collaboration between the MHS National Honors Society, the National Business Honors Society and the Marlborough Chamber of Commerce has created a program called EdAssist Online. This free program will allow National Honor Society (NHS) students to tutor MHS and Whitcomb students on remote learning work for service hour credit.

Mrs. Jennifer Belisle, MHS Business teacher, presented the website to highlight this program and inform the public of this upcoming opportunity for students in the district. The website link can be found in the agenda item.

Mrs. Belisle walked the committee through the steps to connect tutors and students. The official launch will be on February 5th in time for the semester change at MHS.

Robert Schlacter commended the team – various high school students – that worked on this platform.

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Ms. Jo-Anne Sawyer, MHS Guidance Counselor emphasized how eager NHS tutors are to utilize this platform.

Mrs. Belisle explained that students can request the same tutor after positive experiences with them if their schedules coincide. MHS business students have been working with their school and Whitcomb School to determine the best way to market this opportunity to parents and students. Mrs. Belisle noted that the EdAssist team determines the criteria for tutors, but she will ask if other potential honor societies at MHS could provide tutors for this platform.

B. Marlborough Educator Foundation Grant Awards

Superintendent Bergeron introduced Mrs. Ayoko Barnum, Board Member from Marlborough Educator Foundation (MEF) to give an overview of the MEF and its awards.

The MEF reviewed submitted grants to determine 5 recipients to receive a combined total of \$5,229.57 in awards. The programs/faculty that received these awards were A Lot of Drawbacks (Kane School), Mark Rodriguez (Whitcomb), Vocational Development (MHS), and the MHS Library, which received two awards. Ms. Barnum gave a brief description of each recipient, the amount granted, and what the money will be used for.

C. New England Innovation Academy

Superintendent Bergeron introduced the New England Innovation Academy (NEIA), a private school for grades 6-12, that will ask the School Committee later tonight for their approval to open in Marlborough.

Mr. Tom Woelper, Mr. Allen Babcock, Ms. Ayla Gavins, and Ms. Jennie Chan presented on behalf of NEIA. The slideshow was displayed on screen in this meeting's recorded video.

Mr. Woelper explained that NEIA takes a human-centered design approach to education. The team hopes to begin their school year in September 2021 if the committee approves their application.

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Ms. Gavins discussed human-centered design, curriculum, students' journeys, etc. The goal is to have students become well-rounded in numerous disciplines.

Mr. Babcock stressed how well-being and real-life skills are two main focuses of this institution.

Ms. Gavins presented a sample of a student schedule for the committee to preview.

Mr. Babcock noted the social justice focus of the institution as well. He showed and explained what NEIA's campus would look like if their application is approved and renovations continue. Mr. Babcock spoke about the timetable for the building project.

Mr. Woelper presented the masterplan for the building renovations.

On January 30th from 10am-2pm there will be a driving tour open house that Mr. Woelper invited the School Committee members to attend.

After seeing NEIA's advertisement, Mr. Caruso voiced his concern that NEIA was progressing without considering that the School Committee plays a vital role in determining if their application is approved or not.

Ms. Gavins apologized on behalf of NEIA. She then explained that human-centered design is typically used at a university level, so to use it at a 6-12 school is an innovation. Ms. Gavins stressed that NEIA is focused on inclusion and diversity; the hope is to attract a blend of students.

Mrs. Bodin-Hettinger questioned the financial aid program available to students.

Mr. Babcock discussed the family individualized tuition program at NEIA. The institution would work with families to meet their needs using certain metrics.

Mr. Woelper vocalized that different tuition price points would be set aside for families. Their vision is to have a combination of day students and boarding students locally and across the globe. Initially, the focus will be on day students in the area.

4. Committee Discussion/Directives: None.

5. Communications: None.

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6. Superintendent's Report:

Superintendent Bergeron updated the committee on the Winter 2021 COVID-19 Data district wide. He presented the adjusted numbers that differ from the figures in his attached report. Various figures have dropped/decreased.

The Superintendent submitted a phased return to school plan for the committee to consider due to the COVID cases remaining high. The phases are as follows: phase 1 (March 1st) includes Cohort B grades 3, 8, and 12, phase 2 (March 8th) includes Cohort A grades 3, 4, 7, 8, 9, and 12, phase 3 (March 15th) includes all Cohort B students, and phase 4 (March 22nd) includes all Cohort A students. This would allow time for cases after February break to resolve before students return to school. All students who are currently in school would remain in school during these phases. Certain students could be granted permission to be in school in person every week if necessary.

Superintendent Bergeron stated that he believes that by mid to late March, faculty and staff will be offered a second dose of the vaccine as well. The timeline could be faster depending on the availability of the vaccine in Phase 2. Once the second doses are provided, quarantine procedures for the district will be updated.

Superintendent Bergeron explained that the district is pursuing an agreement with a third-party vendor to have weekly testing for faculty, staff, and students. This would be in addition to the BINAX rapid testing currently in place. Mr. Bergeron thanked Mayor Vigeant for his efforts to get testing during February vacation. Before the meeting, Mr. Dias informed the Superintendent that the vendor for the BINAX testing, Project Beacon, will be able to do PCR testing.

Superintendent Bergeron outlined his administration's motivations behind the phased return to school process. He credited Mrs. Barry for her initial staggered plan proposal in a previous School Committee meeting. Superintendent Bergeron explained that the principals chose their most high priority grades to return in these phases, whether priorities revolved around attendance, first/last year in a school building, etc.

Mr. Dias emphasized that transportation is equipped and ready to handle these changes and the phased return to school process.

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Superintendent Bergeron claimed that the district's intention behind increased COVID testing is to remove barriers for individuals/families to access testing more easily.

Mrs. Ryan commended Superintendent Bergeron and his team for this proposed plan. She proposed that the district should begin the phased return on February 22nd if possible. Superintendent Bergeron believed the district could begin the phased return then as well. Superintendent Bergeron further explained, operationally, how certain students could be brought back to school in person full time. Guidance counselors, teachers, principals, etc. are identifying students who would benefit from being in school full time.

Mrs. Hennessy inquired if students/families could self-identify their needs to be in school full time. Superintendent Bergeron explained that students/families could communicate this need with principals.

Mrs. Matthews urged the community to follow guidelines and take advantage of testing opportunities.

Mrs. Hennessy re-emphasized and supported Mrs. Ryan's proposal to move up the phased return to February 22nd.

Mrs. Ryan asked to wait to vote until after public participation.

Mr. Geary wondered what reservations kept the committee/district from returning to school February 1st as proposed last meeting.

Superintendent Bergeron responded that the committee voiced their desire to return to school after the February vacation for numerous reasons.

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported on the district's operational readiness for the return of students to in person school.

Mr. Dias spoke about the HVAC systems, custodial cleaning processes, food services, transportation, and PPE.

Meals are being provided to students going home for breakfast the next morning, students doing remote learning, and students having socially distant meals in school. Over 325,000 meals have been provided to students district wide.

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Mr. Dias explained that NRT has retained the necessary drivers for our 4-tier program during COVID-19. The routes for the schools, including mid-day Kindergarten routes and meals being served, are planned and will be covered.

The PPE inventory is well stocked, and the district can quickly and easily replenish the stock whenever necessary with a 24–48-hour delivery timeframe.

B. Assistant Superintendent of Student Services and Equity Report

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, discussed the DESE Tiered Focus Monitoring (TFM) and Abbott BinaxNOW Rapid COVID testing.

During the 2019-2020 school year, MPS was scheduled for a Tiered Focus Monitoring Review, which will now occur on March 10th and 11th this year. Mrs. O'Brien explained that this review assesses the district's compliance with special education and civil rights regulations. She outlined some logistics of this review and on-site visit. Prior to the on-site visit, all special education parents will receive a survey to complete. An improvement plan will be created based on the findings from the on-site visit.

Mrs. O'Brien stated that MPS is participating in Phase 1 of DESE's rapid COVID testing using BinaxNOW test kits. Nurses have been trained and all necessary PPE, including N95 masks, have been secured. Mrs. O'Brien provided some logistics for the tests; results will be available within 15 minutes. She outlined the steps following positive and negative test results. These BinaxNOW tests will enable the district to identify positive cases and act quicker.

7. Acceptance of Minutes:

A. Minutes of the January 4, 2021 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes.

Motion passed 7-0-0.

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8. Public Participation:

Superintendent Bergeron read an email sent into him by Mr. Brendan Rosenau prior to this meeting. Mr. Rosenau voiced his concern, as a teacher, coach, and parent of an athlete, about the mixed message being sent by the district in allowing athletics to take place while school is still remote for most students. He also voiced his concern about the committee consistently pushing back the return to school date, which has social-emotional consequences on students.

A Marlborough resident, Mrs. Marnie Farrell, at 53 Bergeron Road, called in to the public participation line. She asked the committee to consider the February 1st return date instead of the February 22nd date even without the testing available.

Another resident, Mrs. Alison Conlan at 17 Muir Way, called in to voice her concerns about post-vacation infection risks. She spoke on behalf of faculty/staff members regarding them being unaware of their vaccination date. Ms. Conlan felt that staff safety is not prioritized to the extent it should be. She spoke about classroom safety, HVAC systems, personal bubbles, etc. Ms. Conlan is concerned about pushing the return to school date up to February instead of March.

It should be noted that members of the public may provide comment by dialing in to the specified number and conference ID during virtual School Committee meetings or via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

9. Action Items/Reports

A. New England Innovation Academy Approval

Superintendent Bergeron recommended the School Committee grants conditional approval, pending necessary forms and permits, for NEIA to operate their private school in Marlborough.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve their application.

