

REGULAR MEETING
APRIL 5, 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 APR -1 P 1:37

This meeting of the City Council will be held virtually on Monday, April 5, 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, March 22, 2021.
2. COVID-19 Update to the City Council from Mayor Vigeant, requested by City Council President Ossing.
3. 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 on the site, 656 Boston Post Road East, Order No. 21-1008215.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 922 284 227 #. ****

4. Communication from Councilors Ossing and Tunnera, re: Municipal Aggregation – March 2021 Update.
5. Communication from At-Large Councilor Kathleen Robey, re: Summary of comments made related to the Proposed Zoning Amendment to Chapter 650 to §33 the Results Way Mixed Use Overlay District (RMUOD) with a Proposed Zoning Map Amendment, Order No. 21-1008216A.
6. Communication from the Mayor, re: Transfer Request in the amount of \$26,805.00 from Reserved for Salaries and Part Time Mail Clerk to fund vacation and sick leave buyback for two retiring employees from the Auditors Office.
7. Communication from City Solicitor Jason Grossfield, re: Presentation Materials relative to the Grant/Denial of Special Permits prepared for future Urban Affairs discussion, Order No. 21-1008222.
8. Communication from City Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk, on behalf of Speedy Auto Repair, Inc., to relocate an existing auto body shop from 315 Maple Street to 412-418 Maple Street in the Commercial Automotive Zoning District; with a land area of less than one acre in addition to a preexisting nonconforming structure on the site, in proper legal form, Order No. 20/21-1008162B.
9. Communication from Assistant City Solicitor Jason Piques, re: Application for Modification of Special Permit from Todd Wilson, on behalf of Diversified Funding Acquisition LLC/Atlantic Property Management, to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of manager's residence to a guest room for a total of 65 guest rooms at 880 Donald J. Lynch Boulevard (Quality Inn), in proper legal form, Order No. 21-1008171B.

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.

10. Communication from Assistant City Solicitor Jason Piques, re: Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street, in proper legal form, Order No. 21-1008199B.
11. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Flat Wall Sign, Best Value Kitchen & Bath, 796 Boston Post Road East, within the Wayside District.
12. Communication from the Retirement Board re: Notification to City Council that a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i) will be considered at the board's April 27, 2021 meeting.
13. Communication from the Cultural Council, re: Grant Cycle Awards for 2020 – 2021.
14. Petition from Massachusetts Electric and Verizon New England, to install a new #5 and anchor which will allow for the removal of the pole and tree guy wire at 43 Berlin Road.
15. Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.
16. Minutes of Boards, Commissions and Committees:
 - a) School Committee, March 9, 2021.
 - b) Board of Assessors, January 26, 2021.
 - c) Conservation Commission, March 4, 2021.
 - d) Historical Commission, February 18, 2021.
 - e) Library Trustees, February 2, 2021.
 - f) Planning Board, March 8, 2021.
 - g) Traffic Commission, February 24, 2021.
 - h) Zoning Board of Appeals, March 16, 2021.
17. CLAIMS:
 - a) Francisco Colon, 656 Bolton Street, other property damage and/or personal injury.
 - b) Keith Goodale, 139 Pleasant Court, other property damage and/or personal injury.
 - c) Kim Ho, 79 Prospect Street, other property damage and/or personal injury.
 - d) Jamie Andrade & Robert Preciado, 5 Springhill Avenue, other property damage and/or personal injury.
 - e) Elizabeth Rew, 13 Vals Lane, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

18. **Order No. 21-1008212A: Request from Public Works Commissioner Sean Divoll for the creation of new full time, permanent union position entitled, “Resident Drop-Off Station Attendant” together with Job Description (dated 9/24/2020).**

Recommendation of the Finance Committee is to approve the position and Job Description. The position would report to the Assistant Commissioner of Operations through the Drop-Off Station Foreman. By email dated March 15, 2021, Public Works Commissioner Divoll clarified that the position carries a 40-hour work week, not 35 as initially requested.

Motion by Councilor Oram, seconded by Chair, to recommend approval of the Job Description dated 9/24/2020. Chair Irish called the Roll: Motion carried 5-0.

19. **Order No. 21-1008212B-1: Proposed Salary Ordinance, Chapter 125, “Personnel”, §6 “Salary Schedule”, to add the position of Resident Drop-Off Station Attendant.**

Recommendation of the Finance Committee is to approve. Proposed Ordinance was properly advertised on March 26, 2021 and the 10-day requirement has been met. Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the salary ordinance. The City Solicitor will submit a revised salary ordinance for the City Council’s consideration and advertising as required. Chair Irish called the Roll: Motion carried 5-0.

20. **Order No. 21-1008229: Transfer in the amount of \$243,000.00 from PEG fund to IT Department to fund various upgrades to equipment and software programs.**

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

From Personnel Committee

21. **Order No. 21-1008231: Appointment of Christine Purple as Human Resources Director for a three-year term effective the day after Council confirmation.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette, seconded by Chair, to recommend approval of the appointment of Christine Purple as Human Resources Director for a three-year term effective the day after Council confirmation. Motion carried 3-0

It was moved and seconded to adjourn; Motion carried 3-0

From Urban Affairs Committee

22. **Order No. 21-1008162B: Application for Special Permit by Attorney Falk on behalf of Speedy Auto Repair, Inc. to relocate an existing auto body shop from 315 Maple St. to 412-418 Maple Street in the commercial automotive district with land less than one acre with a preexisting nonconforming structure on the site.**

Recommendation of the Urban Affairs Committee is to approve. Councilor Doucette moved to recommend approval of the Special Permit for Speedy Auto Body as further amended. Chair Robey called the Roll; all committee members voted yes, and the motion carried 5-0.

23. **Order No. 21-1008171B: Application for Modification of a special Permit from Todd Wilson on behalf of diversified funding Acquisition LLC/Atlantic Property management to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of a manager's residence to a guest room for a total of 65 rooms at the hotel at 880 Donald J. Lynch Boulevard (Quality Inn).**

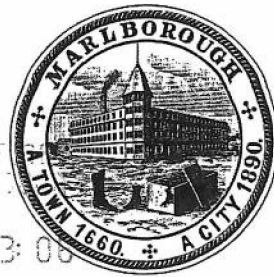
Recommendation of the Urban Affairs Committee is to approve. Councilor Doucette moved to recommend approval on the Special Permit to modify the hotel on Donald J. Lynch Blvd. as amended. Chair Robey called the Roll call; all committee members voted yes, and the motion carried 5-0.

24. **Order No. 21-1008199D: Application for a Sign Special permit from Serrato Signs, LLC on behalf of Starbucks, 133 South Bolton Street (St. Mary's Credit Union) for the operation of an electronic Menu Board Sign.**

Recommendation of the Urban Affairs Committee is to approve. Councilor Doucette moved to recommend approval of the Sign Special Permit for an electronic Menu board as amended. Chair Robey called the Roll; all committee members voted yes, and the motion carried 5-0.

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, MARCH 22, 2021**

The regular meeting of the City Council was held on Monday, March 22, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman & Robey. Meeting adjourned at 10:30 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, March 8, 2021, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the **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, Order No. 21-1008214, all were heard who wish to be heard, hearing closed at 8:36 PM, adopted.

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

ORDERED: That the **PUBLIC HEARING** on the Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD) with a Proposed Zoning Map Amendment, Order No. 21-1008216, all were heard who wish to be heard, hearing closed at 9:21 PM, adopted.

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

President Ossing called a recess at 9:21 PM and returned to open meeting at 9:26 PM.

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

ORDERED: That the Communication from Ward 1 Councilor Laura Wagner, re: Summary of comments related to Application for Special Permit to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm) from March 8, 2021 City Council meeting, **FILE**; 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 of not less than \$25,000.00 from the legislative mandate as specified in line item 8324-0000 of the FY21 General Appropriations Act (Chapter 227 of the Acts of 2020) awarded to the Fire Department to support the installation of security cameras; 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 City, acting by and through the City Council of the City of Marlborough, does hereby accept title, pursuant to MGL Chapter 40, §14 and any other applicable law, from Marlborough Economic Development Corporation, a Massachusetts nonprofit corporation, by the attached deed, in that certain land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, being more particularly described as "PARCEL A" on a plan of land entitled "Plan of Land in Marlborough, MA, Prepared by: City of Marlborough Department of Public Works Engineering Division, Owned by: Marlborough Economic Development Corporation, 91 Main Street, Suite 204, Marlborough, MA 01752", said Plan dated November 10, 2020, and being recorded as Plan #867 of 2020 in the Middlesex South Registry of Deeds.

Said Parcel A containing 34,782.5 square feet, more or less, according to said Plan.

APPROVED; adopted.

Yea: 10 – Nay: 1

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

Nay: Tunnera

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

ORDERED: That the Transfer Request in the amount of \$158,128.90 for the Department of Public Works as requested by Commissioner Divoll, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2021		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$45,768	\$21,963.00	11990006	57820	Reserve for Salaries	\$34,106.04	60081003	51920	Sick Leave Buy Back	\$0.00	
	Reason:	Salary reserve				Superannuation retirement				
\$178,528	\$12,143.04	14001101	50710	Junior Civil Engineer						
	Reason:	Excess due to vacancy								
\$178,528	\$52,022.86	14001101	50710	Junior Civil Engineer	\$20,022.86	60081001	50910	Head Treatment Plant Op	\$21,100.54	
	Reason:	Excess due to vacancy				Due to retirement				
					\$25,000.00	14001506	54640	Park Maintenance	\$47,587.00	
						Park maintenance projects				
					\$7,000.00	60085003	51310	Overtime	\$154.00	
						To cover scheduled weekend maintenance overtime				
	\$86,128.90	Total			\$86,128.90	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2021		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$178,528	\$36,306.00	14001101	50710	Junior Civil Engineer	\$50,000.00	60080004	53110	Legal Services	\$5,022.00	
	Reason:	Excess due to vacancy				Due to upcoming legal expenses				
\$349,200	\$13,694.00	14001303	50740	Equipment Operators						
	Reason:	Excess due to vacancy								
\$36,751	\$22,000.00	60080001	50580	Assistant Chemist	\$22,000.00	60080006	55660	Pumping Station Maint	\$4,691.00	
	Reason:	Excess to prior vacancy				For chemicals and maintenance project				
	\$72,000.00	Total			\$72,000.00	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 no more than eighty-five thousand dollars (\$85,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2021, unless otherwise authorized by City Council and Mayor, **APPROVED**; 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 Code of the City of Marlborough, Chapter 67 “Finance” §28(E) “Principal Assessor powers and duties” as submitted by the Mayor, referred to the **FINANCE COMMITTEE** and **ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 67, ENTITLED “FINANCE”, AS FOLLOWS:

- I. By amending Chapter 67 “Finance”, §28 “Principal Assessor; powers and duties,” by **amending** §28(E) to read as follows:
 - E. The Principal Assessor shall be qualified in accordance with the regulations of the Massachusetts Department of Revenue. The Principal Assessor shall possess a designation from the Massachusetts Association of Assessing Officers (MAAO) or shall obtain such designation within two years of confirmation. A Principal Assessor possessing a reciprocal designation shall obtain a MAAO designation within two years of confirmation. The Principal Assessor shall be responsible for maintaining any designation.

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 Job Description as updated for Principal Assessor position as submitted by the Mayor, referred to **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the: Proposed Amendment to Code of the City of Marlborough, Chapter 19 "Boards and Commissions" Article VI "Youth Commission" § 43 to §51 as submitted by the Mayor referred to the **PERSONNEL COMMITTEE**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 19, ENTITLED "BOARDS AND COMMISSIONS", AS FOLLOWS:

§19-43 Commission established; powers and duties.

- A. In accordance with the General Laws of the Commonwealth and the Charter of the City, a Youth Commission is hereby established.
- B. The Youth Commission shall have all the powers and duties now or from time to time vested by the General Laws or Special Acts of the Legislature of the Commonwealth and the ordinances of the City.

§19-44 Appointments; terms of office.

- A. The Youth Commission shall consist of ~~seven~~ up to five members; said members shall be appointed by the Mayor, subject to confirmation by the City Council. Said subsequent appointments shall be for a term of three years from the time of their appointment or until their successors are qualified. The Mayor shall initially appoint in staggered terms ~~two members for one year, two members for two years, three members for three years, and~~ annually thereafter the Mayor shall appoint said members for three-year terms.
- B. The Mayor shall designate the Chairman of said Commission to serve as Chairman for a two-year period. ~~Said appointment shall be made the first Monday in April.~~

§19-45 Purpose; report.

- A. The purpose of the Marlborough Youth Commission is to enhance the quality of life for City youth through:
 - (1) An ongoing assessment of needs.
 - (2) Evaluation of programs provided by the City, private sector and nonprofit organizations;
 - (3) Recommendations to service providers regarding changes in programming designed to better meet the needs of the community; and
 - (4) A periodic compilation of available services designed to increase utilization of such services.
- B. The Commission shall issue a report to the Mayor by March 1 of each year, detailing its findings and recommendations.

§19-46 Duties, responsibilities and objectives.

- A. Duties and responsibilities include new programs, coordination of existing efforts and increasing community awareness through youth organizations, the business community, schools, religious groups, City government, existing human services agencies and others representing all sectors of our culturally diverse community, whether City, state, federal or private, profit or nonprofit groups.
- B. Program objectives are to:
- (1) ~~Establish and implement programs and/or services which shall address the opportunities, challenges and problems of our youth.~~
 - (2) Provide an ongoing assessment of our youth's needs within the community, provided a particular need has not already been addressed and/or implemented by an existing private or municipal agency or organization.
 - (3) Index programs available to our youth and encourage maximum utilization of programs and services through publicity and other means of dissemination of information.
 - (4) Identify gaps in programming, and research funding under federal, state and private grants and foundations.
 - (5) ~~Develop a Youth Advisory Council that will be represented on the Youth Commission.~~
 - (6) ~~In conjunction with the School Department, implement the Community Service Youth Corps Program.~~

§19-47 Rules and regulations.

The Commission shall have power to organize and conduct its business under such rules and regulations as it may deem proper, provided that the same are not inconsistent with the laws of the commonwealth or the Charter and ordinances of the City. ~~It may adopt all reasonable regulations regarding the use of the land and buildings under its permanent or temporary control.~~

- A. Removal of members: Any member of the Commission may be removed by the Mayor and City Council ~~for cause, stated in writing, after a hearing and vote of the City Council.~~
- B. ~~Vacancies: All vacancies in the Youth Commission caused by death, resignation or otherwise shall be filled by the Mayor in the manner provided for an original appointment, and the person appointed shall hold office for the residue of the unexpired term.~~
- C. Compensation: Such Commissioners shall serve without compensation.

§19-48 Service from other City departments.

~~The various departments of the City shall render such service to the Commission as they may be required to perform by the City Council from time to time.~~

§19-49 Annual appropriation; expenditures.

~~A separate appropriation shall be made annually by the Mayor and City Council for the Youth Commission, which appropriation may be expended in the conduct of the aforesaid purposes.~~

§19-50 Annual report.

The Youth Commission shall, at least once a year, render a report of its administration to the City Council and Mayor shall render such further reports as may be required of it by the City Council from time to time. ~~It shall annually prepare a statement of suggestions to the Mayor and transmit to him an estimate of the amount of money needed to conduct said Commission's duties for the ensuing year.~~

§19-51 Clerk; meetings.

Such Commission shall meet immediately after its appointment and confirmation and elect one of their members, who shall act as Clerk and who shall keep a record of its proceedings; in each year thereafter such Commission shall meet annually in the month of February for the election of the Clerk. ~~Such Commission shall vote to~~ Chair shall determine the time and place of other meetings.

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 Communication from the Mayor, re: OPEB Trust Update, **FILE**; 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: At a regular meeting of the Marlborough City Council held on Monday, MARCH 22, 2021, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled “PERSONNEL”, §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:

STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY	ANNUAL SALARY
00	\$18.0000	\$144.0000	\$720.00	\$37,440.00
01	\$18.7500	\$150.0000	\$750.00	\$39,000.00
02	\$19.5313	\$156.2504	\$781.25	\$40,625.10
03	\$20.3451	\$162.7608	\$813.80	\$42,317.81

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 Irish, seconded by the Chair to adopt the following:

ORDERED: That Communication from City Solicitor Jason Grossfield, re: Proposed Amendment to Chapter 125 “Personnel” §6 “Salary Schedule” of the Code relative to the proposed new position of Resident Drop-Off Station Attendant, Order No. 21-1008212B, **FILE**; 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 Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a replacement panel on the Free-Standing Monument Sign, Apex Mini Golf, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/21-1006443, **MOVED TO REPORTS OF 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 Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of two replacement panels on the Free-Standing Monument Signs, Apex Kids, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/21-1006443, **MOVED TO REPORTS OF COMMITTEE**; 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, February 23, 2021.
- b) Conservation Commission, February 18, 2021.
- c) OPEB Trust, March 9, 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) Barbara Barrile, 55 Schofield Drive, residential mailbox claim (2a).
- b) Jillian Barrile, 41 Schofield Drive, residential mailbox claim (2a).
- c) Clare Fishman, 175 Maple Street, #306, pothole or other road defect.
- d) Matthew Hassapes, 40 White Terrace, other property damage and/or personal injury.
- e) Kevin Kolodziejski, 54 Berlin Road, other property damage and/or personal injury.
- f) Stephen Storr, 815 Edmands Road, Framingham, pothole or other road defect.

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
March 15, 2021
Minutes and Report**

The meeting convened at 6:30 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.

Reports of Committee Continued:

Also Present in Chamber: Councilors Navin, Ossing, Landers and Doucette; Mayor Vigeant, Asst. DPW Commissioner Scott, IT Director Gibbs and HR Director Appointee Christine Purple.

Councilor Robey, DPW Commissioner Divoll, City Auditor Smith and Executive Aide Bernard participating remotely.

Order No. 21-1008229: Transfer in the amount of \$243,000.00 from PEG fund to IT Department to fund various upgrades to equipment and software programs.

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

Order No. 21-1008212A: Communication from Mayor Vigeant together with request from Public Works Commissioner Sean Divoll requesting creation of new full time, permanent union position entitled, 'Resident Drop-Off Station Attendant' together with job description dated 9/24/2020.