Motion passed 7-0-0.

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B. FY21 Operating Budget Transfers

Mr. Dias outlined transfers for the FY21 operating budget in an attached document.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these transfers as presented.

Motion passed 7-0-0.

C. FY22 Budget Calendar

Mr. Dias presented the updated budget calendar, which is outlined in the agenda item.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the budget calendar.

Motion passed 7-0-0.

D. Policies for First Read

Mrs. Hennessy presented five policies for first read, which are listed below.

- 1. Policy 6.429.2 Principals' Salary Ranges**
- 2. Policy 6.430 Curriculum Development and Summer Teaching Compensation**
- 3. Policy 6.700 Employee Benefit**
- 4. Policy 6.750 Faculty Representative on Committee**
- 5. Policy 6.860 Staff and Others Identification**

E. Acceptance of Donations and Gifts

Exxon Mobil Education Alliance Program Grant. They donated \$500.00 to Whitcomb School.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

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Adopt A Classroom. Mrs. Capizzi's class at Kane School received \$250.00.
Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.
Motion passed 7-0-0.

Marlborough Education Foundation. MPS Staff received \$5,229.57.
Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation with gratitude.
Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that the Policy Committee has another meeting set for February 4th. Chairman Vigeant spoke about the vaccine rollout. There is no indication when school faculty and staff members will receive their vaccinations due to a lack of availability at the state and city level.

Motion made by Mrs. Ryan, seconded by Chairman Vigeant to approve the Superintendent's staggered opening plan as amended with a February 22nd start date.
Motion passed 7-0-0.

11. Members' Forum:

Mrs. Matthews has reviewed the warrant and signed it.
Mrs. Hennessy reported that the MIAA sports medicine group/committee that she is a part of has been meeting to review Fall II modifications.

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12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 9:28 p.m.
Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm
Approved February 3, 2021

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Call to Order

February 9, 2021

1. Michelle Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:32 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Katherine Hennessy, and Denise Ryan. Members Earl Geary and Heidi Matthews were remotely present. Also, physically present were Superintendent Michael Bergeron and Director of Finance and Operations, Douglas Dias. Remotely present were Assistant Superintendent of Teaching and Learning, Mary Murphy, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and MEA Representative, Eileen Barry.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Mrs. Bodin-Hettinger led the Pledge of Allegiance.

Superintendent Bergeron read the public participation guidelines, which include a phone number to call for this public hearing.

3. **Presentation:** None.

4. **Committee Discussion/Directives:** None.

5. **Communications:** None.

6. **Superintendent's Report:**

Superintendent Bergeron updated the committee on the Winter 2021 COVID-19 Data district wide. He presented the adjusted numbers that differ from the figures in his attached report. There has been a significant decrease in quarantines and students that have tested positive. Mr. Bergeron spoke briefly on city case numbers as well.

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Superintendent Bergeron recognized Victoria Villar as the Project 351 Ambassador for Marlborough. He thanked Whitcomb School for continuing the program, with a special thanks to Ms. Roach and Mr. Labbe.

The Superintendent honored and recognized Samantha Gamber for being selected for the All-Eastern Honors Choir. He thanked all the music teachers, including Ms. McNulty, for their continued efforts.

Superintendent Bergeron recognized Eli Plummer, who was selected to participate in the 2021 Allstate Chorus.

Mr. Bergeron thanked countless individuals for helping live stream MHS athletic events. Many community members have watched these livestreams.

Per Mrs. Bodin-Hettinger's request, Superintendent Bergeron briefly explained Project 351.

Mrs. Hennessy expressed her appreciation for the wonderful programs, such as Project 351, the music ensembles/events, and livestreaming athletics, that have allowed students, parents, and community members to have positive and beneficial experiences during this pandemic. She thanked everyone that has contributed to these programs.

Mr. Caruso applauded the accomplishments of students recognized tonight, with a personal shout out to Samantha Gamber.

A. Assistant Superintendent of Teaching & Learning Report

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, presented modifications on the district's hybrid learning model. These modifications are detailed in her report and separated by grades 3 and 4, grades 5 through 8, and grades 9 through 12. Based on results from an audit completed by the Department of Education in November/December of 2020 and on teacher feedback, there will be an increase in synchronous instruction when the district returns to the hybrid model. DESE advised that all grades across the model should average 35 hours of instruction per week, and the district's plan will exceed this recommendation.

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Mrs. Murphy introduced the Supervisor of Visual Arts, Julie Baker, to update the committee on the annual city-wide art show. Ms. Baker's presentation is included in a slideshow attached to Mrs. Murphy's report.

The city-wide art show has been around for about 40 years; it is typically held at the Whitcomb School. Ms. Baker informed the committee on what instruction for K-12 students had looked like this year. Individual student supply kits were provided to students. Teachers had to revise their lessons to make them more equitable. Art classes have been held over zoom as well. This year, the city-wide art show will be held outside on school grounds during the Spring.

Mrs. Hennessy expressed her appreciation for this opportunity for students and the community.

Superintendent Bergeron thanked Ms. Baker for her efforts.

Mrs. Bodin-Hettinger also thanked Ms. Baker, because this is one of her favorite times of the year.

Ms. Baker informed the committee that students' artwork will be printed on the lawn signs outside since they will be digitally sent to teachers.

Superintendent Bergeron explained that the modifications Mrs. Murphy reported on are due to the work of MPS teachers.

Mrs. Murphy restated that the driving force of everything done this year has been the teacher's vision for what is best for their students.

B. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported that there will be changes made to the remote meal program once students return to the hybrid model on February 22nd. Mr. Dias encouraged families to reach out to him directly at ddias@mps-edu.org if these changes significantly affect them.

Mr. Dias reported that the Facilities Department is working with HVAC consultants on assessing buildings this week and next week. So far there has been success in identifying and quickly correcting any HVAC service issues.

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Mr. Dias presented a fiscal update following the \$45.6 billion state budget that Governor Baker filed on January 27th. He explained how the state's budget impacts MPS and what the Superintendent plans to do about the FY22 budget.

Superintendent Bergeron gave his input on the Governor's budget and explained a bit about the district's FY22 budget. He emphasized that a large reduction is not part of their plan.

Mrs. Matthews and Superintendent Bergeron discussed revenues exceeding estimates at the state level.

Mrs. Matthews inquired about food service routes being published for community members.

Mr. Dias stated that there will be a communication sent out to families on Friday about the food service bus stops.

7. Acceptance of Minutes:

A. Minutes of the January 12, 2021 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve these minutes.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

B. Minutes of the January 26, 2021 School Committee Meeting

Mr. Caruso noted a correction to be made in the NEIA section.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve these minutes as amended.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

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8. Public Participation: None.

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9. Action Items/Reports

A. Policies for Approval

1. Policy 6.429.2 Principals' Salary Ranges

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve this policy.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

2. Policy 6.430 Curriculum Development and Summer Teaching/Extended Day Compensation

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve this policy.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

3. Policy 6.700 Employee Benefit

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve this policy.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

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4. Policy 6.750 Faculty Representative on Committee

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve this policy.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

5. Policy 6.860 Staff and Others Identification

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve this policy.

Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and Matthews.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that the Policy Committee had a meeting last Thursday. Another meeting will occur in the next few weeks.

Mrs. Matthews thanked the cafeteria unit. An agreement on a subsequent contract was made pending ratifications by the unit and by the administration.

11. Members' Forum:

Mrs. Matthews has reviewed the warrant and will sign it tomorrow.

Mrs. Hennessy updated the committee on Fall II sports. The MIAA Sports Medicine Committee met numerous times in January regarding modifications to Fall II sports. These modifications moved forward through the required channels to be approved. Mrs. Hennessy stated that the Energy Environmental Affairs (EEA) made modifications to guidelines that had not been touched since August 2020. These guidelines included outdoor/indoor participants, spectators, level of risks for activities, etc. These updated EEA guidelines lift numerous restrictions. Mrs. Hennessy encouraged the committee to read the updated guidelines.

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Mrs. Hennessy stated that the sports included in Fall II are field hockey, soccer, volleyball, indoor track, unified basketball, cheer, and football. The MPS district held certain Fall II sports in Fall I already. Fall II sports are set to begin February 22nd.

Superintendent Bergeron explained that Mr. Rudzinsky is working on Fall II sports details. So far, only Fitchburg will be entering Marlborough's pod.

Mrs. Hennessy reminded the committee that the local Board of Health can supersede guidelines or recommendations from EEA or MIAA.

Mrs. Bodin-Hettinger requested an update on testing from the Superintendent.

Superintendent Bergeron explained that the district has a contract with a third party: Project Beacon, who is their same provider for their BINAX testing. Test kits have been received. This week employees will be tested. Every school will have a lock box for tests to be placed in; a courier will pick up the tests and results will be available in 24-36 hours.

Mr. Dias stated that the district has 4,000 test kits currently and 4,000 more have been ordered.

Superintendent Bergeron will send a message to families to encourage them to get tested at the New England Sports Center if they are traveling during vacation. The in-school testing will begin the week after vacation.

Mrs. Bodin-Hettinger noted that the Urgent Care near the Best Western has been reinstated as a testing site by the state. Appointments can be made for this site.

Mrs. O'Brien informed the committee that there has been a good response from parents regarding permission for their child/children to be tested. Emails can easily be resent to families. Nurses could call parents to walk them through the permission process if their child came to the nurse's office feeling ill and needing to be tested.

Mrs. Hennessy encouraged the community to utilize testing services at the New England Sports Center.