The position would report to the Assistant Commissioner of Operations through the Drop-Off Station Foreman. By email dated March 15, 2021, Public Works Commissioner Divoll clarified that the position carries a 40-hour work week, not 35 as initially requested.

Motion by Councilor Oram, seconded by Chair, to recommend approval of the Job Description dated 9/24/2020. Chair Irish called the Roll: Motion carried 5-0

Order No. 21-1008212B: Proposed Salary Ordinance, Chapter 125, Personnel, Salary Schedule, to add the position of RESIDENT DROP-OFF STATION ATTENDANT, Annual Salary Minimum \$32,760.00 – Maximum \$37,028.16.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the salary ordinance. The City Solicitor will submit a revised salary ordinance for the City Council's consideration and advertising as required. Chair Irish called the Roll: Motion carried 5-0

It was moved and seconded to adjourn; Chair Irish the Roll: Motion carried 5-0
The meeting adjourned at 7:17 PM

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
March 15, 2021
Minutes and Report**

The meeting convened at 7:25 PM

All members of the Personnel Committee were present in the Chamber: Chair Dumais, Councilors Landers and Doucette

Also Present in Chamber: Councilors Navin, Irish and Ossing, Mayor Vigeant, and HR Director Appointee, Christine Purple

Reports of Committees:

Order No. 21-1008231: Communication from Mayor Vigeant with appointment of Christine Purple as Human Resources Director for a three-year term effective the day after Council confirmation.

Mrs. Purple addressed the committee stating she formerly worked in the Marlborough Personnel Department as Personnel Assistant and went on to have a successful career in HR and Assessing, noting she lives and breathes municipal government. As she was thinking of getting back into government, she was happy to see this position open. Her husband is the Town Administrator in the neighboring Town of Southborough.

Motion by Councilor Doucette, seconded by Chair, to recommend approval of the appointment of Christine Purple as Human Resources Director for a three-year term effective the day after Council confirmation. Motion carried 3-0

It was moved and seconded to adjourn; Motion carried 3-0

The meeting adjourned at 7:30 PM

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

**City Council Urban Affairs Committee
March 17, 2021
Minutes and Report**

Per the Governor's orders, this meeting began with a Roll Call vote of committee members present and the chair identifying other councilors 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 and Councilor Perlman.

Others attending this meeting are included with each order's information.

Order No. 16/21-1006443AAH-request for Approval of a flat Wall sign, Apex Mini Golf, 21 Apex Drive, with the HRMUOD.

Order No. 16/21-1006443AAI- request for Approval of a flat Wall sign, Apex Kids, 21 Apex Drive, with the HRMUOD.

Participating in this item via Teams were Kevin Erickson, attorney for Walker Realty and Brandon Currier from Barlo Signs.

These items were postponed in committee at the March 1, 2021 Urban Affairs meeting to gather information on fines that were discussed as having been sent by Code Enforcement.

The chair opened this meeting stating that discussion could cover both signs but a separate vote would be taken on each. Chair noted all councilors should have received an email from code enforcement stating that no fine had been sent for this site and an email from Attorney Erickson. Chair reviewed some history of code amendment which created 650-35 Hospitality and Recreation Mixed Use Overlay District and language for a Master Signage Plan that was never provided. Chair also included information regarding a council order approved in June 2016 clarifying that the city council had authority in the HRMUOD for signage and that two attempts to remove that provision had failed.

As the signs are currently in place but no fines were assessed, the chair suggested the best outcome would be to approve the signs and use this as a lesson learned for signs in the future.

Order No. 16/21-1006443AAH-Councilor Landers moved to approve the flat wall sign for Apex Mini Golf, 21 Apex Drive; it was seconded. Chair Robey called the Roll call; all committee members voted yes and the motion carried 5-0.

Order No. 16/21-1006443AAI-Councilor Landers moved to approve the flat wall sign for Apex Kids, 21 Apex Drive; it was seconded. Chair Robey called the Roll; all committee members voted yes and the motion carried 5-0.

The chair stated she would ask for a Suspension of Rules at the March 22 meeting to add the two signs to the agenda for council action. These complement the two related sign requests on that agenda, and, if rules suspended to approve would complete the required council action.

Order No. 21-108199A-Application for a sign Special permit from Serrato Signs, LLC on behalf of Starbucks, 133 South Bolton Street (SMCU site) for the operation of an electronic Menu Board Sign.

Participating in this item via Teams for Starbucks and St. Mary's were Jim Petkewich, and Robert Zeuli.

The chair began with discussion of the Special Permit draft document. Amendments to the draft were agreed to: 1. Change the description on the first photo in Exhibit B to read "Starbucks Sample Menu Board" rather than "Starbucks Proposed Menu Board"; 2. Change the second photo titled "Starbucks Existing Signage" to read "Proposed LED Sign Location"; and 3. to amend condition #2 to include "and/or the City Council's Urban Affairs Committee" after the words "process before the City Council" and have legal department decide if a description of plans should be added. It was also discussed that legal department would determine if reference to the Variance approved by the Planning Board needs to be included in the Special Permit.

There was discussion on the need to add signs about loud music but after input from St. Mary's, it was determined the signs weren't necessary.

Councilor Doucette moved to recommend approval of the Sign Special Permit for an electronic Menu board as amended. Chair Robey called the Roll; all committee members voted yes and the motion carried 5-0.

The chair will ask for a Suspension of Rules at the March 22nd meeting to have this be referred to legal department to be put in proper legal form and be placed on the April 5 meeting for council action.

Order No. 21-1008162-Application for Special Permit by Attorney Falk on behalf of Speedy Auto Repair, Inc. to relocate an existing auto body shop from 315 Maple St. to 412-418 Maple Street in the commercial automotive district with land less than one acre with a preexisting nonconforming structure on site and change of use requires special permit.

Participating in this item via Teams were Brian Falk, attorney for applicant; Jeffrey Cooke, Marlborough's Building Commissioner; and Randy Carpenter, broker for the sale.

Preliminary discussion had begun on this item at the February 18th Urban Affairs meeting. The committee reviewed department head comments and began amending the draft special permit to incorporate those comments. The order was postponed in committee until the storage units on the site could be further investigated.

Reports of Committees:

Attorney Falk began by confirming that the storage units did receive approval for their use back in 2001 but do need to be incorporated into this Special Permit—a new condition has been added to petitioner’s draft, revised decision to cover them.

The chair read aloud the latest draft copy of the Special Permit beginning with Findings of Fact #3 where it was changed to read storage structures and asked for clarification if it was structure or structures. Councilor Doucette suggested the plural was appropriate; #5 where the date of November 23, 2021 needed to be changed to November 23, 2020. The conditions were read thru to delineate updated changes to #2 Site Plan Review; #7 Signs; #9 Fencing and new #13 Landscaping, #14 Parking, #15 Vehicle Sales, and #16 Storage Structures.

Further amendments were agreed to #9 Fencing to add in sentence that No other outdoor storage is allowed in the fenced in area or outside the fenced area; #11 Paint Waste to amend to language recommended by Priscilla Ryder to read-Paint Solvents and Hazardous Materials Waste. Any excess paint, solvents and hazardous materials at the Site shall be stored in a secure container provided by a professional waste removal vendor, and the container shall be removed and replaced by the vendor as needed; to add in a condition that the LED sign currently on the south side of building be removed and no LED sign would be allowed without a permit from the city council; and adding in a condition regarding hours to be 8 am to 6 pm Monday-Saturday.

Attorney Falk would also make sure that there was a copy of the proposed landscape plan created by Priscilla Ryder as Attachment B.

Councilor Doucette moved to recommend approval of the Special Permit for Speedy Auto Body as further amended. Chair Robey called the Roll; all committee members voted yes and the motion carried 5-0.

The chair will ask for a Suspension of Rules at the March 22nd meeting to have this be referred to legal department to be put in proper legal form and placed on the April 5 agenda for action.

Order No. 21-1008171-Application for Modification of a special Permit from Todd Wilson on behalf of diversified funding Acquisition LLC/Atlantic Property management to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of a manager’s residence to a guest room for a total of 65 rooms at hotel at 880 Donald J. Lynch Boulevard (Quality Inn).

Participating in this agenda item were Gareth Orsmond and Todd Wilson both from Diversified Funding Acquisition LLC and Commissioner Cooke.

Prior to a meeting, a draft Special Permit had been sent by the applicant and distributed to department heads for comment. Based on their comments, a revised Special Permit was provided with a marked-up copy and a clean copy. The chair reviewed the comments from department heads on the revised draft with City Engineer DiPersio citing the revised decision addresses his previous concerns; Conservation Officer Ryder had no comments; Fire Chief Breen stated he had no additional comments and would work with Commissioner Cooke to ensure all modifications meet current code; and Police chief Giorgi had no additional comments.

Commissioner Cooke asked to clarify whether the hotel would have guests staying under 30 days or over 30 days. Although not mentioned in the city zoning code, it is in the building code. The applicant will add in a condition clarifying this hotel would allow over 30-day stays.

Reports of Committees:

The chair then went over the changes made to the conditions based on department head comments: #13 corrected a typo; #15 added language that site will be connected to municipal sewer system; #16 added language that proposed work includes upgrades to the electrical utilities serving the building with the new system adequate to supply power to kitchenettes; a new #18 to add language on the Fire Code Report and modifications needed to the sprinkler layout in the four Type D rooms to make them code compliant. To make sure there were no other changes that were needed, the chair also read thru all the conditions. Councilor Doucette suggested a further amendment to add “at least one’ into Condition 4 (e) On Duty Employees reflecting there would be at least one employee on duty at all times; and a reminder by our Executive Assistant to add our standard condition regarding recording the Special Permit be added. These additional changes would be added to the document.

Councilor Doucette moved to recommend approval on the Special Permit to modify the hotel on Donald J. Lynch Blvd. as amended. Chair Robey called the Roll call; all committee members voted yes and the motion carried 5-0.

The chair will ask for a Suspension of Rules at the March 22nd meeting to have this be referred to legal department to be put in proper legal form and placed on the April 5 agenda for action.

It was moved and seconded to adjourn. Chair Robey called the Roll; all committee members voted yes and the meeting adjourned at 8:40 pm.

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.

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

ORDERED: That the Flat Wall Sign, Apex Mini Golf, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/21-1006443, **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:

Suspension of the Rules requested – granted.

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 Flat Wall Sign, Apex Kids, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/21-1006443, **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 the Request for a replacement panel on the Free-Standing Monument Sign, Apex Mini Golf, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/21-1006443, **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 the Request for replacement of two panels on the Free-Standing Monument Signs, Apex Kids, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/21-1006443, **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:

Suspension of the Rules requested – granted.

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 Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street, Order No. 21-1008199, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER LEGAL FORM**; 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:

Suspension of the Rules requested – granted.

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 Application for Special Permit from Attorney Brian Falk, on behalf of Speedy Auto Repair, Inc., to relocate an existing auto body shop from 315 Maple Street to 412-418 Maple Street in the Commercial Automotive Zoning District; with a land area of less than one acre in addition to a preexisting nonconforming structure on the site, Order No. 21-1008162, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER LEGAL FORM**; 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:

Suspension of the Rules requested – granted.

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 Application for Modification of Special Permit from Todd Wilson, on behalf of Diversified Funding Acquisition LLC/Atlantic Property Management, to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of manager's residence to a guest room for a total of 65 guest rooms at 880 Donald J. Lynch Boulevard, Order No. 21-1008171, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER LEGAL FORM**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Human Services Committee hold a public meeting to allow the Marlborough Hospital leadership to present additional details regarding the Mass General Brigham proposed expansion, referred to the **HUMAN SERVICES COMMITTEE**; adopted.

(Submitted by Councilor Wagner)

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 City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for future city budgets, **APPROVED**; 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 \$579,275.76 from Undesignated Fund (Free Cash) to Miscellaneous Mitigation account to be used to finish mitigation costs related to trench repair, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:		DPW				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$15,047,854.00	\$579,275.76	10000	35900	Undesignated Fund	\$579,275.76	31040506	59573	FY20 Streets Reconstruction	\$1,325,323.20
Reason:		Funds received from Eversource							
	\$579,275.76	Total			\$579,275.76	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 \$370,000.00 which moves funds from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT for FY2022, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$634,764.76	\$370,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$370,000.00	89000	25581	Marlboro Cable Trust	\$0.00
Reason:		To fund WMCT'S FY22 Budget							
	\$370,000.00	Total			\$370,000.00	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 \$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, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor		FISCAL YEAR: 2021							
FROM ACCOUNT:				TO ACCOUNT:					
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	Minehan 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: 10 – Nay: 0 – Abstain: 1

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

Abstain: Wagner.

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, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Auditor				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available 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, **APPROVED**; 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: 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, **APPROVED**; adopted.

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: 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.

Suspend First Reading; Adopt Second Reading; APPROVED.

Yea: 11 – Nay: 0

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

Passage to Enroll; APPROVED.

Yea: 11 – Nay: 0

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

Passage to Ordain; APPROVED.

Yea: 11 – Nay: 0

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

No objection to passage in one evening.

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

ORDERED: That the Transfer Request in the amount of \$3,150.00 which moves funds from Summer Employment to Conservation Commission Members to cover the stipends through June 30, 2021, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Mayor				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$50,000.00	\$3,150.00	11210003	51250	Summer Employment	\$3,150.00	12410003	51186	Conservation Comm Member	\$0.00
	Reason:	Unused due to COVID-19				To fund stipends for board members			
	\$3,150.00	Total			\$3,150.00	Total			

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 10:30 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 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, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

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

Ninety days after public hearing is 07/04/21 which falls on a Sunday, therefore 07/05/21 would be considered the 90th day.

ADOPTED

ORDER NO. 21-1008215



RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH, MA
2021 MAR 31 P 2:51

Marlborough City Council
Robert J. Tunnera
Michael H. Ossing
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

March 30, 2021

Honorable Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Municipal Aggregation – March 2021 Update

Dear Honorable Members:

In accordance with Order No.19-1007578B, this correspondence informs the City Council of the fourth quarter 2020 savings from the approved fixed price contract with Inspire that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period. The contract with Inspire runs through January 2024.

Colonial Power has compiled the fourth quarter 2020 data and the City residents saved over \$479,000 in their electricity bill compared to the National Grid Basic Service Rate. Refer to the table in Attachment 1 and the graph in Attachment 2.

As a reminder, the City contract with Inspire is 100% wind Renewable Energy Credits (RECs). The savings are even greater when compared to the National Grid Green options.

Looking ahead to the first quarter 2021, the City residents participating in the municipal aggregation program can anticipate even greater savings compared to the National Grid “winter” Fixed Basic Service Rate which took effect in November 2020 (0.12388 \$/kW-hr). This is significant as the City residents will continue to see savings over the Nation Grid Fixed Basic Service rate and the requirements in order 19-1007578B will be satisfied by “on a yearly average be lower than the National Grid Fixed Basic service rates during the same time period.”

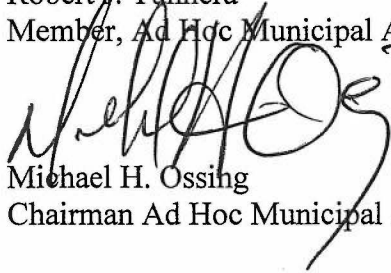
This information will be updated periodically and forwarded to the Councilors in accordance with Order 19-1007578B.

As Councilors, you can take pride in your decision to support Municipal Aggregation as we are saving our residents money on their electricity bills. Since November 2019, City residents have saved over \$2,100,000 on their electric bills with Inspire.