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12. Adjournment:

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to adjourn at 8:30 p.m.
Motion passed 6-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Ryan, and
Matthews.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

Approved February 23, 2021

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MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR VIRTUAL MEETING DECEMBER 1, 2020

ATTENDEES: DEBRA MCMANUS, PATTY CARLSON, JOHN USINAS,
DAVE DOUCETTE, WAYNE STANLEY, CHERYL SOUCY, BARBARA
ALLEN

MEETING CALLED TO ORDER AT 4:08

MINUTES READ AND ACCEPTED 6 TO 0.

TREASURERS REPORT: MOTION TO ACCEPT PASSES 6 TO 0. \$5,275.26

NEW BUSINESS

- WELCOME TO BARBARA ALLEN WHO WILL BE JOINING THE COMMISSION.
- HELP LINE CALL-INS: A VETERAN CALLED ABOUT HIS WHEELCHAIR; A MAN CALLED ABOUT TOOTH PROBLEMS. BOTH WERE GIVEN ASSISTANCE.
- COD RECEIVED INFORMATION ABOUT NEW APARTMENTS PROPOSED FOR SIMARNO DRIVE.

OLD BUSINESS

- POLICE HAD TO BE CONTACTED AGAIN FOR PARKING VIOLATOR AT DUNKIN DONUTS EAST MAIN STREET.
- THE WOMAN WE HAVE BEEN ASSISTING AT THE NURSING HOME IS FINALLY RETURNING HOME.

MOTION TO ADJOURN 4:42 PM PASSES UNANIMOUSLY.

NEXT VIRTUAL MEETING TUESDAY MARCH 9, 2021.

RESPECTFULLY SUBMITTED,

DEBRA MCMANUS, CHAIRPERSON

CITY OF MARLBOROUGH MEETING

Conservation Commission

Minutes

January 21, 2021 (Thursday)

Chairman Edward Clancy opened the meeting and read the announcement that the meeting was being held virtual due to the COVID-19 pandemic as required by the Governor, and that the meeting was being held on the Microsoft Teams platform and was being recorded as outlined on the agenda.

Present: On a roll call vote with the following yeas: Edward Clancy, John Skarin, Karin Paquin, and William Dunbar participated remotely. Allan White, and David Williams, were in Memorial Hall. Also present was Priscilla Ryder-Conservation Officer

Absent: Dennis Demers

Approval of Minutes: The Commission reviewed the minutes of January 7, 2021. Mr. Skarin made a motion to approve, second by Mr. White. It was voted unanimously to approve 6-0 on a roll call vote all yeas: Edward Clancy, Karin Paquin, John Skarin, Allan White, David Williams and William Dunbar.

Public hearings:

Request for Determination of Applicability

26 Wilkens Way- Devin Mulhern

Mr. Mulhern, the owner, noted that he would like to install a sun porch enclosure to his existing deck which is within 50' of the wetland. Some additional sonotube supports will be added below the deck structure to accommodate the additional weight. The excess soil from the new footings will either be used on the existing lawn or removed from the site. Ms. Ryder and Mr. Dunbar indicated they had done site visits and did not see an issue with this proposal. Work impacts will be minimal and will not affect the wetland. On a motion by Mr. Williams second by the chair, to issue a Negative Determination with standard conditions. The Commission voted unanimously 6-0 in favor. With the following roll call vote of all yeas: William Dunbar, Karin Paquin, John Skarin, Allan White, David Williams and Edward Clancy.

Notice of Intent

2 Spring Ln.- Michael Matros

Robert Parente was present and explained that he has located the sewer pipe and found that it is 30" off the proposed wall on the house side. They would like to tie into the sewer at this location, if feasible. Ms. Ryder noted she has spoken to the City Engineer on this, but he is still investigating. Mr. Parente suggested that the Commission could condition the permit on the approval of the City Engineer, and if not approved they would use the existing pump system up to the street. The Commission discussed the retaining

wall construction which Mr. Parente provided a detail for. It will be a short wall in height, placed on a bed of gravel and 6" of the 2'x2' blocks will be buried in the ground. The wall will only be 18" high as discussed at the previous meeting. He explained that they would like to install the 49' wall and the sewer connection as soon as feasible while the lake is down, the house demolition and construction will occur in the spring. If dewatering is necessary, they can install a filter system. Chairman Clancy asked that the erosion control include silt fencing as well as the straw wattles. There being no further questions from the Commission or the public, the hearing was closed. The Commission reviewed the draft Order of Conditions and made some amendments. On a motion by Ms. Paquin second by the Chairman, to approve the Order of Conditions as drafted and amended, the Commission unanimously approved 6-0, with the following rollcall vote of all yeas: Edward Clancy, William Dunbar, Karin Paquin, John Skarin, Allan White, and David Williams.

Violations/project updates-

- Goodale Estates- Jenks Rd. – Ms. Ryder noted that inflatable bladders are to be installed in the outlet structure of the detention basin. During rain events the detention basin will be monitored, and water level adjusted as needed once silt settles, they will have a baker tank type system on standby if it is needed to filter out sediments before being discharged into the street drains.

Discussion/Correspondence/Other Business

- Lot 14 Boivin Dr. – change to plans. Mr. Robert DiBenedetto from Hancock Associates and Ms. Evanthia Nassios, the project proponent was present. Mr. DiBenedetto explained that as with lot 13 somehow the change to plans was never submitted to the Commission per the conditions. It was submitted to the building and engineering departments in March/April 2020 so somehow this got missed. The house is already up, and he showed the comparison of the approved house plan box in relation to the existing house plan box. The current house is closer to the 20' buffer zone and shifts in a different direction. There will be a deck on the house that is different than what is shown, it will have a rectangular shape, which was described. After some discussion about the proximity to the wetland buffer, the need for a fence to define the boundary, splash pads for down spouts, and a list of items that remain to be done to this lot including stabilization of the back yard. The Commission asked that the deck design be provided to the Commission at the next meeting for review and overall had no objections to the changes as presented.
- Desert Natural Area – Trail repair at beaver dam. Ms. Ryder and Ms. Paquin presented photos of the damage caused by the beavers to the existing trail. The existing walking bridge is no longer safe as it has tilted and the water in the trail is continuing to erode the trail. The solution proposed was to create a second channel across the trail to drain the water across the trail and then to construct some simple boardwalk/bog bridges to get across the water. After much discussion about accommodating horses and pedestrians and the type of bridge to use, it was agreed this work could be done as maintenance to the existing trail and the trails committee can proceed with this work and the bridges could be assigned to the boy scout to construct.
- Walker St. Water Line - The Commission has received a request from Tom DiPersio, City Engineer to repair the waterline in Walker St. across the culvert at Walker Brook. All work


January 21, 2021

will be conducted within the existing roadway layout and thus meets the "Minor Exempt Activities" requirements in the regulations at 310 CMR 10.02(2)(b)2.i. The Commission reviewed the plan and noted they agree with the exemptions and wanted to be sure Ms. Ryder inspects the erosion controls before work begins. Ms. Ryder will convey same. On a motion by Mr. Skarin second by chair, the Commission voted unanimously by roll call vote 6-0 to agree that this waterline project was exempt.

Next Conservation Commission meetings – Feb. 4 and Feb. 18, 2021.

Adjournment: There being no further business, on a motion by Mr. Williams, second by the Chair, the Commission voted unanimously on a roll call vote 6-0 to adjourn at 8:25 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer



Massachusetts Cultural Council

Marlborough LCC Meeting Agenda

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2021 FEB 25 P 3:10

Marlborough LCC Meeting conducted remotely

Date: Tuesday, February 2nd at 6 PM

Members in attendance: Kathy Oliver Jones, Gabriele Luzzi, Samantha Perlman, Emily Wilde, Mary Avery

Non-members in attendance: City Clerk Steve Kerrigan, Assistant City Clerk Wilson Chu

Absent: Monica Lucey

Participants participated remotely given precautions around COVID-19. The public could access the meeting by clicking the link on the meeting calendar page or by dialing 617-433-9462 and using conference ID 603 926 896.

I. Meeting called to order at 6:01pm.

A. Welcome and recap

B. Attendance Roll Call:

Mary Avery: present

Emily Wilde: present

Gabriele Luzzi: present

Samantha Perlman: present

Kathy Oliver Jones: absent (joined at 6:12pm)

Monica Lucey: absent

II. Review minutes from June 2nd meeting

A. Motion made by Member Luzzi to accept the minutes from the June meeting, seconded by Chair Perlman.

B. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Samantha Perlman: yes

Minutes were approved 4-0

III. Review Council applications for current grant cycle and deliberate funding allocations for 2021.

A. \$17,300 to be allocated this cycle

B. Before beginning review of each proposal, Chair Perlman reviewed the guidelines for approving proposals for funding and process for reviewing the proposals.

Grant criteria in which an applicant could be denied:

- [1] the proposal was not well researched and documented, with a clear and complete plan for execution, including information about sponsors, funding sources, project location, audience ,dates, and cost involved.
- [2] the proposal is not primarily for the benefit of Marlborough citizens.
- [3] the proposal does not serve the largest possible percentage of the population.
- [4] the proposal does not recognize the cultural diversity of Marlborough.
- [5] the proposal did not demonstrate a willingness to present new and innovative programs as well as maintaining existing programs
- [6] the proposal relied solely on Marlborough LCC for funding.
- [7] the proposal did not prioritize virtual programming and the most COVID-19 friendly logistics to ensure the safety of all involved. If the event will exercise in-person precautions, the proposal did not offer a virtual alternative.
- [8] the applicant has an outstanding Cultural Council grant with the same proposal of programming.