Sincerely,



Robert J. Tunnera
Member, Ad Hoc Municipal Aggregation Committee



Michael H. Ossing
Chairman Ad Hoc Municipal Aggregation Committee

Attachment 1: Table showing Residential Savings with Inspire

Attachment 2: 4th quarter 2020 status report – Graph illustrating Marlboro aggregation savings

CITY OF MARLBOROUGH COMMUNITY CHOICE POWER SUPPLY PROGRAM STATUS REPORT Q4 2020

Prepared March 2021

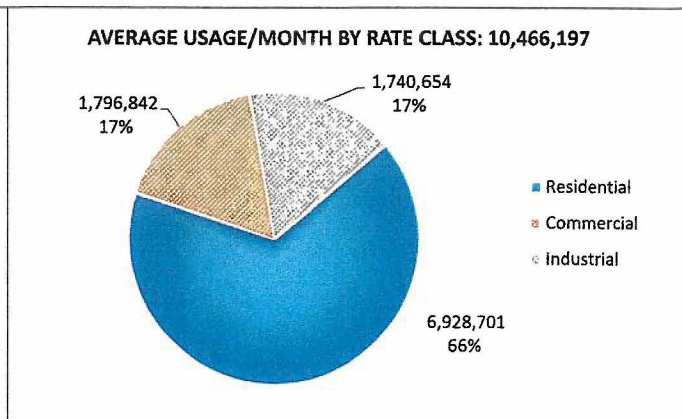
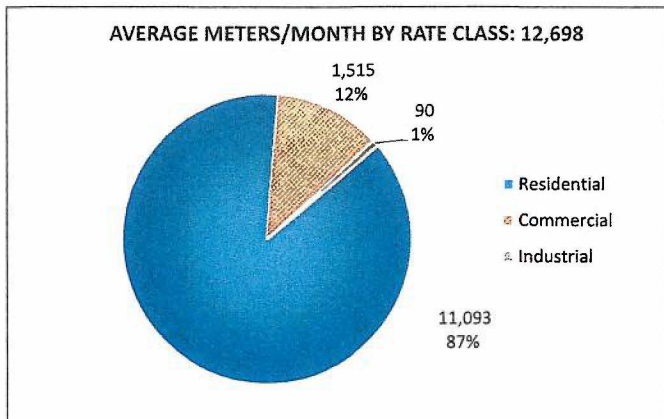
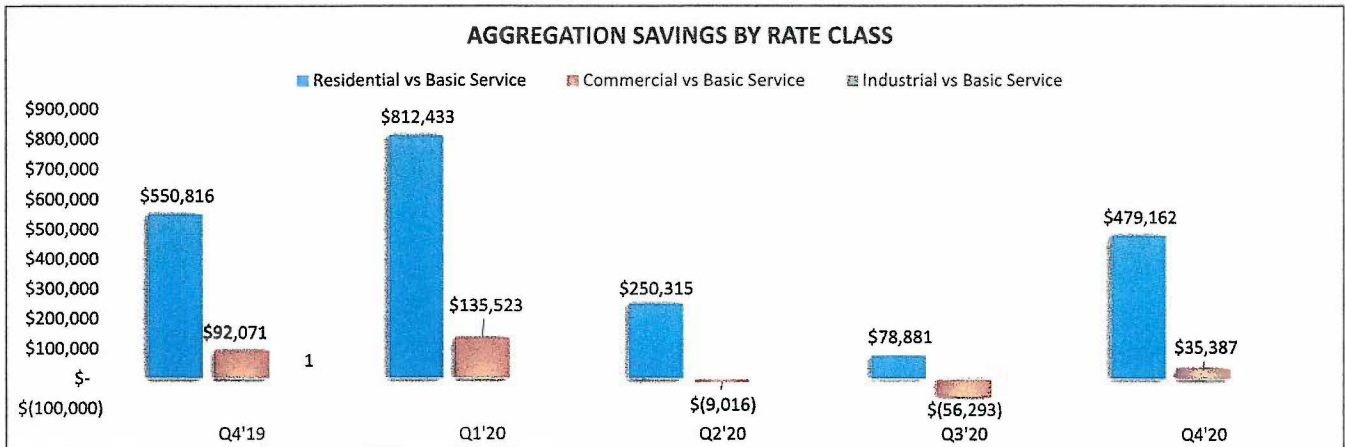
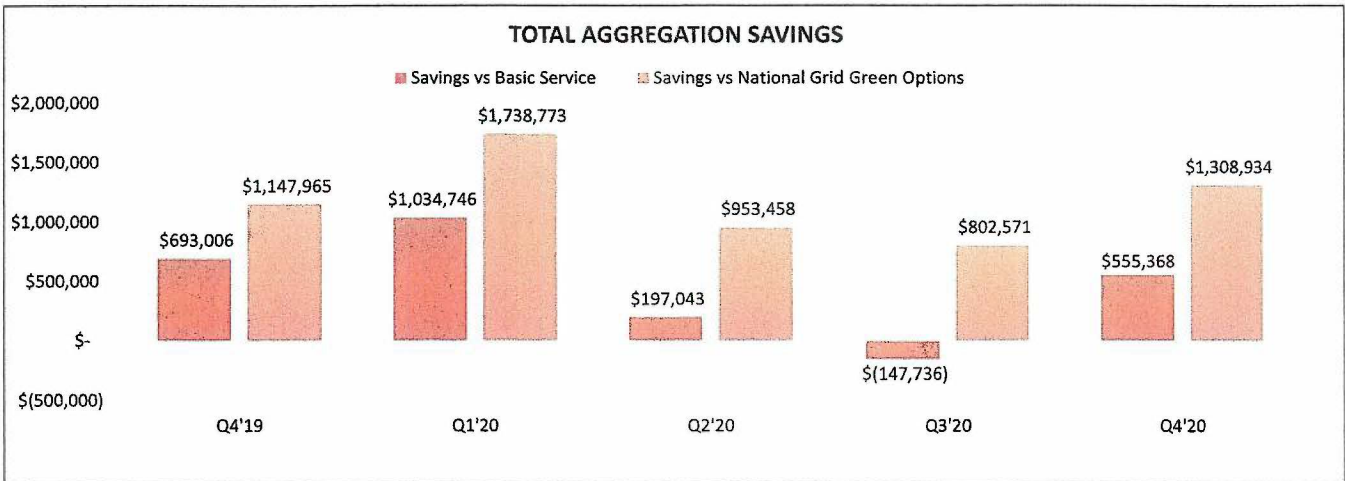
This report has been prepared by Colonial Power Group with information/data being provided by the Competitive Supplier and National Grid. The purpose of the report is to provide information about the City of Marlborough's Community Choice Power Supply Program, which currently provides competitive power supply to approximately 12,700 customers in the City. The data provided by the Competitive Supplier is not available until three months after the month it is used. For example, power is *Used* in January, *Invoiced* in February, *Paid* in March and *Reported* in April.

PROGRAM RATES			
Term	May 2019 – Nov 2019	Nov 2019 - Aug 2020	Aug 2020 - Jan 2024
Competitive Supplier	Dynegy	Inspire	Inspire
Standard Offering	\$0.09732 / kWh	\$0.09690 / kWh	\$0.09390 / kWh
Renewable Content:	Meet MA Requirements	100% National Wind RECs	100% National Wind RECs
Optional Offering	\$0.09804 / kWh	N/A	N/A
Renewable Content:	100% National Wind RECs	N/A	N/A

COMPARISON TO NATIONAL GRID RATES

[Click here for NGRID GreenUp Info](#)

As of November 2019, the City of Marlborough chose a 100% green product as its standard offering, which supports renewable energy as 100% of the power supply is offset with Renewable Energy Certificates (REC's). Prior to that the standard offering met MA RPS. The City's aggregation savings are directly tied to the margin of savings between the Program's rates and National Grid's corresponding Basic Service rates as well as the level of consumption by participating consumers. Basic Service rates change twice a year or more, depending on utility and rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against the Basic Service rate. However, such savings and future savings cannot be guaranteed.



Attachment 1

Table Showing Residential Savings with Inspire

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
Fourth Quarter 2019	Nov - .13957 Dec - .13957	Nov - .09690 Dec - .09690	\$550,815	\$693,006
First Quarter 2020	Jan – Mar .13957	Jan – Mar .09690	\$812,433	\$1,034,746
Second Quarter 2020	Apr - .13957 May - .09898 Jun - .09898	Apr – Jun .09690	\$250,315	\$197,043
Third Quarter 2020	Jul – Sept .09898	Jul - .09690 Aug - .09390 Sept - .09390	\$78,881	(-\$147,736)*
Fourth Quarter 2020	Oct - .09898 Nov - .12388 Dec - .12388	Oct – Dec .09390	\$479,162	\$555,368
First Quarter 2021	Jan – Mar .12388	Jan – Mar .09390	TBD	TBD

- *National Grid sets different rate for commercial/industrial users that are not associated with the National Grid residential fixed basic service rate.
- Total residential savings from Inspire (November 2019 to December 2020) - \$2,171,606.
- Total program savings (all rate classes) since inception in 2007 is \$6,307,329.

Councilor-at-Large Robey
Input submitted March 22, 2021, Item #3, Public Hearing
Order #21-1008216: Proposed Results Way Mixed Use Zoning Overlay District

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAR 25 A 10:21

On August 27, 2012, the city council first heard about an interesting project being proposed by Atlantic -Marlboro Realty, a company owned by Joe Zinc. He had a dream to take an approx. 100-acre parcel on Forest Street with empty buildings and not much tax base for city and turn them and the available land into a thriving mixed-use development of housing, retail and workplaces within close proximity of each other.

After a public hearing and much discussion in Urban affairs on the original request of 15 uses by right, 1 use by special permit and 4 expressly prohibited uses, the code was amended on Dec. 17, 2012 to create Chapter 650-33 Results Way Mixed Use Overlay District specifically described as land adjacent to Simarano Dr to west, Forest St to north and Puritan Way & Results Way to east.

The next step was the Master Plan and Development Agreement which was approved on May 6, 2013. The Master Plan created 4 areas-hospitality, commercial, residential and retail and included a public walking path. The developer then worked with the city to successfully obtain a \$1.5M Mass works grant, contributed \$30K toward the design of Simarano Dr as part of grant, waived money due city in an order of taking for land required to improve Simarano Dr and contributed \$150K to off-site sewer improvements. They also succeed in getting Quest Diagnostics and GE Healthcare to be tenants on the site and had hotel and housing completed. In 2018, the developer came for a request to amend the Development Agreement asking for additional housing stating that he had been unsuccessful in finding retail clients and asked for ability to do more housing in hopes that retail would come later. He also indicated an empty building on site had a potential tenant. When the council agreed to the amendment, there was language added to the development agreement that upon completion of the 2nd phase no more multi-family housing of any type shall be permitted within the RWMUOD. As of this date, that 3rd building stands empty and there is no retail on site.

With all that history, why would the council now amend the zoning code to allow a parcel that happens to be located across Simarano Dr. and is currently zoned Industrial to benefit from this Overlay? Would it be because in Industrial zones, they can't build housing or hotel/motel? Phase 2 housing of Results Way is almost complete and the council approved The Green District just to south of this property. There is another housing development to the north called Talia. The city is currently dealing with a proposed mutli-family housing special permit and will at some time in near future have to deal with the legislation passed that requires the council to define a zoning district of reasonable size where multi-family housing is permitted as of right. Is more housing really needed? There are at least 6 hotels within 2 miles of The Campus, do we need more hotels in city?

Other than these 2 items which require a special permit, many of the uses listed as of right for Results Way are also available as of right to The campus.

If they can already build out the parcel further, I question if it really benefits the city by amending this overlay district and giving a new owner of the Campus the benefit of the hard work done by Mr. Zinc in taking an empty parcel and turning it into one that benefits the city in taxes and employment.

As in the past , we are getting ahead of ourselves today as the only thing before us is amending 650-33. I look forward to discussing this first step in Urban Affairs after we hear from the Planning Board after their April 5th PH.

I will add an additional note that the proposed housing is not on the site approved for a Sewer Connection Permit originally approved in 2005, extended until 2018 and further extended until Dec 2, 2020. The Sewer Connection Permit is for Map 111, Parcel 1, the proposed housing is on Map 100 Parcel 19. According to Tom DiPersio, the city no longer grants sewer connection permits, it simply reviews the information during site plan and approves a project if sufficient flow exists, which as of now isn't an issue.



City of Marlborough
Office of the Mayor

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

2021 APR -1 A 11:10

Patricia M. Bernard
EXECUTIVE AIDE

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

Michele A. O'Brien
EXECUTIVE SECRETARY

April 1, 2021

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

RE: Transfer request for Auditor's Office

Honorable President Ossing and Councilors:

I am submitting a transfer request in the amount of \$23,805.00 from the Reserve of Salaries and \$3,000.00 from the Part Time Mail Clerk for a total amount of \$26,805.00 to fund vacation and sick leave buy back for two retiring employees as outlined in Diane Smith's attached correspondence.

I would like to take this opportunity to thank our Procurement Officer Beverly Sleeper who is retiring on April 3rd, for her dedication and service to the City of Marlborough. She's been a true asset, always keeping the best interest of the City in mind.

If you have any questions, please contact me or City Auditor Diane Smith.

Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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

February 26, 2021

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

RE: Auditor's Office Transfer

I respectfully request a transfer to cover the vacation and sick leave buy back payouts due to two retiring employees within my office.

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

Sincerely,

Diane Smith, CGA
City Auditor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

FISCAL YEAR: 2021

TO ACCOUNT:

Org Code Object Account Description:

11350001 50174 Procurement Officer \$30,710.10

To cover vacation payout and overlap

11350003 51920 Sick Leave Buy Back \$0.00

To cover slbb payout

11350002 50770 Part Time Senior Clerk \$2,431.20

To cover vacation payout

Total

DEPT: Auditor

FROM ACCOUNT:

Org Code Object Account Description:

11990006 57820 Reserve for Salaries \$18,600.00

Reason:

11330002 50588 Part Time Mail Clerk \$5,000.00

Reason:

\$3,205.00

Reason:

Reason:

Reason:

Reason:

Reason:

\$26,805.00

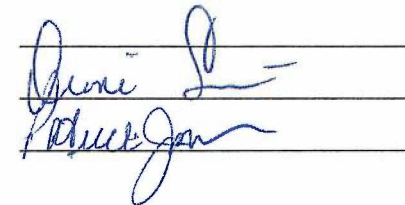
Total

\$26,805.00

Department Head signature:

Auditor signature:

Finance Director signature:



Available
Balance

Amount

\$45,768.00

Reason:

\$7,203.23

Reason:

Reason:

Reason:

Available
Balance

\$30,710.10

\$0.00

\$2,431.20



City of Marlborough Legal Department

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

RECEIVED
JASON D. GROSSFIELD
CITY SOLICITOR
JASON M. PIQUES
2021 ASSISTANT CITY SOLICITOR
HEATHER H. GUTIERREZ
PARALEGAL

March 30, 2021

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

Re: Council Order No. 21-100822
Presentation Materials re: Grant/Denial of Special Permits

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find a copy of presentation materials prepared in anticipation of a future meeting on this item in the Urban Affairs Committee. I look forward to discussing this subject in committee.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure
cc: Arthur G. Vigeant, Mayor



MARLBOROUGH MASSACHUSETTS

SPECIAL PERMITS: APPROVALS AND DENIALS

JASON GROSSFIELD, CITY SOLICITOR (MARCH 2021)

Zoning and the “Special Permit”

- Zoning Act, G.L. c. 40A, § 1A, “Zoning” means ordinances adopted by city to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities to protect the health, safety and general welfare of their present and future inhabitants.
- Section 9 of the Zoning Act contemplates a zoning ordinance will require a special permit to permit certain types of uses. Special permits may be issued only for uses in a specific district which are in harmony with the general purpose and intent of the zoning ordinance, Chapter 650 of the City Code.

ZONING

650 Attachment 1

City of Marlborough

Table of Use Regulations
(§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F;

3-11-2013 by Ord. No. 12/13-1005235B; 10-7-2013 by Ord. No. 13-1005481D; 2-10-2014 by Ord. No. 13/14-1005578C; 4-28-2014 by Ord. No. 14-1005693C; 8-14-2014 by Ord. No. 12/13/14-1005247I; 12-1-2014 by Ord. No. 14-1005947C; 11-28-2016 by Ord. No. 16-1006631D; 10-16-2017 by Ord. No. 17-1006980B; 11-27-2017 by Ord. No. 17-1007002C; 4-2-2018 by Ord. No. 18-1007163-1C; 5-21-2018 by Ord. No. 18-1007163-2D; 9-10-2018 by Ord. No. 18-1007311C; 11-19-2018 by Ord. No. 18-1007337E; 12-16-2019 by Ord. No. 19-1007716E; 5-18-2020 by Ord. No. 20-1007915D; 6-22-2020 by Ord. No. 20-1007947H]

KEY:

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.

All uses noted with "N" are not permitted.



	Zoning District Abbreviations													Wayside
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	
Residential Use														
Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
Single-family, attached (1)*	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	SP	SP	SP	SP	Y	Y	N	Y	N	N	N	N	N	N
Two-family homes	N	N	N	N	Y	Y	N	Y	N	N	N	N	N	N
Conversion of a two-family dwelling to a three (3)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	N	N
Multifamily dwelling (4)(42)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	SP	SP
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y	Y	Y	SP	Y	Y	Y	Y	N	Y

* (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)



Process

- Application
 - Public Hearing
 - Deliberation
 - Decision
- Ord. 650-57 establishes procedures.
 - Interested persons may appear to express their views (pros and cons). Factual information is received on the application.
 - The Council (or Urban Affairs Cmte.) will deliberate on the application in open meeting.
 - A written decision containing findings, and any conditions is prepared.

Special Permit: General Criteria

GENERAL REQUIRED FINDING TO ISSUE SPECIAL PERMIT:

The Use and its impact and characteristics shall not be in conflict with public health, safety, convenience and welfare and shall not be detrimental or offensive, provided the conditions, safeguards or limitations imposed, if any, are met.
Ord. 650-57(C)(12).

PURPOSE OF Zoning Ordinance:

Promote and conserve the health and general welfare of the inhabitants of the City

Secure safety from fire, confusion or congestion

Facilitate the adequate provision of transportation, water, sewerage and other public services

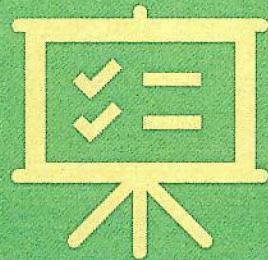
Avoid undue concentrations of population

Encourage the most appropriate use of land

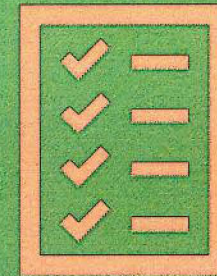
Increase the amenities of the City.

Ord. 650-2.

Applying Criteria and Making Findings



Consider the criteria in the Zoning Ordinance, including any additional use/district specific provisions.



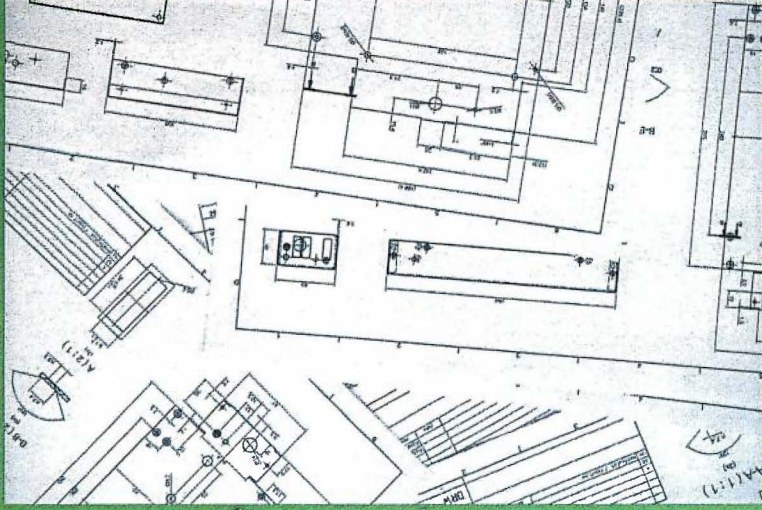
Base any findings on information in the record, and evaluate the information against these criteria.

Example

Criteria/Standard

- Quality of design and materials for building facades visible from public ways
- (Wayside Zoning District - Additional Criteria)

Findings Based on Record



- A plan or rendering may show what is visible from the public way.