- C. Member Oliver joined the meeting during the discussion of the first project application.
- D. Council then discussed each application individually in detail, making a preliminary decision of which applications to approve and which did not meet the criteria.
- E. Chair Perlman noted that the Council is allowed to set aside 5% of the grant allocation for internal logistics (\$865), and 15% to do our own programming (\$2595). Last year, the Council planned to host a grantee reception, but were ultimately unable to due to COVID-19. The Council decided to allocate the 15% as there had been past interest in hosting programming.

Motion made by Member Kathy Oliver to vote to use the 15% allocation for Council programming. Vote:

- Mary Avery: yes
- Emily Wilde: yes
- Gabriele Luzzi: yes
- Kathy Oliver: yes
- Samantha Perlman: yes

- F. The Council discussed voting collectively on the project allocations, and agreed to do so. Member Luzzi noted that we should make sure to note any additional funding in the funding letter. Chair Perlman noted that we can also include a survey in that letter.

Motion made by Member Oliver to vote on the entire grant allocations as we described with the set amounts plus the three with the additional funding.

Mary Avery: yes
 Emily Wilde: yes
 Gabriele Luzzi: yes
 Kathy Oliver: yes
 Samantha Perlman: yes

G. Summary of allocations awarded and denial decisions:

Project Title	Amount Given OR Reasons why Denied
1. Liminal Space	1200
2. Elijah T. Grasshopper & Friends	Criteria #1, #6
3. AVM Concert Season 2020-2021	500
4. Duo Pianists, Composers & Educators Whipple & Morales in Concert	750
5. 2020-2021 Season (Symphony Pro Musica)	500
6. CHAINSAWS, CHEESEBURGERS AND ROCK N' ROLL- LIVE!	Criteria #1, #2, #6
7. Expressive Arts Therapy	500
8. Open Door Connections	523
9. Safe and Flexible Arts Programming for an Unprecedented Year	2000
10. McAuliffe Mentorship Program	2038
11. NACC 50th Anniversary Celebration	722
12. Hubble Space Telescope: 30 Years Amazing Discoveries	Criteria #6, #7
13. 2020-2021 Cultural Arts Program (Goodnow)	5000
14. Adventures in Lifelong Learning	972
15. Primetime Prevention	Criteria #1, #2, #3 #6
16. Hip Hop Dance Chair Exercise for Seniors	Criteria #1, #6

IV. Election of 2021 officers.

A. Chair Perlman raised for discussion the election of officer positions within the Council for this year and described the responsibilities of each position.

B. Nominations for 2021 officers.

Member Oliver nominated Chair Perlman for Chair. Nomination seconded by Member Avery. Chair Perlman accepted the nomination for Chair. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Kathy Oliver: yes

Samantha Perlman: yes

Member Luzzi nominated Member Oliver for Secretary. Nomination seconded by Chair Perlman. Member Oliver accepted the nomination for Secretary. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Kathy Oliver: yes

Samantha Perlman: yes

Member Luzzi nominated Member Avery for Publicity. Nomination seconded by Member Wilde and Kathy Oliver. Member Avery accepted the nomination for Publicity. Member Avery expressed interest in also helping with social media. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Kathy Oliver: yes

Samantha Perlman: yes

Member Luzzi nominated Member Emily Wilde for Webmaster. Nomination seconded by Chair Perlman. Member Wilde accepted the nomination for Secretary. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Kathy Oliver: yes

Samantha Perlman: yes

C. Congratulations to all of the new officers! Chair Perlman will inform the city for purposes of updating the city website and to the Mass Cultural Council, for our annual report.

V. Discussion of upcoming community input survey.

- A. Chair Perlman noted that there were a few other items on the agenda, including voting on requesting a survey response in the reimbursement.

Motion made by Member Oliver to vote on requesting a survey response in the reimbursement.

Mary Avery: yes
Emily Wilde: yes
Gabriele Luzzi: yes
Kathy Oliver: yes
Samantha Perlman: yes

- B. Chair Perlman asked if anyone was interested in developing the community input survey. Member Wilde volunteered to work on this and Chair Perlman volunteered to help. Chair Perlman noted that we are required as a Cultural Council to perform a community survey every three years, suggesting that we develop the community input and grant recipient surveys at the same time.

Vote on developing the two surveys:

Mary Avery: yes
Emily Wilde: yes
Gabriele Luzzi: yes
Kathy Oliver: yes
Samantha Perlman: yes

V. Discussion of developing a social media presence.

- A. What would be the best platform for us to increase awareness of our group, so that the most people can benefit from programs being sponsored and also know about the possibility of applying?

- We feel it can be a challenge to maintain a website from year to year, and that this might be hard to achieve.
- We already have a page on the city's website, but that could be difficult to update as well.
- Would we consider other social media sites as well, such as Facebook or Twitter?
- We should be careful to consider content moderation. We will be a page, but not a group. So people can engage with what we post but they can't post themselves. There might not be a lot of traffic when we first start out.
- We could add the community survey to the Facebook page to elicit community responses.

Member Luzzi made a motion to establish a Facebook page. Seconded by Member Oliver. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Kathy Oliver: yes

Samantha Perlman: yes

Member Luzzi and Chair Perlman will work on denial letters. The Council will meet again this year to determine how we will use the allocated funds for the Council's own programming.

Member Luzzi made a motion to adjourn. Seconded by Member Wilde. Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Kathy Oliver: yes

Samantha Perlman: yes

Respectfully submitted by: Emily Wilde

Marlborough Historical Commission Meeting Minutes

January 21, 2021

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2021 FEB 22 A 7 34

Location: Virtual meeting via Microsoft Teams due to COVID-19 emergency orders

Board Attendees: (All Remote) Robert Fagone, Brendan Downey, Andrea Bell Bergeron, Melanie Whapham, Pamela Wilderman

Associate Member: (Remote) Larry Reeves

Absent: Alan Slattery

Additional Attendees (All Remote): Steve Kerrigan (City Clerk), Wilson Chu (IT support), Mark Gibbs (IT support)

Meeting called to order 7:05 PM

1. On the Motion to approve December 2020 minutes, the Commission voted as follows: Bell Bergeron AYE; Downey AYE; Fagone AYE; Whapham AYE; Wilderman AYE

The motion passed.

2. Preservation by Education.

There was an existential discussion about what the core mission of the Historical Commission should be. We should focus on a core mission to what we are trying to accomplish as a board.

- i. As an historical commission, we have not identified any particular time frame for any of our projects to focus on. We should also be looking specifically at properties/projects (the List) that would be worthy of preservation and those projects/properties that might not be appropriate for preservation as it would be too hard to enforce all preservation.
- ii. For properties set for preservation, our most valued path is to set a date for preservation and then ask for a delay of demolition (if asked for) based on the date. Site Plan Review applications only apply to commercial properties. But perhaps the application requirements can be extended for historic-only properties.
- iii. Architecture (unless extensive renovation has already occurred) and the history of the people who lived in those buildings are of key importance to preservation efforts as well.
- iv. The E-on Main sited as an example for more involvement by the Historical Commission at the outset. The aim of this board is to Influence small details, not necessarily stopping projects. We are aware of the fact that there might be resistance from city leadership/city council based on potential precedence set where future boards could become obstructionist.

Ideally, the MHC should be in a position to pass opinion on to people that already have the influence in the existing processes.

- v. What is our enabling legislation? The State Code. The city approved the existence of the Marlborough Historical Commission via the State Code.

The Marlboro Historical Commission should bring to the city council these five points:

- a. Reinforce the importance of the Historical Commission and demonstrate how it was created via state legislation.
- b. Demonstrate all pertinent existing documents & codes, and then propose subtle enhancements.
- c. Can we apply current standards & practices in a wider area of the city. Are there specific structures/areas? Also, demonstrate by example what has already been lost to the City.
- d. Get the blessing from the Mayor's office and then take 5 points to urban affairs, legal affairs or such committees deemed appropriate.

Would a Mayoral steering committee be a path forward? The MHC Chair will approach the Mayor's executive assist to seek a go forward path.

There was an additional conversation about the current Site Plan Review process. (reference specifically to application forms). This would need expansion/clarification. Is there a separate document/process that applies to single and 2 family homes. Can we add something to the present building permit application to solidify the MHC's role in this process? Pam will look into what we could potentially add if possible. Can this be approved without legislation?

2. Correspondence & Communications.

The City solicitor contacted the MHC Board chair to confirm that the correct process was followed in appointing Larry Reeves as an associate member of the historical commission. The correct process was followed.

3. New Business

The Historic marker sign program might be simplified by initiating through the MHC an annual "award" plaque for renovations by homeowners to historic properties. A perfect example would be the work done to 115 Union Street which renovated yet enhanced one of the oldest existing Marlborough Farmhouses. Preservation by Education. This would mark an opportunity to award historic plaques to signature properties in the city on an on-going annual basis.

4. On the Motion to adjourn meeting at 8:04 PM, the Commission voted as follows: Bell Bergeron AYE; Downey AYE; Fagone AYE; Whapham AYE; Wilderman AYE.

The motion passed.

Respectfully submitted,
Brendan Downey

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

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CITY OF MARLBOROUGH
February 08, 2021

Call to Order

The **remote meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, Assistant City Solicitor, Jason Piques and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. January 25, 2021

On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to accept and file the January 25, 2021 meeting minutes. Yea: Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business

A. Chair Fenby informed the Board that she had reached out to Code Enforcement Officer Wilderman to see whether she had interest in reworking aspects of the sign ordinance. The search for an interested party will continue.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Definitive Subdivision Application - 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, Representative.

Attorney Sandra Austin, Counsel.

Mr. LaVenture read the 02-04-21 letter from Hancock engineer, Robert DiBenedetto, into the record. All comments from the City's Engineering Division have been incorporated into the presented plan. He additionally states that letters from the Broad Street abutters agreeing to the proposed development plans are included for the Board's review.

Mr. LaVenture then read the two referenced letters into the record. The first letter dated 1-26-21 was from Mr. George Harpin, manager of 84 Broad Street, LLC. The second letter dated 1-26-21 from Charles and Connie Estes, trustees of the 70-72 Broad St. Realty Trust. Both groups of abutters acknowledged their understanding of the project and provided their explicit permission to have their properties included in the proposed project. On a motion by Mr. Russ, seconded by Mr. Hodge, the Board voted to accept and file the three letters. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Ms. Fenby asked if there were any additional comments on the latest plan revision. Mr. Russ asked about the proposed plan's 32-foot pavement width.

City Engineer DiPersio explained that this project uses the a 32-foot pavement width vs. a 28-foot width for a secondary street. The wider width will allow for additional street parking in the denser 2-family neighborhood.

Mr. Fay asked about a reference in the Assistant City Engineer's review letter, which recommends that the plan's endorsement be conditioned upon presentment of easements shown on the plan. Mr. Fay questioned whether the City required the easements in recorded form prior to endorsement. Attorney Austin requested permission to speak. She explained that easements typically allow access or permission to cross a property. In this case, the developer is improving the abutters' properties as part of the plan. The driveway access off the subdivision road will improve the abutters' properties and parking. The drainage easement is a normal aspect of the street acceptance process. She believes it is premature to request the easement now.

Mr. DiPersio explained that the abutters have already consented to the use of their properties as shown on the plan. These are not easements that will ultimately be owned by the City. The plan does show a utility easement whose rights will be transferred to the City. Mr. DiPersio stated that the drainage easement, while also owned by Mr. White, is in a different entity name. He just wanted the Board to be cognizant of this prior to endorsing the plan. There might be a slight chance that if any of the properties changed hands, that the plan may require a modification.

Mr. Fay suggested adding the following condition to the Certificate of Vote: Developer shall deliver all required easements prior to any release of lots. Attorney Austin is agreeable to this condition. Mr. LaVenture asked whether there would be benefit in referring the matter to Legal. Assistant City Solicitor Piques said that the additional condition should suffice. He didn't think that he would come to any different conclusion should the matter be referred to Legal.

Mr. LaVenture read the 2-4-21 review letter from Assistant City Engineer Collins into the record. The submission is substantially complete and has adequately met the technical requirements set forth in the Planning Board Rules and Regulations. The development does not entail unwarranted hazard to the safety, health and convenience of future residents or of others. The plan is in conformity with the requirements of the Design Standards (Article IV) except those provisions for which waivers have been requested. The subdivision will not cause substantial and irreversible damage to the environment. The subdivision has adequate access, and the lots are in conformity with all applicable zoning requirements. On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to accept and file the letter. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay:0. Motion carried.

Mr. LaVenture read the 2-3-21 letter from Assistant City Solicitor Piques into the record. The letter certifies that the attached Certificate of Vote, as amended, is in proper legal form. The letter also stipulates that a note be added to the plan, acknowledging that the plan is approved subject to the conditions set forth in the Covenant (a draft of which has been referred to the Legal Department.) On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the letter. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Prior to moving on to the waivers, Mr. Fay asked whether the Ward Councilor had provided any comment on the development. No comments were acknowledged.

Ms. Fenby asked for an introduction to the waivers.

Mr. Russ said he would like to make a general statement about the waivers. "The Board having received sufficient input from the applicant, the development team, the public, and upon favorable guidance from the City Engineer and favorable recommendation from the City's code enforcement officer, affirms that the approval of the requested waivers is in the best interest of the public, is consistent with the intent of the subdivision control laws and the Planning Board rules and regulations." With separate motions by Mr. Russ and seconded by Mr. Fay, the Board voted in the affirmative on each of the 7 waivers as shown in the plan waiver block. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motions carried.

WAIVER BLOCK:

WAIVER REQUEST LIST:	APPROVED	
	YES	NO
1. §A676-12.B.5: "PROPERTY LINES AT STREET INTERSECTIONS SHALL HAVE A RADIUS EQUAL TO 30 FEET AT INTERSECTIONS INVOLVING A MAJOR STREET AND 25 FEET AT OTHER INTERSECTIONS." PROPOSED: <u>RIGHT-OF-WAY LINES AS SHOWN ON "LOTTING PLAN"</u> .	X	
2. §A676-12.C.1.α "THE MINIMUM WIDTH OF RIGHTS-OF-WAY SHALL BE AS FOLLOWS:" "SECONDARY STREETS: 50 FEET." PROPOSED: <u>RIGHT-OF-WAY WIDTH OF 49.2 FEET AT STA1+75. RIGHT-OF-WAY LINES AS SHOWN ON "LOTONG PLAN"</u> .	X	
3. §A676-12.D.3: "WHERE CHANGES IN GRADE EXCEED 1% REASONABLE VERTICAL CURVES, AS REQUIRED BY THE COMMISSIONER OF PUBLIC WORKS, WILL BE PROVIDED..." PROPOSED: <u>GRADE BREAK AT PROPOSED CROSSWALK FROM 2% TO 4.9%</u> .	X	
4. §A676-20: "SEE CROSS SECTIONS IN APPENDIX F" "TYPICAL CROSS SECTION #1: SECONDARY RESIDENTIAL STREET" PROPOSED: <u>3' LANDSCAPING STRIP BETWEEN CURB AND SIDEWALK. SIDEWALK WITH NO CURB REDUCED TO 5.5-FOOT WIDTH. VARIED TREE LOCATIONS.</u>	X	
5. §A676-23.A: "NO STREET OF WAY THROUGH PRIVATE PROPERTY SHALL BE ACCEPTED BY THE CITY UNLESS THE SAME BE PREVIOUSLY CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE STANDARD CROSS SECTION (SEE APPENDIX F)..." PROPOSED: <u>RIGHT-OF-WAY DEVIATES FROM STANDARD CROSS-SECTION. SEE ITEM 4 ABOVE.</u>	X	
6. §A676-24.B: "ROADWAYS SHALL BE CONSTRUCTED FOR THE FULL LENGTH OF ALL STREETS WITHIN THE SUBDIVISION AND SHALL HAVE THE SAME CURB RADIUS REQUIRED IN §A676-12B ABOVE." (30 FEET) PROPOSED: <u>CURB RADIUS AT WESTERN CORNER OF INTERSECTION = 25 FEET. CURB RADIUS AT EASTERN CORNER OF INTERSECTION = 22 FEET.</u>	X	
7. §A676-28.A: "STREET TREES OF A SPECIES APPROVED BY THE CITY FORESTER SHALL BE PLANTED ON EACH SIDE OF EACH STREET IN A SUBDIVISION, EXCEPT WHERE THE DEFINITIVE PLAN SHOWED TREES TO BE RETAINED WHICH ARE HEALTHY AND ADEQUATE. SUCH TREES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY AS SHOWN IN THE PROFILE AND STANDARD CROSS SECTION PLANS, APPENDIX F, APPROXIMATELY AT FORTY-FOOT INTERVALS, AND SHALL BE AT LEAST 12 FEET IN HEIGHT AND A MINIMUM OF THREE-INCH CALIPER." PROPOSED: <u>STREET TREES AS SHOWN ON "LANDSCAPE PLAN"</u> .	X	

In each instance, a yes vote indicates that, in the Board’s opinion, the waiver was in the public’s interest and was consistent with the intent and purpose of the subdivision control law and with the Planning Board’s rules and regulations.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to approve the 76 Broad St. definitive subdivision plan dated 2-4-21 and to execute the Certificate of Vote with the additional condition that any required easements shall be delivered by the developer prior to any release of lots. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Ms. Holmi will add the referenced condition to the Certificate of Vote and remove Mr. Elder’s name from the certificate, since he was unavailable for the vote. Each member must sign the Certificate of Vote and the certificate will be filed with the City Clerk’s Office. Prior to endorsement of the plan, the clerk will certify that twenty (20) days have elapsed since the filing of the above-referenced Certificate of Vote in the Office of Marlborough City Clerk, and attest that no notice of an appeal of that decision has been timely filed with said Office.

10. Unfinished Business

B. Working group discussion – Planning Board Rules and Regulations

i. Rules and Regulations – Initial Recommendations

Mr. LaVenture provided an update to the Board of the working group’s most recent meeting on February 3, 2021. He thanked the Engineering Division and Legal Dept. for their work and participation. Mr. LaVenture walked through each of the recommendations as shown in the summaries provided as follows:

Changes/corrections to the Planning Board Rules & Regulations adopted in 2015

Current Regulation: §A676-10.H½ Required remedial action after lapse of time.

If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the **time that the developer has installed the top course**, the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division.

Proposed change:

If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has ~~(REMOVE) installed~~ ~~(ADD) scheduled to pave the top course~~, the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division.

Reason for change:

Remedial action needs to take place on the binder course, before the top course is installed (paved).

Current Regulation: §A676-24.A(4½) Layer of geotextile fabric placed beneath gravel base.
"A layer of geotextile fabric shall be installed beneath the gravel base specified in §A676-24.A(5)."

Proposed change/addition:

~~(ADD) The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.~~

Reason for change:

A description of the geotextile fabric was not specified in the regulation.

Current Regulation: §A676-26. Sidewalks, curbs and gutters. B.

Bituminous concrete sidewalks having **a minimum thickness of two inches after compression** shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications.

Proposed change:

Bituminous concrete sidewalks having a minimum thickness of ~~(REMOVE) two~~ ~~(ADD) three~~ inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications.