In your discretion, with caveats

Appropriate to Consider

- Impacts associated with proposed use
- Electing not to vary or waive dimensional limitations even if authorized

Caution



- Applying criteria not in ordinance
- Reputation/Character of Applicant
- Past zoning violations
- Basing decision on factual information not in the record

Conditions



The SPGA has authority to impose conditions based upon the interests and purpose of the Zoning Ordinance.



Examples of permissible conditions:

Hours of operation, Construction Start deadline, vehicle limits, parking spaces, landscaping, dust, limited to term of ownership/specific use, deadline for substantial use to commence



Example of invalid conditions: Vague undefined “problems” to fix, condition unrelated to special permit criteria

Ensuring Fairness in Special Permit Process



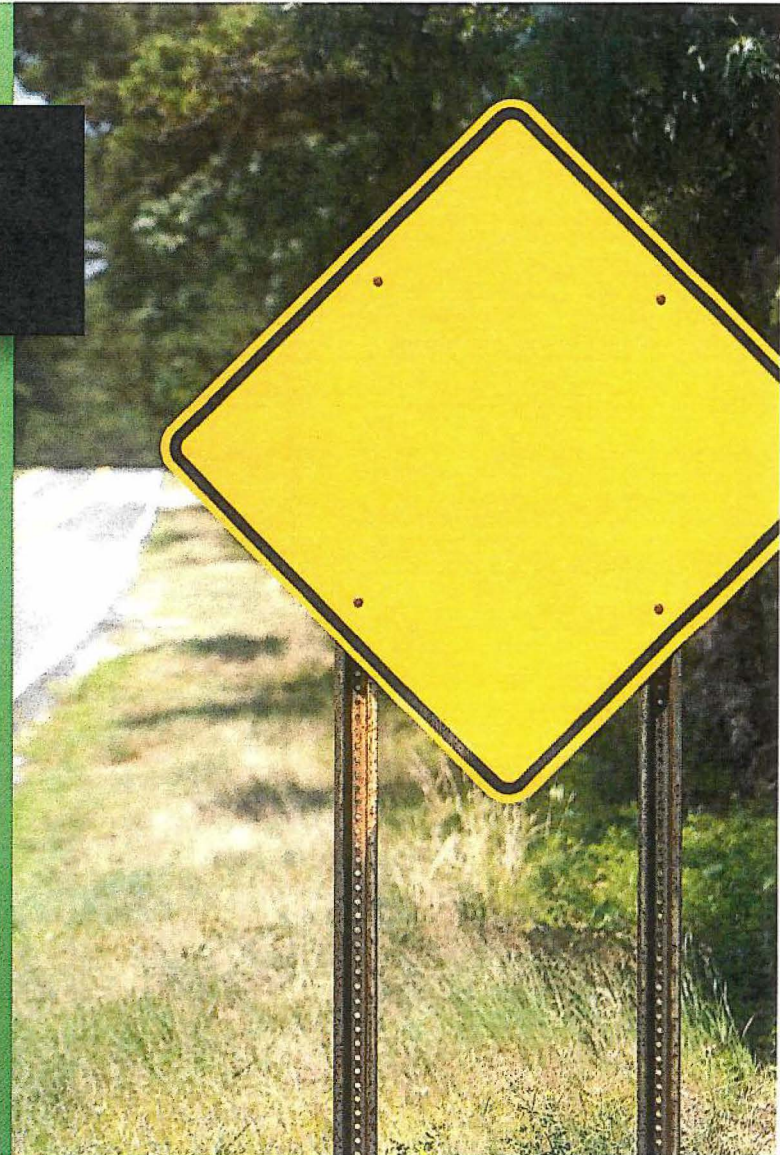
- SPGA acts in a judicial or quasi-judicial role.
- Ensure a fair process for all involved.
 - Applicant has a right to an “an honest, uninfluenced opinion rendered in good faith”.
 - Conflict of Interest Law - Be mindful of any potential relationships that could even be perceived as a conflict and contact our office in advance for advice.
 - Take in Factual Information through the Public Hearing.
 - Avoid Ex Parte Communications
 - Comments from the Public: Maintain a uniform procedure; In person or via City Clerk.
 - Communications with applicants occur in the context of the public hearing or a public meeting.
- SPGA deliberations on an application occur in an open meeting per the Open Meeting Law. These generally take place after the public hearing is closed.

Requirements for a Decision

- GRANT
 - Required to make detailed findings in support of its decision
 - The reasons must show why the proposed use meets the standards in the ordinance
 - A decision that rests upon inadequate consideration of the relevant legal criteria must be vacated
- DENIAL
 - Does not require detailed findings
 - Requirement to provide reasons is less demanding than for a grant
 - Reasons that are merely conclusory, (i.e. repeat regulatory phrases, unsupported by any facts in the record) are invalid
 - If decision fails to give any reasons, or if the SPGA offers reasons at trial that are different than those offered in its decision, the court is not required to search for facts to justify the denial

Special Permits in Court

- Common avenues for litigating special permits
 - Abutter appeals a Grant
 - Must meet the standard of an “aggrieved person”. A plaintiff will have to be able to demonstrate damage to the plaintiff that is definite and material and not predicated merely on “speculative personal opinion.”
 - Applicant appeals a Denial



Judicial Review & Examples from the Courts

When a court reviews a special permit decision, the court will find the facts *de novo*, and, based on the facts found by the court, affirm the decision of the special permit granting authority “unless it is based on a legally untenable ground, or is unreasonable, whimsical, capricious or arbitrary.”

Inquiry, Part 1: Whether the special permit granting authority’s decision applied incorrect standards or criteria.

Inquiry, Part 2: Discretionary power of denial extends up to those rarely encountered points where no rational view of the facts the court has found supports the [special permit granting authority]’s conclusion that the applicant failed to meet one or more of the relevant criteria found in the governing statute or ordinance

Thank you and please don't hesitate to
contact our office with any questions.

Phone: (508)460-3771

E-Mail: jgrossfield@marlborough-ma.gov



City of Marlborough Legal Department

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

RECEIVED
JASON D. GROSSFIELD
CITY SOLICITOR
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
2021 MAR 30 10:40
HEATHER H. GUTIERREZ
PARALEGAL

March 30, 2021

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

Re: City Council Order No. 20-1008162
Special Permit Decision, 412-418 Maple Street, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-57C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application.

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

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

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

_____, 2021

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. #20/21-1008162

Application of:
Speedy Auto Repair Inc.

Locus:
412 - 418 Maple Street, Marlborough, MA
Parcels 66A & 68 on Assessors Map 93

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Speedy Auto Repair Inc., with a mailing address of 315 Maple Street, Marlborough, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2021

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2021.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Speedy Auto Repair Inc.

Locus:
412 - 418 Maple Street, Marlborough, MA
Parcels 66A & 68 on Assessors Map 93

**DECISION ON A SPECIAL PERMIT
ORDER NO. 20/21-1008162**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Speedy Auto Repair Inc. (the "Applicant") for an auto repair use at 412 - 418 Maple Street in the Commercial Automotive Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Speedy Auto Repair Inc., is a Massachusetts corporation with an address of 315 Maple Street, Marlborough, MA 01752.
2. The Applicant is the prospective owner of the property located at 412 - 418 Maple Street, Marlborough, Massachusetts, being shown as Parcels 66A & 68 on Assessors Map 93 (the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18.A(25), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes an auto repair use at the Site on a parcel with an area of less than one acre, and in accordance with Article IV, Section 650-12.B, of the Zoning Ordinance, the Applicant proposes a change in use of a preexisting nonconforming structure at the Site from retail / small engine repair to auto repair (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of a building containing the auto repair operation, accessory parking, storage structures, and landscaped areas.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.

5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Existing Condition Plan of Land in Marlborough, MA” by Hancock Associates, with the last revision date of November 23, 2020, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior of the site (collectively the “Plans”) attached hereto as **“Attachment A.”**

6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

7. The Site is located in the Commercial Automotive Zoning District.

8. The Site has an area of 33,059 square feet +/- as shown on the Plans.

9. The Site’s principal building is a preexisting nonconforming structure with respect to the front yard setbacks. The Site is preexisting nonconforming with respect to lot coverage.

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

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, January 25, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and “An Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20” issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on January 25, 2021.

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

13. At the public hearing, no members of the public spoke in opposition to the Use.

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

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

B. The City Council finds that the proposed change in use of the Site from a retail / small engine repair use to an auto repair use would not be substantially more detrimental to the neighborhood than the existing use of the Site.

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

D. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit for an auto repair use at 412 – 418 Maple Street on a parcel with an area of less than one acre, and a change in use of a preexisting nonconforming structure at 412 – 418 Maple Street from retail / small engine repair to auto repair as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

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

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

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

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

6. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process. Exterior lighting at the Site shall be shut off outside of the auto repair use operating hours, except for lighting necessary for security and emergency access.

7. Signs. Signage at the Site shall be flat wall signs and comply with the City's Sign Ordinance, specifically (but not limited to) Section 526-9, Nonresidence Districts, of the Code of the City of Marlborough. The LED sign on the south side of the building shall be removed prior to occupancy. No LED signs shall be allowed at the Site without the approval of the City Council.

8. Indoor Repairs. Auto repairs shall take place indoors, with the exception of minor, non-nuisance repair work and the temporary storage of vehicles undergoing repairs at the Site. The Applicant shall use and maintain in good working order an indoor paint spray booth or similar technology.

9. Fencing. The Applicant shall install solid fencing to screen areas of the Site used for the storage of vehicles under repair from the view of abutting properties and public ways, and shall maintain the fencing in good repair. No other outdoor storage shall be permitted at the Site inside or outside of fenced areas. The fencing shall comply with the requirements of all applicable City Ordinances. Dumpsters shall be stored inside the fenced area. Fencing and gates at the Site shall be designed to prevent vehicles from using the Site as a pass-through between Maple Street and Walker Street.

10. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.

11. Paint, Solvents, and Hazardous Materials Waste. Any excess paint, solvents, or hazardous materials at the Site shall be stored in a secure container provided by a professional waste removal vendor, and the container shall be removed and replaced by the vendor as needed.

12. Curb Cuts. The Site shall have two (2) curb cuts, with one (1) along Maple Street and one (1) along Walker Street. The existing curb cut along Walker Street closest to the corner of Maple Street shall be eliminated.

13. Landscaping. The Applicant, its successor and/or assigns, shall improve the landscaping at the site, adding new landscaped areas as shown on the sketch plan attached hereto as "**Attachment B.**" A detailed landscaping plan for the Site shall be reviewed and further conditioned during the Site Plan Review process. The landscaping shall be sufficient, in the opinion of the Site Plan Review Committee, to improve the aesthetics of the corner of Maple Street and Walker Street during all seasons with adequate trees and shrubs, and shall be more robust than is required by the Zoning Ordinance.

14. Parking. Parking areas for vehicles under repair, employees, and customers shall be orderly and in designated striped areas, to be defined during the Site Plan Review process. The Applicant, its successors and/or assigns, shall not park vehicles under repair or employee vehicles off of the Site along public ways.

15. Vehicle Sales. The Site may not be used for the sale of vehicles.

16. Storage Structures. The current use of the storage structures located on the Site as a self-service storage facility, defined in Section 650-5 of the Zoning Ordinance, shall be subject to Site Plan Review, taking into consideration parking requirements, landscaping, and screening.

17. Operating Hours. The maximum operating hours of the auto repair use shall be Monday through Saturday from 8:00 a.m. to 6:00 p.m.

18. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: ___ - Nay: ___ -Absent - ___

Yea: _____, _____, _____, _____, _____, _____, _____, _____,
Nay: _____, _____,
Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. 20/21-1008162

Attachment A

418 MAPLE STREET

Marlborough, Massachusetts 01752

PREPARED FOR
SPEEDY AUTO REPAIR, INC.

315B Maple Street
Marlborough Massachusetts 01752

HANCOCK ASSOCIATES

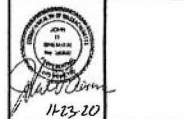
Civil Engineers

Land Surveyors

Landscape Architects

Wetland Scientists

185 CYRUS STREET, BARNSTABLE, MA 01925
VOICE (508) 777-3566, FAX (508) 774-7846
WWW.HANCOCKASSOCIATES.COM



NO.	DATE	ISSUE/REVISION DESCRIPTION
1	11/23/20	ISSUE FOR PERMIT

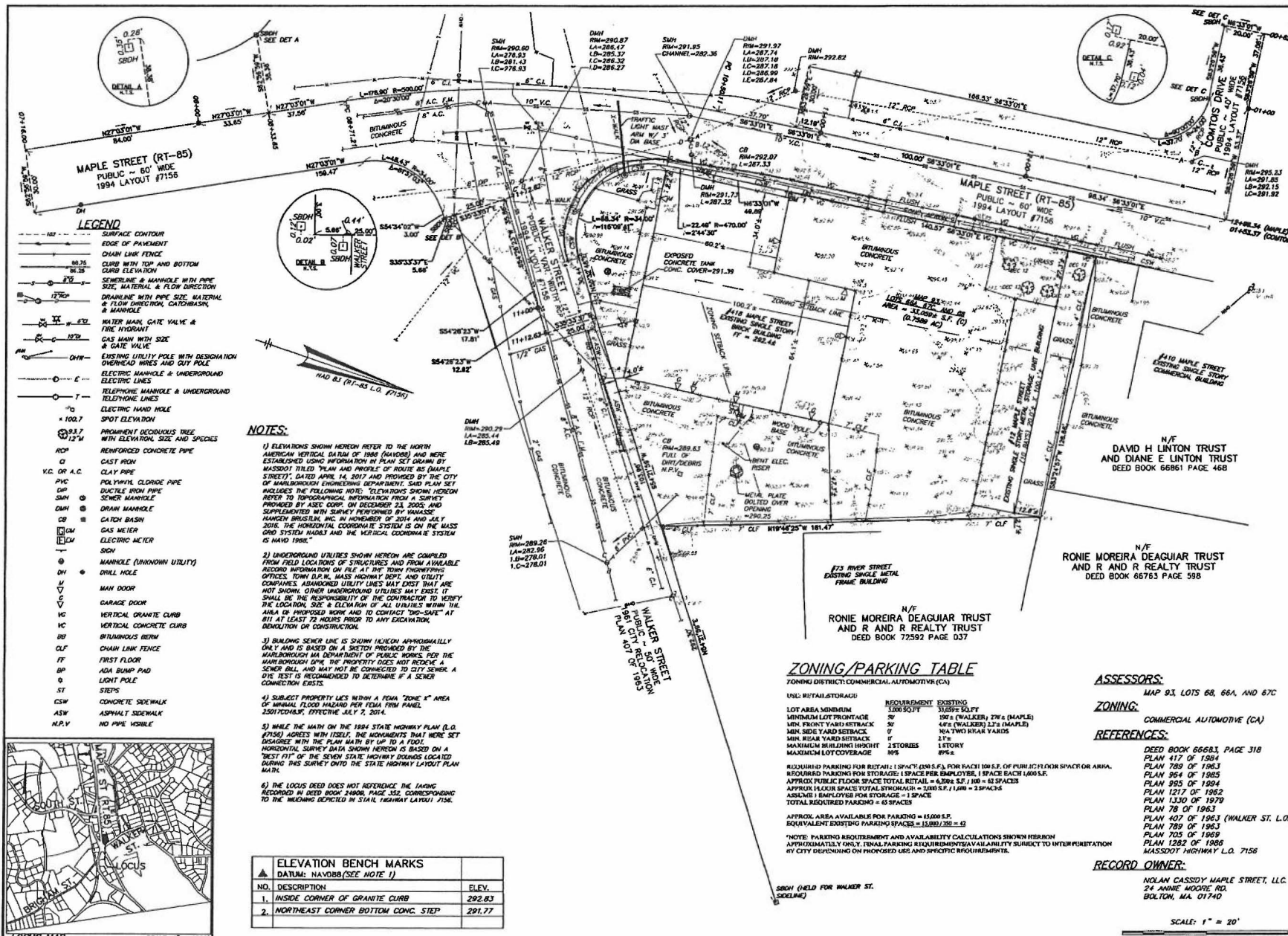
NO.	DATE	ISSUE/REVISION DESCRIPTION
1	11/23/20	ISSUE FOR PERMIT

EXISTING CONDITION PLAN OF LAND IN MARLBOROUGH, MA

DATE: 11/23/20
SCALE: 1" = 20'
DRAWN BY: [Signature]
CHECK BY: [Signature]

RECORD OWNER:
NOLAN CASSIDY MAPLE STREET, LLC
24 ANNE MOORE RD.
BOLTON, MA 01740

DWG: 24287SV.dwg
LAYOUT: EC
SHEET: 1 OF 1
PROJECT NO.: 24297



- LEGEND**
- SURFACE CONTOUR
 - EDGE OF PAVEMENT
 - CHAIN LINK FENCE
 - CURB WITH TOP AND BOTTOM CURB ELEVATION
 - SEWERLINE & MANHOLE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION
 - DRAINAGE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION, CATCHBASIN & MANHOLE
 - WATER MAIN, GATE VALVE & FIRE HYDRANT
 - GAS MAIN WITH SIZE & GATE VALVE
 - EXISTING UTILITY POLE WITH DESIGNATION, OVERHEAD WIRES AND CUY POLE
 - ELECTRIC MANHOLE & UNDERGROUND ELECTRIC LINES
 - TELEPHONE MANHOLE & UNDERGROUND TELEPHONE LINES
 - ELECTRIC HAND HOLE
 - SPOT ELEVATION
 - PROMINENT DECIDUOUS TREE WITH ELEVATION, SIZE AND SPECIES
 - REINFORCED CONCRETE PIPE
 - CAST IRON
 - CLAY PIPE
 - POLYETHYLENE GLYCOLIDE PIPE
 - DUCTILE IRON PIPE
 - SEWER MANHOLE
 - DRAIN MANHOLE
 - CATCH BASIN
 - GAS METER
 - ELECTRIC ACTUATOR
 - SIGN
 - MANHOLE (UNKNOWN UTILITY)
 - DRILL HOLE
 - MAN DOOR
 - GARAGE DOOR
 - VERTICAL GRANITE CURB
 - VERTICAL CONCRETE CURB
 - BITUMINOUS BERM
 - CHAIN LINK FENCE
 - FIRST FLOOR
 - ADA BUMP PAD
 - LIGHT POLE
 - STEPS
 - CONCRETE SIDEWALK
 - ASPHALT SIDEWALK
 - NO PIPE VISIBLE