Reason for change:

The increased pavement thickness for sidewalks was changed on the cross sections but was not changed in the language contained in §A676-26. Sidewalks, curbs and gutters. B.

Current Regulation: §A676-24. Streets and roadway B.(1)

The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum centerline radius for **a paved width less than 32 feet shall be 350 feet.**

Proposed change:

The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum centerline radius for a paved width less than 32 feet shall be ~~(REMOVE)350~~ ~~(ADD) 150~~ feet.

Reason for change:

City Engineer felt that the 350-foot minimum centerline radius was too restrictive for streets with Lane Status and secondary residential streets (having a paved width less than 32 feet.).

Current Regulation: §A676-12 Streets. B. Alignment

(2) The minimum center-line radii of curved streets shall be as follows:

(a) Lanes: 125 feet

(b) Other secondary streets: 150 feet

(c) Major streets: 350 feet

Proposed change:

(2) The minimum center-line radii of curved streets shall be as follows:

~~(REMOVE) (a) Lanes: 125 feet~~

~~(REMOVE) (b)~~ (ADD)(a) Other secondary streets (ADD) and Lanes: 150 feet

~~(REMOVE) (c)~~ (ADD)(b) Major streets (ADD) and Commercial/Industrial streets: 350 feet

Reason for change:

Legal review in 2015 did not consider that centerline radius language was contained in §A676-24. Streets and roadway B.(1) and also in §A676-12 Streets. B. Alignment

Current Regulation: §A676-9. Preliminary Plan B. Contents

The preliminary plan shall be drawn on with pencil at a suitable scale, preferably 40 feet to the inch, and five prints shall be filed with the Planning Board and one print shall be filed with the Board of Health at City Hall.

Proposed change:

The preliminary plan shall be drawn ~~(REMOVE) on with pencil~~ at a suitable scale, preferably 40 feet to the inch, and five prints shall be filed with the Planning Board and one print shall be filed with the Board of Health ~~(REMOVE) at City Hall.~~

Reason for change.

In 2015, there was no Legal opinion (drafted in legal form) when “tracing paper” was removed from this section. Pencils were used to draw on the tracing paper – this reference should also have been removed. Board of Health has not always been located at City Hall.

Current Regulation: §A676-10. Definitive Plan A. (1).

An original drawing of the definitive plan, dark line on white background. The original drawing will be returned after approval of disapproval.

Proposed change:

An original drawing of the definitive plan, (ADD) and eight copies thereof, dark line on white background. The original drawing will be returned after approval of disapproval.

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when “contact prints” was removed from this section. “Contact Prints” was a reference to copies of the plan submission – 8 copies of the plan submission should be required.

Current Regulation: §A676-10. Definitive Plan B. Contents. (1).

The definitive plan be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink upon tracing cloth or single matte three-mil mylar.

Proposed change:

The definitive plan be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly drawn (REMOVE) in black India (ADD) with black ink on (REMOVE) upon tracing cloth or single matte three-mil mylar.

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when “tracing cloth” was removed from this section. India ink is reference to re-fillable technical pens that were used to draw on tracing cloths and mylars.– this specific reference to the type of ink should also have been removed.

Current Regulation: §A676-23.H.

The developer shall have prepared and certified by a registered land surveyor a “plan of acceptance” drawn with India ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents, and central angles of all curves in street lines.

Proposed change:

The developer shall have prepared and certified by a registered land surveyor a “plan of acceptance” drawn with (REMOVE) India (ADD) black ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents, and central angles of all curves in street lines.

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when “tracing cloth” was removed from this section. India ink is reference to re-fillable technical pens that were used to draw on tracing cloths and mylars.– this specific reference to the type of ink should also have been removed.

Current Regulation: §A676-27. Grass Plots

- A. Grass plots on secondary road layouts may not be permitted.
- B. Grass plots on major roads or secondary roads (based on sixty-foot layout) may be permitted if desired by the Planning Board.
- C. Grass plots on secondary roads, fifty-foot layout, in PUD developments which are to be privately maintained may be permitted if desired by the Planning Board.

Proposed changes:

- A. Grass plots on secondary road layouts may (REMOVE) not be permitted.
- B. Grass plots on (REMOVE) major roads or secondary roads (based on sixty foot layout) (ADD) Commercial/industrial streets may be permitted if desired by the Planning Board.
- C. (REMOVE) Grass plots on secondary roads, fifty foot layout, in PUD developments which are to be privately maintained may be permitted if desired by the Planning Board.

Reason for change:

The intent of the 2015 change in the Planning Board Rules & Regulations was to allow for the cross section that was used in the Mauro Farm Subdivision, which had a grass plot. At the time of the vote on the 2015 changes in the Planning Board Rules & Regulations, it was believed that change “will not be permitted” to “may be permitted” was a Scribner’s error and should have been proposed as “may not be permitted”. The “Mauro Farm” cross section was adopted as Cross section #6 which allows for grass plots. The Scribner’s error did not exist. Residential roadways (major and secondary) do not have a 60-foot Right-of-Way (anymore). PUD Developments were never adopted by the City Council (per Karen Boule – City Council Secretary/Steve Kerrigan – City Clerk.

Mr. LaVenture introduced additional proposed changes as follows:

Proposed changes to Planning Board Rules and Regulation (2015) – Part 2 (a)

Cover Sheet

- General References - add the following:
 - Stormwater Management – See Ch. 271.
 - Storm Sewer – See Ch. 511.
 - Under Zoning – See Ch. 650
 - §650-28 – Open Space Development
 - §650-30 – Limited Development Subdivisions

>>> Insert a Table of Contents – to be produced once the regulation have been updated.

>>> *The following section should be moved from Article II – Definitions to Article III Submission and Approval of Plans:*

- §A676-3 Plan believed not to require approval. – *add (ANR)*
- §A676-4 Definitive plan required.
- §A676-5 One single-family dwelling on a lot.
- §A676-6 Planned unit development application. – *remove this section*
- §A676- 7 Adequate access.
- §A676-8 Fees and expenses.

Article III – Submission and Approval of Plans

Current Regulation: §A676-3 **Plan believed not to require approval.** A. Submission of plan

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan who believes that **his plan** does not require approval under the Subdivision Control Law may **submit his plan** and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.

Proposed change:

§A676-3 Plan believed not to require approval **(ADD) (ANR).** A. Submission of plan

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan who believes that **(REMOVE) his (ADD) their plan** does not require approval under the Subdivision Control Law may submit **(REMOVE) his (ADD) two single matte three mil mylar copies of their** plan and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. **(ADD) An electronic copy of their plan shall also be submitted to the City Engineer’s Office, in a format acceptable to the City Engineer.**

Reason for change:

Update the regulation to current practices.

Current Regulation: §A676-3 Plan believed not to require approval. B.

Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under Subdivision Control Law Not Required". **The plan will be returned to the applicant**, and the Planning Board shall notify the City Clerk in writing of its action.

Proposed change:

- Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under Subdivision Control Law Not Required". ~~(REMOVE) The plan will be returned to the applicant~~ **(ADD) One endorsed copy of the plan(s) will be returned to the applicant, The other mylar copy of the plan(s) will be retained by the Department of Public Works – Engineering Division**, and the Planning Board shall notify the City Clerk in writing of its action.

Reason for change:

Update the regulation to current practices.

Current Regulation: §A676-3 Plan believed not to require approval. D.

Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action **within 14 days** after its submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

Proposed change:

Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within ~~(REMOVE) 14~~ **(ADD) 21 days** after its submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

Reason for change: This is in keeping with MGL. c.41, §81P.

Current Regulation: §A676-6 Planned Unit development application

A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary street unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.

Proposed change:

~~(REMOVE) A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary street unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.~~

Reason for change:

The City Clerk’s Office and the City Council Office have determined that the “Planned Unit Developments” were never adopted by the Marlborough City Council.

Current Regulations: §A676-7 Adequate access B. Standards of adequacy:

Section skipped for further discussion.

- (1) Ways abutting, serving or leading to a subdivision. Ways outside a subdivision and providing access to the street within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in compliance with the following:

	8 or fewer Dwelling units	9 to 49 Dwelling Units	50 or more Dwelling units or Business or Industry
Min. R.O.W. width	N/A	N/A	40 feet
Surface type	3 inches Bit. Concrete	3 inches Bit. Concrete	3 inches Bit. Concrete
Min. travelled width	22 feet	26 feet	32 feet
Min. sight distance	200 feet	200 feet	400 feet
Max. grade	12%	11%	9%

Proposed change: No change is offered at this time. Further discussion is required. Reasoning - There is no mention as to minimum length of roadway that has to meet the criteria set forth for adequate access leading to a subdivision roadway:

- Doubled minimum sight distance (for each direction)
- Along the roadway abutting the subject property.
- Entire section of roadway – between intersecting street

Current regulation: §A676-8 Fees and expenses.

To reimburse the City for the cost of plan processing and **review, legal advertising, inspection and other costs**, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

Proposed change:

To reimburse the City for the cost of plan processing and ~~review (REMOVE), legal advertising, inspection~~ and other ~~costs~~, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

Reason for change:

In keeping with changes made to Appendix K.

Current Regulation: §A676-9 Preliminary Plan A. General (1)

A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval, by each board. The submission of such preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended, that a preliminary plan be filed in each case.

Proposed change:

A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval, by each board. The submission of such preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended, that a preliminary plan be filed in each case. (ADD) An electronic copy of the plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer.

Reason for change:

Update the regulation to current practices.

Current regulation: §A676-9 Preliminary Plan B. Contents

(8) The topography of the land with two-foot contours interval based on the U.S. Coast and Geodetic 1929 Datum.