NOTES:

- ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) AND WERE ESTABLISHED USING INFORMATION IN PLAN SET DRAWING BY MASSDOT TITLED "PLAN AND PROFILE OF ROUTE 85 (MAPLE STREET)", DATED APRIL 14, 2017 AND PROVIDED BY THE CITY OF MARLBOROUGH ENGINEERING DEPARTMENT. SAID PLAN SET INCLUDES THE FOLLOWING NOTE: "ELEVATIONS SHOWN HEREON REFER TO TOPOGRAPHICAL INFORMATION FROM A SURVEY PROVIDED BY ASEC CORP. ON DECEMBER 23, 2005, AND SUPPLEMENTED WITH SURVEY PERFORMED BY WASSAGE HANSON SURVEYING, INC. IN NOVEMBER OF 2014 AND JULY 2018. THE HORIZONTAL COORDINATE SYSTEM IS ON THE MASS GRID SYSTEM (NAD 83) AND THE VERTICAL COORDINATE SYSTEM IS NAVD 1988."
- UNDERGROUND UTILITIES SHOWN HEREON ARE COMPILED FROM FIELD LOCATIONS OF STRUCTURES AND FROM AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN ENGINEERING OFFICES. TOWN D.P.W., MASS HIGHWAY DEPT. AND UTILITY COMPANIES. ABANDONED UTILITY LINES MAY EXIST THAT ARE NOT SHOWN. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DUG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
- BUILDING SEWER LINE IS SHOWN HEREON APPROXIMATELY ONLY AND IS BASED ON A SKETCH PROVIDED BY THE MARLBOROUGH MA DEPARTMENT OF PUBLIC WORKS PER THE MARLBOROUGH D.P.W. THE PROPERTY DOES NOT RECEIVE A SEWER BILL, AND MAY NOT BE CONNECTED TO CITY SEWER. A DUE DILIGENCE IS RECOMMENDED TO DETERMINE IF A SEWER CONNECTION EXISTS.
- SUBJECT PROPERTY LIES WITHIN A FEMA "ZONE A" AREA OF MINIMAL FLOOD HAZARD PER FEMA PLAN 25017C0401A, EFFECTIVE JULY 7, 2014.
- WHERE THE MAPS OF THE 1984 STATE HIGHWAY PLAN (L.O. #758) AGREES WITH (DIFFERS FROM) THE AGREEMENTS THAT WERE SET DISAGREE WITH THE PLAN MAP BY UP TO A FOOT. HORIZONTAL SURVEY DATA HEREON IS BASED ON A "BEST FIT" OF THE SEVEN STATE HIGHWAY RECORDS LOCATED DURING THIS SURVEY ONTO THE STATE HIGHWAY LAYOUT PLAN MAP.
- THE LOCUS DEED DOES NOT REPRESENT THE LAYOUT RESPONDED IN DEED BOOK 24906, PAGE 352, CORRESPONDING TO THE LAYOUT DEPICTED IN STATE HIGHWAY LAYOUT #758.

ELEVATION BENCH MARKS		
DATUM: NAVD83 (SEE NOTE 1))		
NO.	DESCRIPTION	ELEV.
1.	INSIDE CORNER OF GRANITE CURB	292.83
2.	NORTHEAST CORNER BOTTOM CONC. STEP	291.77

ZONING/PARKING TABLE

ZONING DISTRICT: COMMERCIAL AUTOMOTIVE (CA)

USE: (WITH ALTERNATE)	MINIMUM LOT SIZE (SQ FT)	EXISTING LOT SIZE (SQ FT)	MINIMUM LOT FRONTAGE (FT)	MIN. FRONT YARD SETBACK (FT)	MIN. SIDE YARD SETBACK (FT)	MIN. REAR YARD SETBACK (FT)	MAXIMUM BUILDING HEIGHT (STORIES)	MAXIMUM LOT COVERAGE (%)
RESIDENTIAL	50	100	20	5	5	5	2	25
COMMERCIAL	50	100	20	5	5	5	2	25

REQUIRED PARKING FOR BUSH: 1 SPACE (200 S.F.) FOR EACH 100 S.F. OF PUBLIC FLOOR SPACE OR AREA.
 REQUIRED PARKING FOR STORAGE: 1 SPACE PER EMPLOYEE, 1 SPACE EACH 1,000 S.F.
 APPROX. PUBLIC FLOOR SPACE TOTAL RETAIL = 4,300 S.F. / 100 = 43 SPACES
 APPROX. PUBLIC FLOOR SPACE TOTAL STORAGE = 2,000 S.F. / 1,000 = 2 SPACES
 APPROX. EMPLOYEE PARKING STORAGE = 1 SPACE
 TOTAL REQUIRED PARKING = 46 SPACES

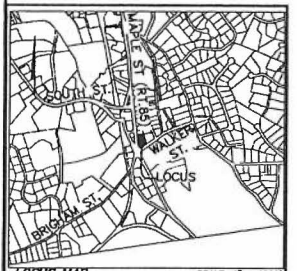
APPROX. AREA AVAILABLE FOR PARKING = 45,000 S.F.
 EQUIVALENT EXISTING PARKING SPACES = 15,000 / 330 = 45

*NOTE: PARKING REQUIREMENT AND AVAILABILITY CALCULATIONS SHOWN HEREON APPROXIMATELY ONLY. FINAL PARKING REQUIREMENT AVAILABILITY SUBJECT TO INPUT INFORMATION BY CITY DEPARTMENT ON PROPOSED USES AND SPECIFIC REQUIREMENTS.

ASSESSORS:
MAP 93, LOTS 68, 66A, AND 67C

ZONING:
COMMERCIAL AUTOMOTIVE (CA)

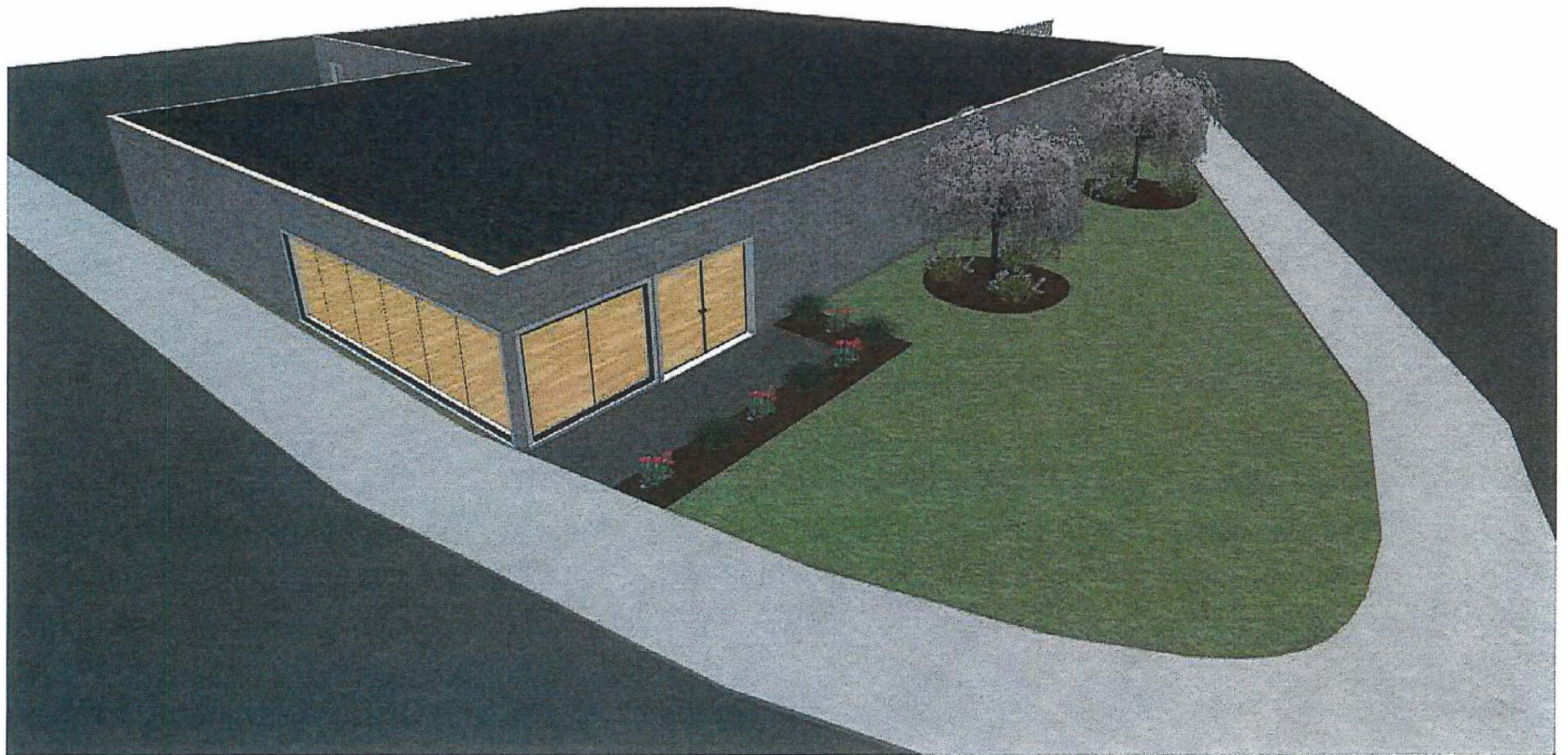
REFERENCES:
DEED BOOK 66861, PAGE 318
 PLAN 417 OF 1984
 PLAN 789 OF 1983
 PLAN 964 OF 1985
 PLAN 995 OF 1994
 PLAN 1217 OF 1982
 PLAN 1330 OF 1979
 PLAN 78 OF 1963
 PLAN 407 OF 1963 (WALKER ST. L.O.)
 PLAN 789 OF 1963
 PLAN 705 OF 1969
 PLAN 1282 OF 1986
 MASSDOT HIGHWAY L.O. 7156



SCALE: 1" = 20'

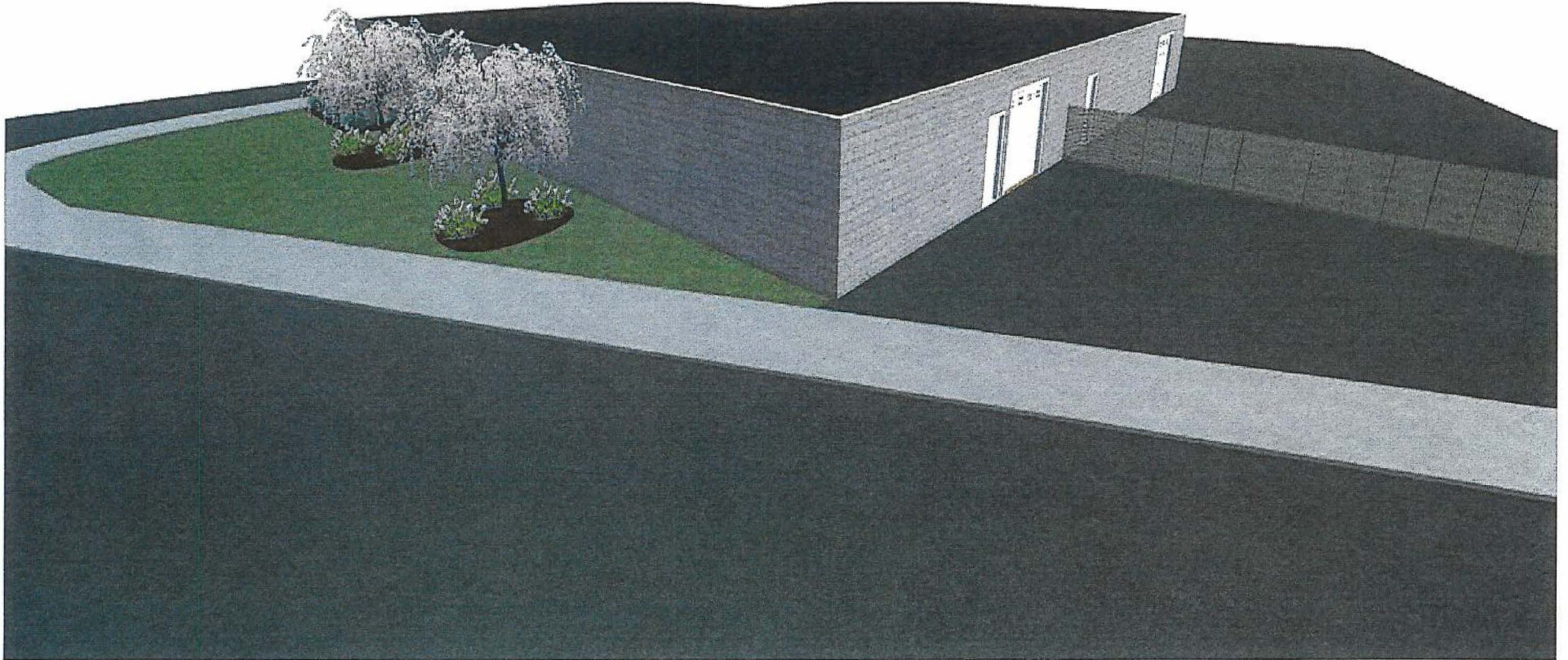


SPEEDY
AUTO BODY





SPEEDY
AUTO BODY



Attachment B



COMTOIS DRIVE

MAPLE STREET

WALKER STREET

50
4807 SF

66
5364 SF

66A
9149 SF

108
10309 SF

67
20042 SF

49
3947 SF

foundation plantings

67C
3495 SF

Solid fence to screen storage

68
21343 SF

Heavily landscaped gateway plantings

planting strip and street trees

HILL STREET CENTRAL

905

985

1205

125

260

067

062

285

285

137.66

91.72

87

36.4





City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
2021 MAR 30 P 1:40
HEATHER H. GUTIERREZ
PARALEGAL

March 30, 2021

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

Re: City Council Order No. 21-1008171
Special Permit Decision, 880 Donald J. Lynch Boulevard

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-57C (13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application.

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

Please contact me if you have any questions or concerns.

Respectfully,

Jay Piques
Assistant City Solicitor

Enclosure

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

**NOTICE OF DECISION
GRANT OF MODIFICATION OF SPECIAL PERMIT**

In City Council
Order No. 21-1008171

Application of Diversified Funding Acquisition LLC
63 Atlantic Avenue
Boston, MA 02110

Locus:
880 Donald J. Lynch Boulevard
Map 50, Parcel # 4B

DECISION

The City Council of the City of Marlborough voted to **GRANT** a Modification of a Special Permit for a 65-guest room extended-stay hotel to Diversified Funding Acquisition LLC, having a usual place of business at 63 Atlantic Avenue, Boston, Massachusetts 02110, and its successors or assigns, as provided in the decision (hereinafter referred to as the “Decision”), subject to the following Findings of Facts and Conditions contained herein.

Decision filed: _____, 2021

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the _____ day of _____, 2021.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Diversified Funding Acquisition LLC

Locus:
880 Donald J. Lynch Boulevard
Map 50, Parcel # 4B

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008171**

The City Council of the City of Marlborough hereby GRANTS the application for a Modification of a Special Permit (hereinafter the “Special Permit Modification”) to Diversified Funding Acquisition LLC, having a usual place of business at 63 Atlantic Avenue, Boston, Massachusetts 02110, and its successors or assigns, as provided in the Decision and subject to the following Findings of Facts and Conditions:

FINDINGS OF FACTS

1. Diversified Funding Acquisition LLC is a limited liability company authorized to do business in Massachusetts having a usual place of business at 63 Atlantic Avenue, Boston, Massachusetts 02110, hereinafter referred to as the “Applicant.” Applicant is the prospective owner of the property.
2. Devki, L.L.C., is a limited liability company authorized to do business in Massachusetts having a usual place of business at 880 Donald J. Lynch Boulevard, Marlborough, MA 01752. Devki, L.L.C. is the owner of the property known as 880 Donald J. Lynch Boulevard, Marlborough, Massachusetts, and shown on the City of Marlborough Assessor’s Maps as Map 50, Parcel 4B (hereinafter referred to as the “Site”).
3. On December 31, 2020, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the “Application”) for a modification of a special permit under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the “Zoning Ordinance”), Article VIII, Section 650-57. The Application seeks to modify the special permit granted by the City Council on October 6, 1986 (Council Order No. 1102B, Recorded with the Middlesex South Registry of Deeds at Book 18318

and Page 218) for a 64-room hotel on the Site (hereinafter the “Special Permit”) as follows: (a) to approve the addition of kitchenettes to all guest rooms, and (b) to approve the conversion of the Manager’s residence to a guest room, for a total of 65 guest rooms (the “Project”). The Project does not include any external changes on or to the Site or any expansion or alteration of the shape or size of the existing building on the Site (hereinafter the “Building”).

4. The Application consisted of the following: (a) an Application to City Council for Issuance of a Special Permit; (b) a Special Permit Application Certification by the Planning Department; (c) a Special Permit Summary Impact Statement; (d) a Certification of Payment of Municipal Taxes; (e) a filing fee of \$250.00; and (f) Exhibits to the Application, including (i) a Special Permit Narrative, (ii) a copy of the Special Permit, as recorded, (iii) a copy of architectural drawings setting out the proposed interior improvements to the Building, (iv) a copy of the Building Commissioner’s letter denying the application for a building permit until such time as the Applicant obtains the Special Permit Modification, and (v) a Certified Copy of the Abutters List from the City of Marlborough Assessor’s Office.
5. The Planning Department certified the Application under the provisions of Article VIII, Section 650-57(C)(7) of the Zoning Ordinance as complying with the information requirements of the application rules and being complete and conforming to the Zoning Ordinance and the rules and regulations for submission of an application for a modification of a special permit.
6. Pursuant to the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, the City Clerk established a date for a public hearing on the Application and caused to be advertised notice of said date and hearing in the appropriate newspaper and received confirmation that notice of said hearing was sent to abutters entitled to notice under law. Such notice was published, mailed, and posted in accordance with applicable law.
7. Pursuant to Massachusetts General Laws Chapter 40A, the City Council held a public hearing concerning the Application (hereinafter the “Public Hearing”) on Monday, February 8, 2021.
8. The Applicant presented testimony at the Public Hearing detailing the Project, its impact upon municipal services, the neighborhood, and such other issues as the City Council deemed appropriate with due consideration to the concerns of members of the public.
9. The Applicant provided written and oral documentation and testimony to the City Council regarding (a) the improvements associated with the Project and (b) the Project’s positive economic impact on the community. No person or organization spoke in opposition to the Application.