Proposed change:

(8) The topography of the land with (REMOVE) two-foot contours interval (ADD) with a maximum contour interval of two feet based on the U.S. Coast and Geodetic (REMOVE)1929 (ADD) NAVD 1988 Datum.

Reason for change:

Current DPW – Engineering Division GIS mapping has contours shown at a one-foot interval and the datum currently being used is the NAVD 1988 Datum.

Current Regulation: §A676-9 Preliminary Plan B. Contents (11) Comparative impact analysis.

(b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, **City Planner and Conservation Officer** regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board.

Proposed change:

(b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, ~~(REMOVE) City Planner and Conservation Officer~~ (ADD) and other city departments or agencies that the Planning Board deems necessary regarding the scope and said officials shall submit their recommendations regarding the scope to the Planning Board.

Reason for change:

City Planner's position has been removed from City government and the duties of that office ~~has~~ **have** been absorbed into other departments and agencies.

Current regulation: §A676-10 Definitive Plan A. General

(2) A properly executed application Form C (See Appendix C) and Petition for Approval of Final Plan, Form D (See Appendix D), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and the public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed or portions thereof within two years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

Proposed change: No change is offered at this time.
~~Skipped for further discussion~~

Reason for change:

Discussion is required on limiting the developer to a two-year time frame to complete construction of the roadway. A Two-year time frame may be unrealistic, requiring multiple approval extensions and fabricated construction schedules to show completion of the subdivision in a two-year time frame.

- Would a five-lot subdivision take the same time frame to complete as a twenty-lot subdivision?
- Is the intent to have the developer come before the Planning Board at a more frequent interval to ensure that constant progress is being made to complete the subdivision.

Proposed Change:

For the purpose of establishing the official submission date, the submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board.

Proposed change: No change is offered at this time. Further discussion is required.

Reason for change:

To be consistent with the filing date established in the Rules and Regulations for Plans Believed Not to Require Approval (ANR) and Preliminary Plans.

Current regulation: §A676-10 Definitive Plan B. Content

(1) All elevations shall refer to the **USGS 1929 Datum.**

Proposed change:

(1) All elevations shall refer to the USGS ~~(REMOVE)1929~~(ADD) NAVD 1988 Datum.

Reason for change:

The datum currently being used by USGS is the NAVD 1988 Datum. **Proposed**

change:

(ADD) An electronic copy of the plan shall also be submitted, in a format acceptable to the City Engineer. An additional single matte, three mil mylar copies of the Definitive Subdivision Plan submission, to be recorded at the South Middlesex Registry of Deeds shall also be submitted to the Planning Board for signatures. A complete mylar set of the Definitive Plan submission shall be retained by the Department of Public Works – Engineering Division.

Reason for change:

Update the regulation to current practices.

Current regulation: §A676-10 Definitive Plan B. Content (2) The definitive plan shall contain the following information:

(d) Major features of the land, such as existing waterways, natural drainage courses, walls , fences, buildings, large trees, wooded areas outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131 §§40 and 40A, as **determined by a botanist.**

Proposed change:

(d) Major features of the land, such as existing waterways, natural drainage courses, walls , fences, buildings, large trees, wooded areas outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131 §§40 and 40A, as determined by a ~~(REMOVE) botanist~~ (ADD) [professional wetland consultant](#).

Reason for change:

Update the regulation to current practices. The term “Professional wetland consultant” was determined by the Conservation Officer as being the most commonly used term for a person determining the limits of a wetland area.

Current regulation: §A676-10 Definitive Plan B. Content

(3) A grading plan **with two-foot contour intervals** depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall **refer to NGVD.** The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

Proposed change

(3) A grading plan with ~~(REMOVE) two-foot contour intervals~~ (ADD) with a maximum contour interval of two-feet depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to NGVD (ADD) 1988 Datum.

Reason for change:

Update the regulation to current practices.

Current regulation: §A676-10 Definitive Plan D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easements and agreements, the Commissioner of Public Works, the City Engineer, **The City Planner, the Fire Chief and the Conservation officer.**

Proposed change:

(2) One copy each to the City Solicitor for review of easements and agreements, the Commissioner of Public Works, the City Engineer, ~~(REMOVE) The City Planner, the Fire Chief and the Conservation Officer.~~ (ADD) the Fire Chief, Conservation Officer and other city departments or agencies that the Planning Board deems necessary.

Reason for change:

City Planner's position is been removed from City government and the duties of that office ~~has~~ have been absorbed into other departments and agencies.

ii. Assignment of Next Tasks

Mr. LaVenture proposed another working group meeting on February 17, 2021, to continue discussion of several items requiring additional review and discussion.

Mr. LaVenture reminded members to submit their input to Ms. Holmi by Feb. 12.

Mr. DiPersio acknowledged the efforts of Assistant City Engineer Collins in the review process. His thorough reviews, research and assistance compiling each of the proposed changes has been extremely helpful.

11. Calendar Updates (None)

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

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih

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2021 MAR - 1 A 7:37



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held as a **virtual meeting** on Wednesday, January 27, 2021 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins, Ashley Miller – Engineering Department, Sgt. Zac Attaway and Officer Andy Larose from the MPD Traffic Services Unit, City Councilor Katie Robey, City Councilor Mike Ossing and local resident Michael Volk.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:03 and began by welcoming everyone and making introductions.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, December 30, 2020.

MOTION was made, seconded, duly VOTED:

TO APPROVE – All in Favor - Accept and Place on File.

2 - New Business –

2a) Truck traffic volume/noise on Rte. 85 by the Navin Rink

Michael Volt, a Hudson resident, spoke to Sgt. Attaway on this issue and also sent an email reviewing his concerns. He was in attendance for this meeting and Chief Giorgi asked if he would like to address the group. Mr. Volt said that he lives in Hudson behind Intel and can hear lots of noise coming from the area near Navin Rink (which is a full mile from his house) at all different times of the day. He specifically mentioned hearing

it in the middle of the night and early in the morning. He looked up the Noise Ordinance for the City of Marlborough due to the fact that this is a residential area. He said that the noise is coming from Jake Brakes on trucks.

Chief Giorgi advised that we have had this issue come up before on the east side of the City and asked Tim Collins if he would explain further. Mr. Collins reviewed that Jake Brakes are used to slow a vehicle in a different way. They give the driver more control when going downhill and explained how this breaking mechanism works. He said that if the exhaust system has a properly installed muffler it is not a problem. He pulled up a diagram on the screen entitled "Sound Pressure Levels – Human Perception". It showed different decibel levels and where they fall on a scale and gave examples i.e. normal conversation = 60-70 decibels to a jet aircraft @ 50 ft. = 150 decibels and showed where a truck with a proper muffler, and one without, would fall on the scale. He said that if the decibels are too high it's because of a problem with the muffler and would be an issue with specific trucks. He said it is probably best to try to find out which trucks are making the noise.

Mr. Volt said that he does notice it more at night and early in the morning and said that he can hear it from his house with his headphones on listening to music. Chief Giorgi advised that we haven't had any other complaints. Mr. Volt said that he is sure the noise ordinance is being violated in a housing zone.

Officer Larose asked if the noise could possibly be coming off the connector rather than Bolton Street? He said they sit on Bolton Street all the time monitoring traffic and haven't really noticed anything. Mr. Volt said that he has not sat in front of Navin Rink, however, trucks have to be violating the noise ordinance or he wouldn't be hearing it from a mile away. Councilor Ossing said he lives less than a mile from this area and it's also on the other side of Rte. 495 and trucks cut through back roads also. It's hard to say specifically who is at fault. He said he either doesn't hear it or has become numb to it. Mr. Volt said that he is just reporting the problem. He does not have a solution.

Chief Giorgi said that he believes the first step would be to have the Traffic Unit monitor the situation and try to identify specific trucks that might be causing the problem and possibly try some type of sound monitoring device. If a problem is found, the second step would be to try to reach out to specific companies to address the issue.

MOTION was made, seconded, duly VOTED to REFER to the TRAFFIC UNIT to monitor. Sgt. Attaway can stay in touch with Mr. Volk over the next month or two and then see where to go from there.

3-Old Business

3a) Speed and Parking Issues on Church Street.

Tim Collins advised that this all set now. It was a matter of amending the regulations and they have all now been voted on and approved.

3b) Request for No Parking Sign – Paquin Drive.

Chief Giorgi advised that he had drafted the regulation for the no parking area around Memorial Beach, however, Steve Kerrigan and Tim Collins found an overlap issue and revised the wording again. Mr. Collins had a diagram which outlined the parking restrictions around the beach. The areas marked in pink on Hosmer Street are for no parking anytime. The areas marked in yellow on Paquin Drive, Stevens Street, Causeway Street, Miles Standish Drive and Simpson Road have a parking restriction from June 1st to September 15th for beach parking. The wording “for beach parking” was also added to the wording for the new regulation. This would allow parking for visitors etc. but not to unload your car and walk down to the beach. Chief Giorgi will revise the regulation based on the amended language provided by Tim Collins.