10. The Project is located on a 2.2±-acre parcel of land on the south side of Donald J. Lynch Boulevard. The Applicant seeks to improve a hotel that has been in operation on the Site for approximately 34 years.
11. The Site is zoned Limited Industrial, and the proposed use is allowed with a special permit from the City Council. The hotel use was authorized in 1986 by the Special Permit.
12. There will be no change to the size or shape of the Site, to the area covered by impervious surface, or to the size or shape of the Building.
13. The Project consists of adding kitchenettes to the 64 hotel rooms in the Building without changing the dimensions of those rooms, and converting the manager's residence to a 65th hotel room, also with a kitchenette. Other minor interior changes are proposed that are consistent with use as a hotel.
14. The Site presently has 70 parking spaces and will still have 70 parking spaces if the Special Permit Modification is issued. The Zoning Ordinance requires one parking space per guest room. The conversion of the manager's residence to a guest room, for a total of 65 guest rooms, does not require additional parking spaces to be added to the Site.
15. The Site is connected to the municipal water system, but not the municipal sewer system; rather, sewage disposal is currently handled through an on-site septic system. As a condition of approval set forth below, the Applicant will connect the building to the municipal sewer system. This connection will not adversely impact the municipal sewer system.
16. The Project will not create any material change to (a) the existing traffic impacts of the hotel or (b) the impact per room on the municipal water system.
17. The proposed work includes necessary upgrades to the electrical utilities serving the building. After the interior remodeling work is complete, the electricity service will be adequate to supply power to the kitchenettes added to the existing hotel rooms.
18. The Project facilitates extended stays by hotel guests, who will contribute disposable income to the local business community by purchasing goods and services.
19. The Applicant produced a report dated March 5, 2021, from Eric M. Camiel, P.E., C.E.T., a professional fire protection engineer with the firm Jensen Hughes (hereinafter referred to as the "Fire Code Report"). The Fire Code Report presents the results of an on-site inspection and code review of the existing fire protection sprinkler system, specifically evaluating the impact of the proposed guest room alterations on the code compliance of the existing sprinkler system layout. The Fire Code Report finds that the installation of cabinetry in accordance with the plans appended to the Application will not adversely affect the existing sprinkler layout in five of the six types of proposed unit layouts, those five being Type A, B, C, E, and F Units. The Fire Code Report finds that the installation of cabinetry in accordance with the plans appended to the Application will obstruct the

existing sidewall sprinkler located in one type of proposed unit layout, that being Type D Units. There are four (4) proposed Type D Units. The Fire Code Report notes that the Applicant will modify the sprinkler layout for Type D Units so that these units are code compliant after the alterations are complete.

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

- A. The City Council finds that it may grant the Special Permit Modification, subject to the terms and conditions set forth in this Decision, to encourage the most appropriate use of the Site and promote and conserve the health and general welfare of the inhabitants of the City of Marlborough.
- B. Pursuant to Massachusetts General Laws Chapter 40A, § 9, the City Council finds that the Project is in harmony with the general purpose and intent of the Zoning Ordinance. In addition, pursuant to Article VIII, Section 650-57(C)(12)(a) of the Zoning Ordinance, the City Council finds that the proposed Special Permit Modification is not in conflict with public health, safety, convenience and the welfare and is not detrimental or offensive. The Project does not produce a material increase in the scale of a development, nor does it produce a material increase in impact on municipal services, the environment, or the neighborhood. The City Council makes this determination subject to the completion and adherence by the Applicant to the conditions more fully set forth herein.
- C. The Applicant has complied with all of the relevant rules and regulations promulgated by the City Council as they pertain to the Application.
- D. Pursuant to its authority under General Laws Chapter 40A, the City Council GRANTS the Applicant the Special Permit Modification to convert the manager's residence to a guest room for a total of 65 guest rooms and to add kitchenettes to each of the guest rooms, and to make other modifications all as set out on the plans appended to the Application, subject to the following conditions (the "Conditions"):
 - (1) Project Plans and Specifications. Construction of the interior improvements to the Building shall be in accordance with all applicable building codes and zoning regulations presently in effect in the City of Marlborough and the Commonwealth of Massachusetts
 - (2) The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Application, and in compliance with the Conditions.
 - (3) All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special

- Permit Modification and become conditions and requirements of the same, unless otherwise altered by the City Council.
- (4) Notwithstanding Condition (2) and (3) hereof, changes may be made to said plans as approved by the Building Commissioner so long as said changes do not change the use of the Site as approved herein, or increase the size or shape of the Building.
 - (5) The Project shall be classified as Residential Group R-2 under the State Building Code and will receive a certificate of occupancy permitting guests to stay for longer than 30 days, but this classification does not prohibit guests from staying 30 days or less.
 - (6) Hazardous Waste. The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, including compliance with the provisions of Massachusetts General Laws Chapter 21E and any other laws and as they relate to the authority of the City of Marlborough Fire Chief.
 - (7) Compliance with Local, State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough and the Commonwealth of Massachusetts and Federal agencies as they may apply to the construction, maintenance, and operation of the Project, including, without limitation, the State Building Code.
 - (8) Water-Sewer. The Applicant shall connect the existing building to the municipal sewer system within six (6) months of taking ownership of the Property, provided that this period may be further extended for good cause and with the consent of the City Council. Provided that it is feasible and legally permissible, the Applicant shall connect the building to the sewer system via the sewer line that serves the adjacent parcel with a street address of 876 Donald J. Lynch Boulevard, shown on the City of Marlborough Assessor's Maps as Map 50, Parcel 4A. If it is not feasible or legally permissible to connect via the service line at 876 Donald J. Lynch Boulevard, then the Applicant may connect to the municipal sewer system associated with Donald J. Lynch Boulevard, including excavating the road, if necessary, provided that the Applicant satisfy such conditions as are required by the Department of Public Works and are customary for similarly-situated connections. In either case, the Applicant shall present a design plan showing the proposed sewer connection for approval by the Department of Public Works and shall obtain all necessary permits and approvals prior to commencing the construction work on the sewer connection. The kitchenettes shall not include garbage grinders until the building is connected to the municipal sewer system. Water and sewer services provided to the Project shall be subject to applicable City-wide water and sewer charges subject to adjustment by the Commissioner of Public Works.
 - (9) On Duty Employees: During the operation of the facility, at least one employee will be on duty at all times.
 - (10) Fire Protection Sprinkler System: The Applicant shall adhere to the Fire Code Report and shall modify the sprinkler layouts in Type D Units so that, upon completion

of the alterations to the four Type D Units, these units shall have fire protection sprinkler systems that are code compliant. Upon completion of these modifications, the Applicant shall submit a follow-up report to the Fire Department presenting the opinion of a professional fire protection engineer that the modified sprinkler layout for all four Type D Units is code compliant.

- (11) Recording of Special Permit. In accordance with the provisions of Massachusetts General Laws c. 40A, Section 11, the Applicant at his expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing the Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the proposed expansion. Applicant shall provide a copy of the recorded Special Permit to the City Council's office, to the Building Department and to the City Solicitor's office.

APPROVED

Yea: ____ - Nay: ____ - Abstained: ____

ADOPTED

In City Council

Order No. 21-1008171

Adopted _____, 2021



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
2021 MAR 30 P 1:40
HEATHER H. GUTIERREZ
PARALEGAL

March 30, 2021

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

Re: City Council Order No. 21-1008199A: LED Sign Special Permit - St. Mary's Credit Union (Starbucks) - 133/137 South Bolton Street.

Dear Honorable President Ossing and Councilors:

Enclosed please find a proposed Decision on a LED Sign Special Permit with respect to the above referenced application, as recommended by the Urban Affairs Committee at its meeting on March 17, 2021. I have reviewed the proposed decision and placed it into proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,

Jay Piques
Assistant City Solicitor

Enclosure

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

DECISION ON A LED SIGN SPECIAL PERMIT
IN CITY COUNCIL

LED Sign Special Permit
St. Mary's Credit Union (Starbucks)
133/137 South Bolton Street
Order No. 21-1008199A

DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 21-1008199A

The City Council of the City of Marlborough hereby GRANTS the application for a LED Sign Special Permit to St. Mary's Credit Union (the "Applicant") for the property located at 133-137 South Bolton Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 133/137 South Bolton Street, in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 70, Parcel 242A, Map 82, Parcels 112 and 113 (the "Site") and maintains a credit union branch and café with drive-through service lanes.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, "Electronic Message Center Signs; Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate an electronic message center sign (the "Sign") at the Site (the "Application").
3. The Sign is one menu board which is no larger than 34 inches wide by 45 inches tall (the product specifications are attached hereto as "Attachment A").
4. In connection with the Application, the Applicant submitted a picture of the existing menu boards and drive thru at the Site, as well as a photo and drawing of the LED menu as proposed for the Site, attached hereto as "Attachment B."
5. The Marlborough City Council held public hearings on the Application on Monday, February 22, 2021 and Monday March 8, 2021.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the proposed Sign. At the public hearing, one member of the public spoke against the Sign.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for an LED sign special permit under Section 526-13 of the Sign Ordinance.
- B. The Applicant received a sign variance dated January 25, 2021 from the Marlborough Planning Board to approve placement of the sign within 200 feet from the nearest point of an abutting residentially zoned district subject to certain conditions.
- C. The City Council finds that the proposed Sign complies with the standards set forth in Section 526.13.B of the Sign Ordinance.
- D. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign complies with the area limitations of the Sign Ordinance.
- E. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the Applicant a LED Sign Special Permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough, and in addition, the Sign shall be turned off when the café is not open for business.
 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.
 3. The applicant will take measures necessary to ensure compliance with the City of Marlborough Noise Ordinance (Chapter 431 of the City Code) at the site.

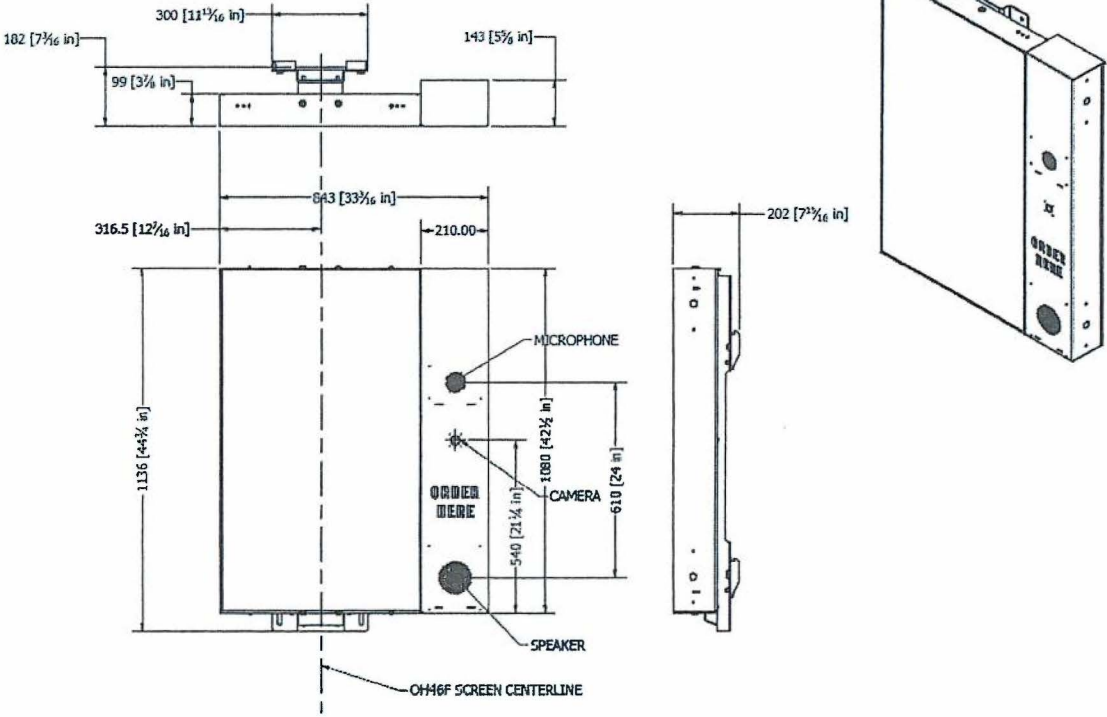
ADOPTED
In City Council
Order No. 21-1008199A
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ATTACHMENT A

NEW DIGITAL ORDER SCREEN (DOS) SPEC



ATTACHMENT B

Starbucks Sample Menu Board



Sample Electronic Board



Sample Electronic Board on Left – 3 Panel Non-electronic Board on Right

Proposed LED Sign Location





CITY OF MARLBOROUGH LANDSCAPE REQUIREMENTS

SECTION	REQUIREMENTS	MINIMUM PROPOSED
SECTION 1 GENERAL REQUIREMENTS	ALL PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING. PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING.	MINIMUM
SECTION 2 PLANTING SPECIFICATIONS	PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING. PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING.	MINIMUM
SECTION 3 PLANTING SCHEDULE	PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING. PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING.	MINIMUM
SECTION 4 PLANTING MAINTENANCE	PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING. PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING.	MINIMUM
SECTION 5 PLANTING COSTS	PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING. PLANTING SHALL BE SUBJECT TO INSPECTION BY THE CITY OF MARLBOROUGH. A LICENSED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL PLANTING.	MINIMUM

LANDSCAPE SCHEDULE

ITEM	QTY	SYMBOL	COMMON NAME	SIZE	NOTE
1	1	(Symbol)	Starbucks Credit Union	12" x 18"	Starbucks Credit Union
2	1	(Symbol)	Starbucks Credit Union	12" x 18"	Starbucks Credit Union
3	1	(Symbol)	Starbucks Credit Union	12" x 18"	Starbucks Credit Union

ZONING ANALYSIS TABLE

PROPERTY	APPLICABLE	PERMITTED	PROHIBITED
Starbucks Credit Union	Yes	Yes	No
Other Property	No	No	Yes

BOHLER ENGINEERING

132 TURTLE CREEK ROAD
SOUTHBOROUGH, MA 01557
Phone: (508) 885-8800
Fax: (508) 885-8801
www.BohlerEngineering.com

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	01/15/2024	ISSUE FOR PERMIT	JSW
2	01/15/2024	REVISIONS	JSW

PRELIMINARY

DESIGNED BY: JSW
CHECKED BY: JSW
DATE: 01/15/2024

SITE DEVELOPMENT PLANS

STARBUCKS CREDIT UNION
LOCATION OF SITE
132 TURTLE CREEK ROAD
SOUTHBOROUGH, MA 01557

BOHLER ENGINEERING

J.G. SWERLING

SITE PLAN

DATE: 01/15/2024

5

REV. 1/15/24

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAR 22 A 7:50



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

City Council Sign Approval Form

3/19/2021

To City Council President and all Councilors,
Included in this form is an applicant seeking approval from City Council as it relates to the signage project at the below address. Attached to this form is a copy of the sign that has already been installed.

Please note that this sign permit application is for an internally lit sign. The company that is inside of the space named Best Value Kitchen & Bath is only allowed an externally illuminated sign per the zoning code. The zoning code as it pertains to the Wayside Zoning District for this exact style of sign has been included below for your convenience.

An image of what the sign will look like has been included below as well.

Address of Location seeking approval 796 Boston Post Road East
BP-2021-000347

Zoning District:	Wayside Zoning
Meets Current Sign Code:	NO
Planning Board Variance:	NO

Code Enforcement Officer Ethan Lippitt

CC File
City Council
Acting Commissioner Htway
Commissioner Cooke

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

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

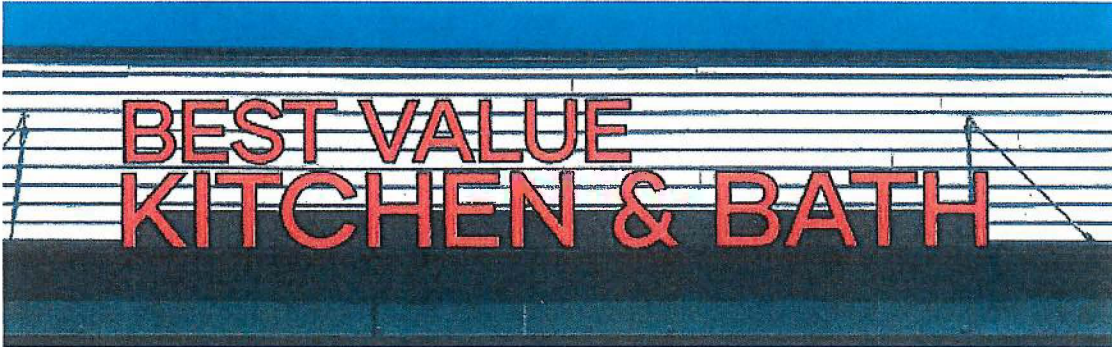
D. Exclusivity/control.

This section of the Zoning Chapter exclusively controls the establishment, development, and design of any development undertaken in the Wayside Zoning District and supersedes any other provision of the Zoning Chapter. In the event of any conflict between the provisions of this section and any other provision of the Zoning Chapter, the provisions of this section shall govern and control.

I. Signage.

(1) Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance.

(d) Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible.





CITY OF MARLBOROUGH

Building Department
(508) 460-3776

BUILDING PERMIT

JOB WEATHER CARD

PERMIT NO

BP-2021-000347

ISSUE DATE

03/17/2021

APPLICANT

FAST SHAPES

PERMIT TO

SIGN

AT (LOCATION)

796 BOSTON POST RD, MARLBOROUGH, MA 0

ZONING DISTRICT

B

Bldg. Type:

Commercial

SUBDIVISION MAP BLOCK LOT

61-29--

BUILDING IS TO BE:

CONST TYPE

USE GROUP

WORK DESCRIPTION

Sign installation for Best Value Kitchen & Bath. Sign Dimensions: length 170" in, width 29.5" in in an area of 34.5 sq. ft.
Dimension facade: Length 240" in, width 24" in in an area of 80 sq. ft.
Slim line 3.5" in deep channel letters - front lit. 4" deep aluminum raceway painted grey to match 1 beam. Size of 2.45' x 14.16 ft (34.5 sq. ft). Store front dimension 4x20 ft (80 sq. ft)

CONTRACTOR

LICENSE

0000

Construction Supervisor

SIGN INSTALLATION

AREA (SQ FT)

EST COST(\$)

4995.00

PERMIT FEE (\$)

50.00

OWNER

CENTRO CRISTIANO EMANUEL

BUILDING DEPT BY

ADDRESS

814 BOSTON POST RD EAST

MARLBOROUGH

MA

01752

PHONE

617 909 6008

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

	REQUIRED INSPECTIONS LISTED ON REVERSE	
	OTHER: _____	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

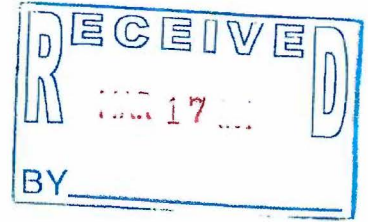
PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



Date: ~~6/29/2020~~ 03/18/2021

Permit No. _____

Address/Location of Sign 796 Boston Post RD E

Name of Business BEST VALUE KITCHEN & BATH B 61-29

Name of Owner of Business Marc Mallegni Telephone 508-485-0555

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 170" in Width 29.5" in Height (Free Standing) Area 34.5 sq. ft

Location of Sign on Bld. North South East West

Dimensions Façade:

Length 240" in Width 48" in Area 80 sq. ft

Signature of Responsible Party Telephone 617-909-6008

Installer Company Fast Shapes Telephone 617-909-6008

Custom3Dsign@gmail.com
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

M. Mallegni
Signature

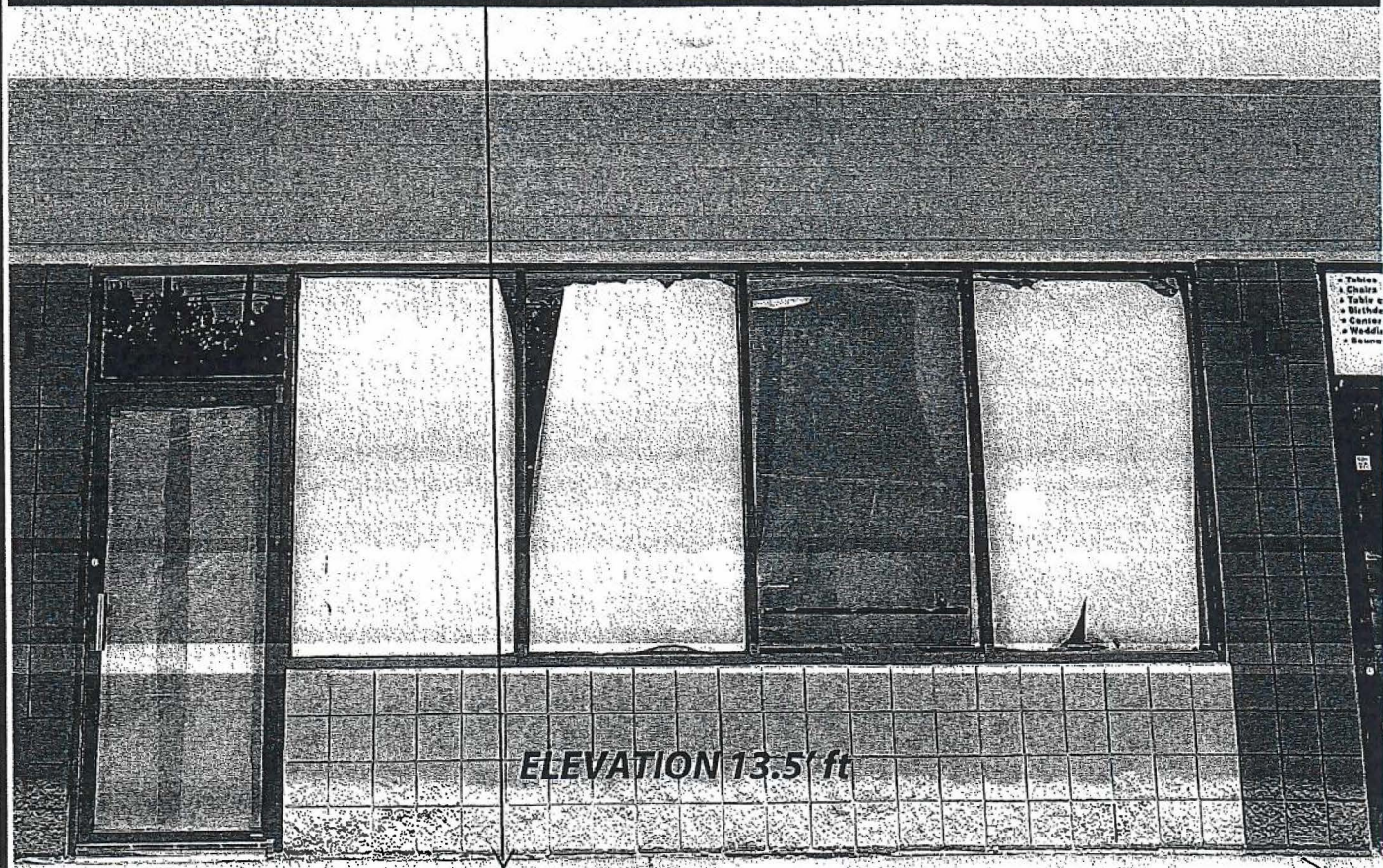
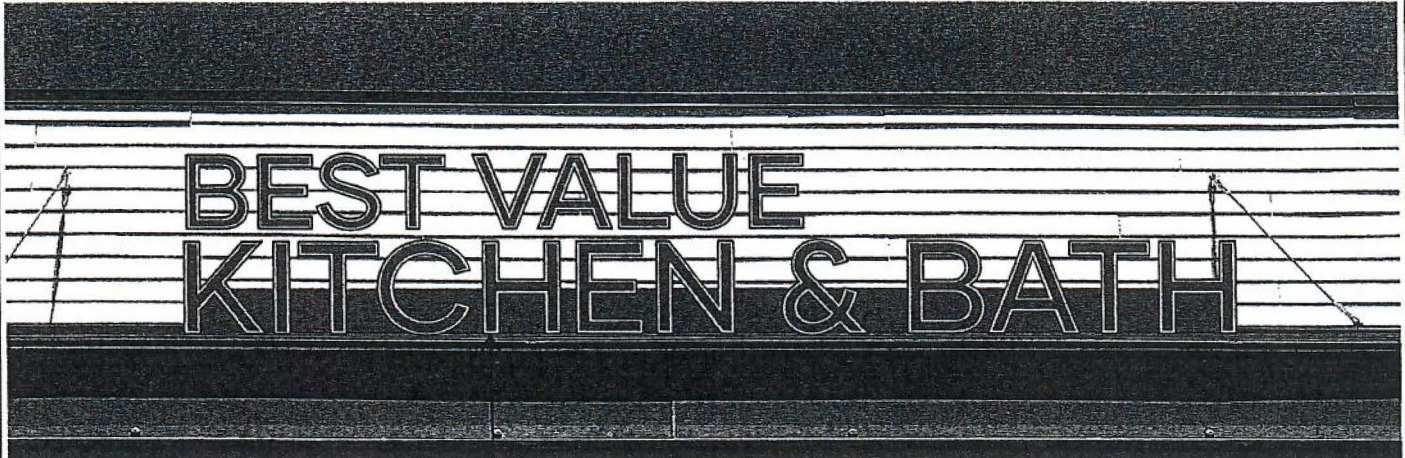
~~6/29/2020~~ 03/18/2021
Date



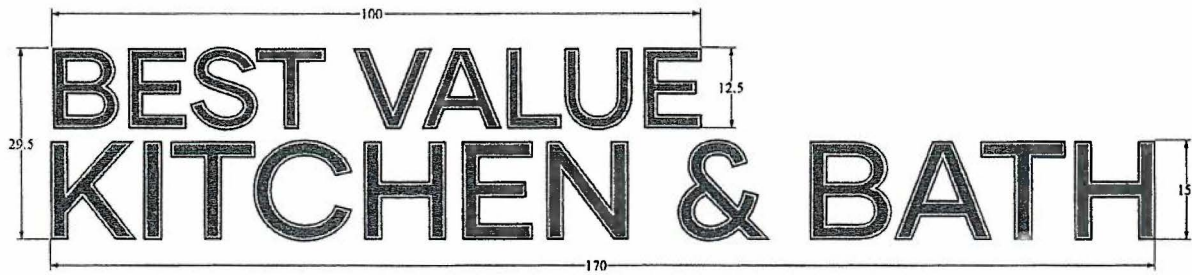
Cost of Sign(s) \$4,995

Permit Fee \$

SIGN MOCKUP



- Tables
- Chairs
- Table c
- Dishde
- Centre
- Weddin
- Room



SIGN SPECIFICATIONS

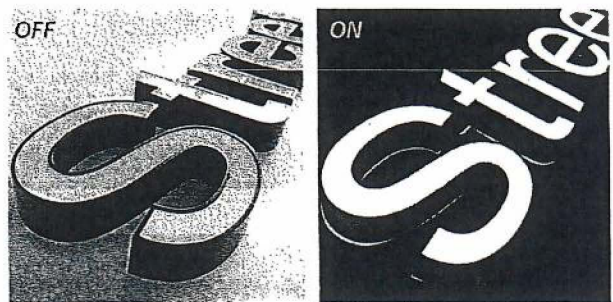
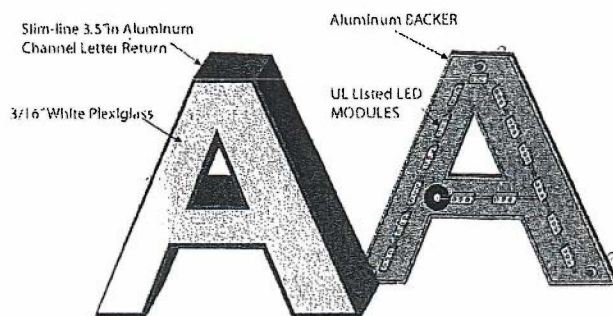
SIGN ADDRESS:

- 796 Boston Post RD E, Marlborough, MA 01752.

SIGN TYPE:

- Slim-Line 3.5" in deep Channel Letters (FRONT-LIT)
- 4" in deep aluminum raceway painted GREY TO MATCH I BEAM.
- Size: 2.45'x14.16' ft (34.5 sq.ft)
- Store front dimensions: 4'x20' ft (80' sq.ft)
- Sign colors: WHITE FACE WITH BLACK RETURNS

SAMPLE:



MATERIALS:

- Aluminum returns
- 3/16" acrylic faces.
- Aluminum RACEWAY

COLORS:

- RED Faces w/ white outline.

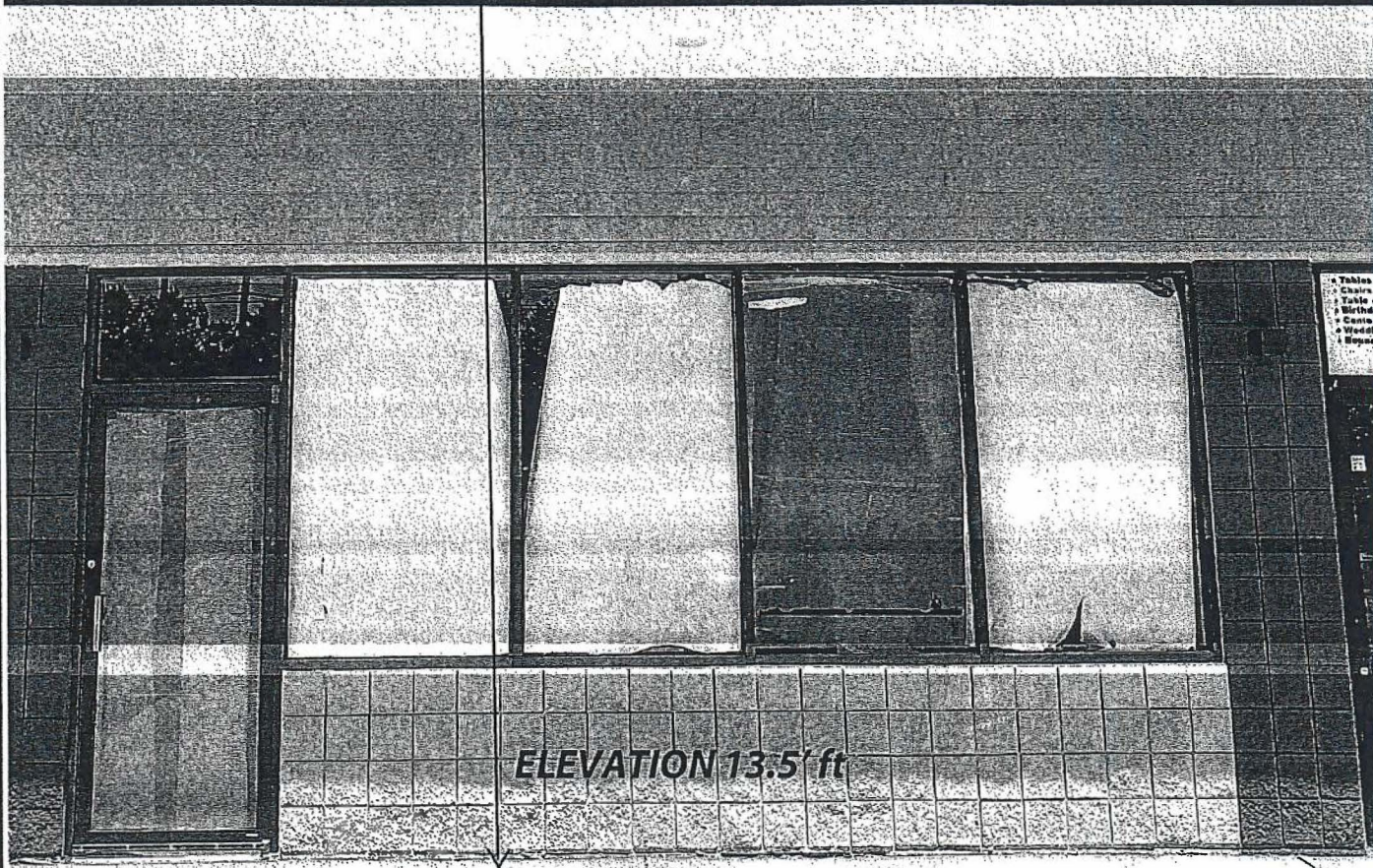
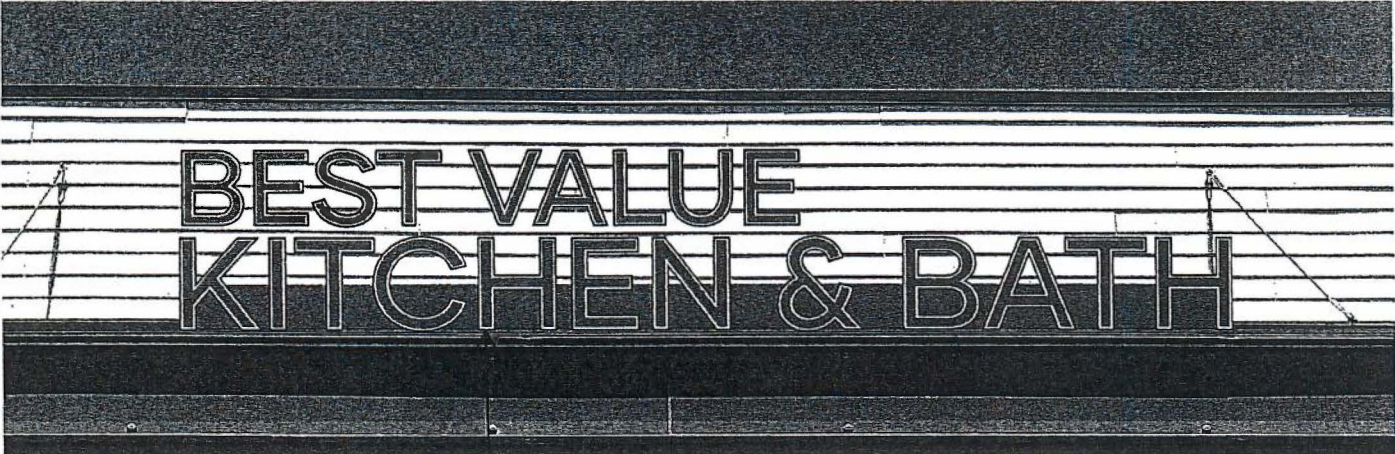
SIGN ELECTRICAL COMPONENTS:

- UL Listed, 6000k, 12v-DC LED modules. (Waterproof)
- UL Listed AC110V LED Power Supply/driver (Waterproof)
- 3/4" in. LIQUIDTIGHT FLEXIBLE PVC CONDUIT
- Tinned copper wire High temperature resistance (14AWG)

INSTALLATION:

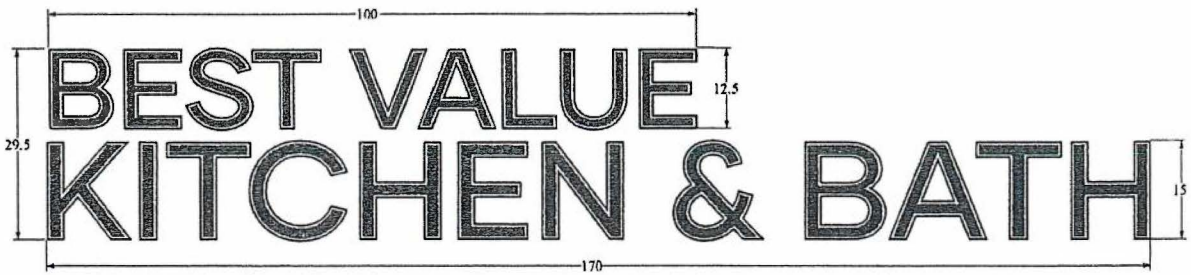
- Mount raceway with channel letters to building's "I BEAM".
- Sign Elevation 13.5' ft (from bottom of sign to the sidewalk).