Steve Kerrigan asked about enforcement. What happens if someone is caught going to the beach? What happens when they appeal a ticket and say they did not do that? Chief Giorgi said that hopefully his officers would do their “due diligence” before giving out a ticket. Mr. Kerrigan just doesn’t want to see it turning into an enforcement issue.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation for the parking restriction around the Memorial Beach based on the wording provided by Tim Collins. Chief Giorgi will prepare the amended regulation and Karen Lambert will forward it to Steve Kerrigan for advertisement.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:24 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday 1/27/21, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, December 30, 2020.
- Email from Michael Volk to Sgt. Attaway, dated 1/21/21, re: Truck Air Breaking Noise from Rte. 85N traffic downhill past Navin Rink (including Zoning Map, Ch. 431-11 from ecode360.com and copy of “Engine Breaking Prohibited” sign.
- Copy of regulation to ADD specific section of Church Street to the Schedule for “No Stopping, Standing or Parking”.
- Copy of regulation to AMEND the wording for the Schedule of “Parking Prohibited Certain Hours” on Causeway Street and Hosmer Street. The text will be amended to include the text “For Beach Parking”. Also, to ADD specific sections of Causeway Street, Paquin Street, Miles Standish Drive and Simpson Road to the Schedule.

Additional Handouts

- Email from Tim Collins to Chief Giorgi, dated 1/25/21, re: No Parking near Memorial Beach, including revised wording for the regulation and restricted parking graphic.
- Amended regulations for the No Parking Area around Memorial Beach.
- Jake Brake.pdf: What is a Jake Brake, & How Does it Work?
- Diagram of Sound Pressure Levels – Human Perception

City of Marlborough
Zoning Board of Appeals
February 9, 2021 7:00 PM
Minutes
Microsoft Teams Meeting

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2021 MAR -1 A 7 20

Location – 111 West Main St.

ZBA Case # 1472-2020

Applicant: James Gontarz

Date of Appeal: December 22, 2020

Date of Meeting: February 9, 2021

The Zoning Board of Appeals, acting under the Marlborough Zoning Ordinance and General Laws, Chapter 40A, as amended, a meeting was held on February 9, 2021.

Board Members present virtually were Ralph Loftin, Thomas Golden, Thomas Pope and Robert Levine; Paul Giunta was present with audio only. Also, Susan Brown-secretary

Date of Appeal: December 22, 2020

Name and Address of Applicant: James Gontarz, 111 West Main St.
Marlborough, MA 01752.

Nature & Basis of Appeal: To expand the area of the driveway at 111 West Main St. Map 69 Parcel 134 of the Assessor's Maps. (Parcel 529 is at the rear of the house) Located in Zoning District Residence C. Proposal is for the driveway to be +/- one foot from the side lot line and being zero setback from the building. This proposal requires a Special Permit because of the intensification of the non-conforming existing conditions (Chapter 650 (B)(3) filed under the Pre-existing Non-conforming Single- and Two-Family Structures).

Section of the Zoning Ordinance involved:

- Chapter-48 C(5)(b) Parking inside and rear yard.
- Chapter 650-48 C(5)(c) Parking setback from the building

A roll call was taken of members present : Paul Giunta-Chairman, Ralph Loftin, Robert Levine, Thomas Golden and Thomas Pope.

The property is located in Zoning District Residence C, 111 West Main St. being Map 69 Parcels 134 (containing the house) & 529 (rear lot) of the Assessor's Maps. The bulk of the work will be on Parcel 134.

These pre-existing non-conforming parcels contain a total of 7,231 sq. ft. (Parcel 134 contains 3,877 sq. ft. and Parcel 529 contains 3,332 sq. ft.) According to the city's GIS maps, other lots in the area are similar in size, shape and topography. The makeup of the neighborhood is single and multi-family homes.

The applicant, James Gontarz and his wife Alison were present virtually. They stated they would like to extend their existing driveway towards the rear of the lot. Also, he plans to create a small paved parking area at the rear of his property with enough space to maneuver the cars to drive forward onto Rte. 20.

1. Referencing plan entitled: Asphalt Engineering: The existing concrete as Label E1 and E2 will be removed and replaced with asphalt. Label A – a small retaining wall will be removed, and driveway will be widened. Areas labeled E3 and E4 will be asphalt pavement at the back of the house to create parking for his cars.
2. He also stated his proposal will also create more space to store snow.

Existing conditions at 111 West Main St.

1. It is a single-family home.
2. The existing driveway at 111 West Main St. abuts with the driveway at 113 West Main St. creating a "0" side setback. (113 West Main St. is an existing 3 family house)
3. 111 West Main St. fronts Rte. 20 (Main Street).
4. Topography of the lot is flat. Shape of the lot is rectangular.
 - a. The existing driveway extends to the rear of the lot and stops at an existing concrete patio which abuts the house.
 - b. Existing narrow concrete wraps to the back of the house which probably serves as a walkway according to the plan (concrete walkway is approximately 3 ½ ft. wide).
 - c. A small concrete retaining wall abuts the existing concrete patio. To the left of this small retaining wall is some 4 ft. which the applicant owns.

The Building Commissioner determined thru this denial letter dated December 9, 2020 that the proposed alteration is an intensification of non-conforming existing conditions. As a pre-existing, non-conforming lot, an alteration that is more non-conforming requires a Special Permit issued by the Marlborough Zoning Board of Appeals

List of exhibits and plans received:

- a. The applicant provided plans entitled: Certified Plot Plan, 111 West Main St. Marlborough, MA. Prepared by: Odone Survey & Mapping. Stamped by: Glenn D. Odone, Jr. Dated: July 13, 2020.
- b. Hand drawn plan: Asphalt Engineering.
- c. Denial letter from Building Dept. dated Dec. 9, 2020
- d. Photos provided by the applicant.

There were no one in the audience had who had any questions. And no one was in opposition to the petition.

Speaking in favor of the petition:

Michael and Sheila Casto – 103 West Main St. – They abut 111 West Main St. They stated that there are many single and multi-family homes in the area with parking and maneuvering difficulties coming out of their driveway onto Rte. 20. Many lots have paved parking areas in the back of the homes which allows the owners to safely maneuver cars, headfirst, onto Rte. 20.

The Board finds:

1. The size of the existing structure will not change and is comparable to other structures in the area.
2. The proposal to increase the pre-existing non-conformity will intensify the non-conformity, but it will create a safer process in exiting the site. There are many house lots that have parking at the rear to enable cars to enter Rte. 20 safely.
3. Impact on the neighborhood will be close to none.
4. Esthetically, the proposed changes to the widening of the existing driveway will not be noticeable from the street.
5. The existing driveway, there is already a zero-side setback to the side lot line and a zero setback to the house.

Paul Giunta made a motion to close the public hearing, seconded by Ralph Loftin. Vote 5-0 to close the public hearing. A vote was taken with all yeas: Paul Giunta, Ralph Loftin, Robert Levine, Thomas Golden and Thomas Pope.

Ralph Loftin made a motion to grant a Special Permit relative to the driveway to be +/- one foot from the side lot line as proposed. Motion seconded by Robert Levine. Vote taken 5-0 with all yeas: Paul Giunta, Ralph Loftin, Robert Levine, Thomas Golden and Thomas Pope.

Ralph Loftin made a motion to grant a Special Permit relative to the "0" setback from the building as proposed. Motion seconded by Robert Levine. Vote taken 5-0 with all yeas: Paul Giunta, Ralph Loftin, Robert Levine, Thomas Golden and Thomas Pope.


Decision

The Board grants Special Permits with the following conditions:

1. The granting of these two Special Permits are for the following: (see listed plans in Finding #10 for reference)

- a. Chapter 650-48(C)(5)(b) – To extend the area of the existing driveway at 111 West Main St. Map 69 Parcels 134 and 524. All the proposed work is on Parcel 134. Proposal is for the driveway extension to be +/- one foot from the side lot line.
 - b. Chapter 650-48(C)(5)(c) – Expansion of driveway, parking setback from building being the proposed zero setback from the building.
2. The applicant will conform to all other zoning requirements (e.g., Lot Coverage, setbacks) If any changes are made to the approved plans, the Building Commissioner will review such changes and will determine if such changes warrant returning to the Zoning Board of Appeals.
 3. Recording of Special Permit – The applicant at their expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the 20-day appeal period has elapsed with no appeal having been filed and before the applicant shall apply to the Building Dept. for a building permit.

Respectfully submitted,


Paul Giunta
Chairman
Zoning Board of Appeals

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2021 MAR -4 A 9:40

*Marlborough City Council
Resolution*

Traffic Beacon, Route 20 East

WHEREAS, the Commonwealth of Massachusetts is finalizing the design plans and will be completing roadway reconstruction work on Route 20 (Boston Post Road East) in the City of Marlborough, to include a new road layout with a center turning lane and bike lanes and new sidewalks; and,

WHEREAS, there currently exists an over-55 housing development at Village Drive with approximately 100 townhouses; and,

WHEREAS, the location of Village Drive is approximately one mile from the signal at Hosmer Street, and during rush hours the residents have difficulty finding gaps in the traffic to turn into and out of Village Drive onto Route 20; and,

WHEREAS, there is a proposed housing development to be built across from Village Drive which will include 140 units and require 2 parking spaces per unit; and,

WHEREAS, there currently exists on the direct abutting lot to the proposed housing development, an over-55 manufactured home association with approximately 124 homes; and,

WHEREAS, the traffic counts for the proposed housing development do not meet the warrant for a traffic signal at this new intersection; and,

WHEREAS, the developer of the proposed housing development is willing to pay for the costs associated with the installation of a traffic light as a mitigation fee,

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council petitions the Massachusetts Department of Transportation to allow a traffic signal to be constructed at this proposed intersection, the design and construction of which to be paid for by the developer of the proposed housing development.

AND FURTHER, the Honorable Senator Eldridge, Honorable Representative Gregoire and Honorable Representative Gentile are respectfully requested to lend their enthusiastic support for the installation of the traffic signal which will enhance the public safety for nearby residents residing along this stretch of Route 20.

*Submitted by: Councilor Robey
For Agenda: March 8, 2021*