SIGN MOCKUP



- Tables
- Chairs
- Table C
- Birthc
- Center
- Weddin
- Home

ELEVATION 13.5' ft



SIGN SPECIFICATIONS

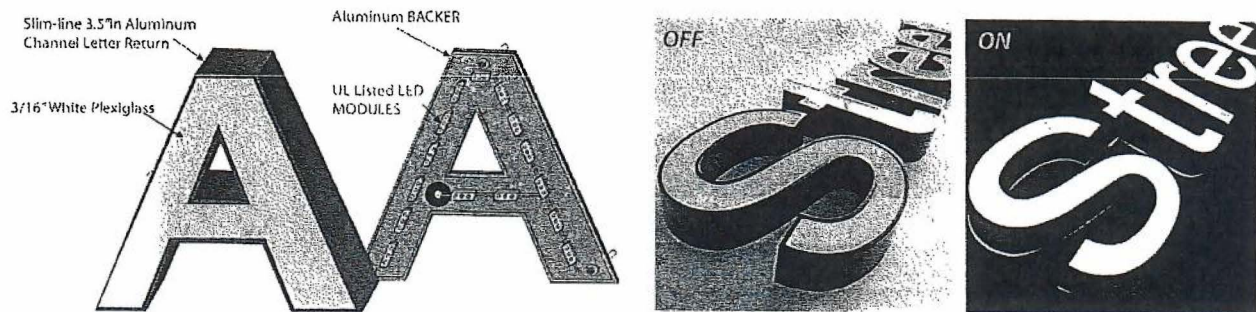
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- Sign Elevation 13.5' ft (from bottom of sign to the sidewalk).

MARLBOROUGH RETIREMENT BOARD

289 Elm Street, Suite 111
Marlborough, Massachusetts 01752-3812
Telephone (508) 460-3760

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAR 29 A 8:32

Board Members

Gregory P. Brewster, Chairman
Diane Smith
Daniel J. Stanhope
William S. Taylor

March 25, 2021

President and Members
Marlborough City Council
140 Main Street, City Hall
Marlborough, MA 01752

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(i) at its April meeting.

The meeting will be held virtually on April 27, 2021 at 8:15 a.m. Please see the posting on the City's website after April 22, 2021 for information on how to access the meeting.

Should you require additional information, please don't hesitate to contact me.

Sincerely,



Margaret R. Shea
Director



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 APR -1 A 8:01

Power of culture

March 31, 2021

Honorable Members
Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

Dear Honorable President Ossing and Councilors:

It is with great excitement that I update the City Council about our most recent Marlborough Cultural Council 2020-2021 grant cycle.

The Marlborough Cultural Council is part of a network of 329 Local Cultural Councils (LCC) serving all 351 cities and towns in the Commonwealth. The LCC Program is the largest grassroots cultural funding network in the nation, supporting thousands of community-based projects in the arts, sciences, and humanities every year. The state legislature provides an annual appropriation to the Mass Cultural Council, a state agency, which then allocates funds to each community. This year, the Marlborough Cultural Council received \$17,300 in state funding. The following projects received funding for this year, and please see below for a brief description of these projects which demonstrates the variety of programming:

- *50th Anniversary Celebration* – Northboro Area Community Chorus will celebrate its 50th year this spring and has a virtual program prepared with full choral performances of new and old favorites that will incorporate solos, duets, and other mixed ensembles.
- *2020-2021 Cultural Arts Program* – Goodnow Brothers Elementary School PTO support for their K-5 cultural arts programming that focuses on STEM, music, and language arts.
- *Adventures in Lifelong Learning* – Framingham State University's collaboration with Framingham Public Library that supports MetroWest residents over 60 to take online courses in subjects such as art, history, literature, or music.
- *Assabet Valley Mastersingers Concert Season 2020-21* – choral music season for the MetroWest region that will incorporate both live streaming virtual and socially distant in-person performances.
- *Duo Pianists, Composers & Educators Whipple & Morales in Concert* – a live educational pre-concert lecture with a recorded performance that will focus on a wide repertoire of arrangements for one and two pianos.

- *Expressive Arts Therapy* – Virginia Thurston Healing Garden’s arts therapy programming that will use nature and the arts with creative projects for both the Garden’s cancer clients, their families, caregivers, and the community at-large.
- *Liminal Space* – video combination of original solo flute composition with visual art that chronicles the local artist experience of the pandemic to help residents process the complex emotions of our last year.
- *Open Door Connections* – Discovery Museum’s visitor full access program which offers visits to the Museum for families at no or low cost such as those with additional needs, lower-income, educators, and military families.
- *Perspectives of Earth - Team Mentorship* – McAuliffe Center for Integrated Science Learning builds off the success of their previous See Yourself in STEM youth program which was funded by the Marlborough Cultural Council last year. This online project-based learning program promotes STEM learning and environmental awareness practices among youth through student-led exhibits and video projects.
- *Safe and Flexible Arts Programming for an Unprecedented Year* – River’s Edge Arts Alliance online and socially distant in-person annual programming that includes virtual choirs, cabarets, radio plays and workshops.
- *Symphony Pro Musica, 2020-21 Season* – nonprofit regional orchestra performance season that promotes youth musicians, pre-concert lectures and post-concert receptions.

In the coming months, we will also be putting forth a Community Input Survey to determine what arts programming residents are interested in seeing and we welcome your participation and support in sharing out the survey.

A big thank you to my fellow Cultural Council members for participating in our virtual grant review meeting and the City Clerk’s office for helping facilitate. We are also appreciative of both the City Council and Mayor’s Office for their continued support of the arts in our community. We are looking forward to a bright future for the arts here in our great city.

Sincerely,



Samantha Perlman, Chair

Marlborough Cultural Council

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

March 22, 2021

2021 MAR 24 P 2:09

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

Berlin Rd

**Install new pole 5 and anchor this will allow the removal of the pole and tree guy
at 43 Berlin Rd**

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. 28652752 Dated: 8/1/2019

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Robert Leonida
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: Albert E. Bessette
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

March 22, 2021

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: **that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **22nd day of March**

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order
Plan No. **28652752** Dated: **6/17/2020**

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

Berlin Rd

Install new pole 5 and anchor this will allow the removal of the pole and tree guy at 43 Berlin Rd

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____

Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Council of the City of

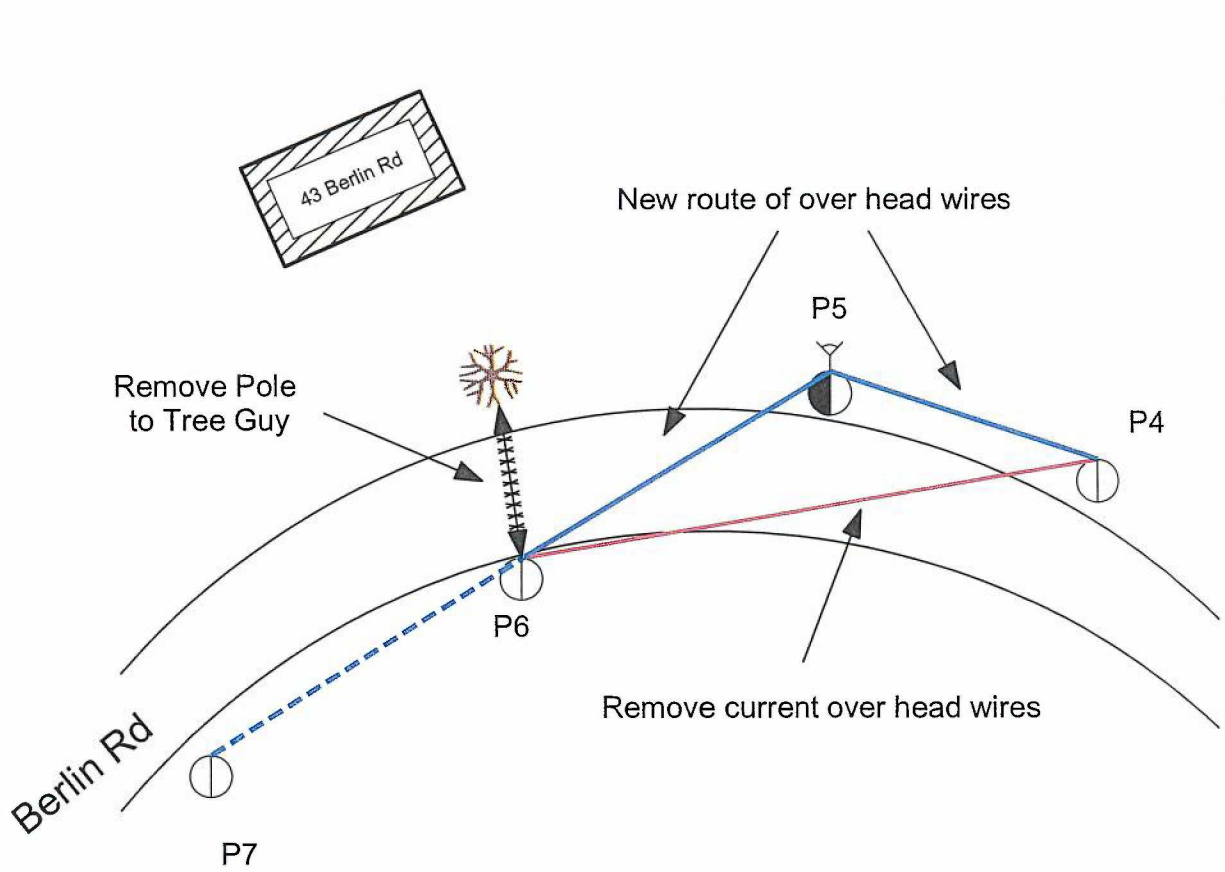
Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of _____ recorded with the records of location orders of said City, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk



Install new pole #5 and anchor
 This will allow the removal of the
 pole to tree guy at 43 Berlin Rd

JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
<input checked="" type="radio"/> Proposed NGRID Pole Locations	Date: 8-1-19
<input type="radio"/> Existing NGRID Pole Locations	Plan Number: 28652752
<input checked="" type="radio"/> Proposed J.O. Pole Locations	To Accompany Petition Dated:
<input type="radio"/> Existing J.O. Pole Locations	To The: City Of Marlborough
<input checked="" type="radio"/> Existing Telephone Co. Pole Locations	For Proposed: JO Pole: #5 Location: Berlin Rd
<input type="radio"/> Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant: TEXT
<input checked="" type="checkbox"/> Existing Pole Locations To Be Removed	
DISTANCES ARE APPROXIMATE	



City of Marlborough, Massachusetts
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAR 31 P 1:50

Steven W. Kerrigan
City Clerk

MARLBOROUGH, MA

DATE: 3-25-21

To the City Council:

Owner Name: ANTOINE BITAR

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

Telephone Number: 508-981-5080

Business Name: HANNUSH JEWELERS

Business Address: 601 DONALD LYNETT BLVD.

Business Telephone Number: 508-303-6595

Email Address: TBITAR@HANNUSH.COM

Cell Number: 508-981-5080

Owner Signature: [Signature]

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

granted a Junk Dealer/Second Hand Dealer License.

In City Council



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Marlborough Public Schools

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

Call to Order

March 9, 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, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Member Earl Geary was remotely present. Also, physically present were 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, and Student Advisory Council Representative Allison Lucas were both 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. MHS Student Advisory**

Superintendent Bergeron invited the MHS Student Advisory to speak on various topics. Grade 12 representative Allison Lucas did not present because she is waiting on survey results.

Grade 11 representative Hattie Parker spoke about the Social Justice Program. Ms. Parker discussed how this new program began and the success it has gained. She presented student and teacher testimonies about it. Allison Lucas stated that she recommends opening this program up to the entire student body.

Grade 10 representative Abigail Hennessy spoke about Fall 2 sports. Ms. Hennessy gave a recap of the Winter sports season. Every team was able to have a senior night. Fall 2 sports just began on February 22nd and will end April 23rd. Ms. Hennessy reported the logistics of Fall 2 sports teams.

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Marlborough Public Schools

School Committee
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25 Union Street, Marlborough, MA 01752
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Grade 10 representative Jessica Rosenzweig spoke about MCAS on behalf of sophomores and juniors. Based on a survey, she reported that many students do not feel comfortable or prepared to take the MCAS this school year. Ms. Rosenzweig shared student testimonials to support these claims. She also shared how students' mental health are impacted by MCAS. Ms. Rosenzweig presented other findings from students in favor of taking the MCAS for reasons such as potentially receiving the John and Abigail Adams Scholarship.

Grade 9 representative Risha Khanderia spoke about mental health resources and actions. The social and emotional learning website is an available resource to students, teachers, and community members. Student Council has launched mental health vlogs to share students' experiences during their school days.

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. Cases have continued to fall or remain steady.

The Superintendent shared that on March 3rd, Governor Baker announced that PK-12 educators and staff will be eligible for the COVID-19 vaccine starting March 11th. Mr. Bergeron explained that it is unlikely that the district will be able to administer the vaccines as the local delivery option is not currently available.

Superintendent Bergeron shared a statement he will send to parents tomorrow about the changes in quarantine and close contact procedures for the schools, which will be in effect as of March 15th. The Board of Health has reviewed these changes, and the changes will keep the district in line with the Massachusetts Department of Public Health's recommendations. The statement to parents is included in the Superintendent's report.

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The definitions of close contact and quarantine have been altered, as outlined in this statement.

Superintendent Bergeron noted that a survey will be sent tomorrow to K-5 parents to decide the final learning model of the year for their child/children. The Elementary School principals' message is included in the Superintendent's report. If parents are not requesting a change, then they do not need to fill out this document/survey. Additionally, if their child is currently remote, he or she can remain remote for the remainder of the school year. The survey will close on March 24th.

The Superintendent reported that Ms. Angela House will be appointed as the principal of Whitcomb School. He shared a bit about Ms. House, such as her background and career as an educator. He informed the Whitcomb staff of this decision earlier today, and they were thrilled.

Mrs. Hennessy shared her congratulations to Ms. House.

Ms. House shared her feelings on being appointed principal.

Chairman Vigeant offered his congratulations as well.

Superintendent Bergeron stated that Mr. Dias will present the FY22 Budget for consideration tonight. There will be a budget workshop later this month.

The Superintendent discussed the full return to school. The Commissioner decided that April 5th is when elementary students should return to school in person full time.

Mr. Bergeron thanked Mr. Rudzinsky for figuring out how 8th grade students can participate in indoor/outdoor track during the Fall 2 sports season. The Mid-Wach league is approving middle school sports, and the schedule and sports will be decided soon.

Mrs. Bodin-Hettinger voiced her opinion regarding the Commissioner's decision to have elementary school students return to in person learning full time.

Mrs. Hennessy shared her opinion about the Commissioner's decision as well. She then discussed her thoughts about the survey sent to parents to change their child/children's learning models. Mrs. Hennessy spoke about the changes in quarantine and close contact procedures as well.

Superintendent Bergeron explained the communication process for quarantine/close contact cases in the district.

Chairman Vigeant noted that COVID-19 testing at Marlborough Hospital has been extended through June 2021.

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Mrs. Bodin-Hettinger shared some questions from families about logistics if elementary students return to in person learning full time.

Superintendent Bergeron explained that restrictions on busing for elementary students were completely removed, and the middle school restrictions were scaled back. However, masks must be worn, and windows must be down to follow these new guidelines. Mr. Bergeron will present on the return to in person learning full time for elementary students at the next School Committee meeting.

Mrs. Matthews voiced her opinion about the return to in person learning full time. She also discussed vaccinations. She requested that Superintendent Bergeron include the guidance about middle school students that was provided today from the state in his report about elementary students next meeting. Mrs. Matthews and Superintendent Bergeron clarified that the survey sent out to parents to request changes in their child/children's learning model is for parents of Kindergarten-Grade 5 students only. Separate surveys will be sent to families of older students later.

Superintendent Bergeron voiced his support for bringing back elementary students full time.

Mr. Caruso posed numerous questions and shared his thoughts regarding various topics discussed in Superintendent Bergeron's report, specifically surrounding the Commissioner's guidance.

A. Assistant Superintendent of Teaching & Learning

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, updated the committee on extended day interventions and tutoring. Throughout the past six weeks, K-12 students have received individual and small-group afterschool support. As schools identify additional interventions, new supports will be scheduled.

Mrs. Murphy explained that MPS administrators will participate in a 10-hour leadership training on four dates in March and April. Dr. Kalise Wornum will lead this training to help the school in their efforts to review curriculum and school policies for bias over the next few years. Dr. Wornum will return in the fall to work with the Anti-Bias/Anti-Racism Committee in the district and assist faculty in an initial professional development day.

Superintendent Bergeron noted that Dr. Wornum is available to hold a two-hour session with the School Committee.

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Marlborough Public Schools

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District Education Center
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B. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported on food services; over 350,000 remote meals have been provided to the community since March 2020. Marlborough's efforts were highlighted by DESE and Project Bread in the 2021 Summer Eats Conference. Mr. Dias noted that there are numerous opportunities for community members to join the food services team.

Mr. Dias explained that solar panels are being installed on school buildings. Kane and Jaworek already have theirs installed; MHS will have solar panels installed by the end of March. Goodnow Elementary School will have some installed at a later date. The Facilities Department's General Foreman Dan Jackson has been coordinating these installations.

Mr. Dias shared the district's FY22 budget schedule. The schedule is outline in Mr. Dias' report. Tonight, the School Committee received the Superintendent's FY22 budget request; this will be posted online for the public.

Mr. Dias shared that there will be busing updates when students return to in person learning full time as well.

7. Acceptance of Minutes:

A. Minutes of the February 23, 2021 School Committee Meeting

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

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

8. Public Participation: None.

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.

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Superintendent Bergeron shared that there was a comment submitted prior to the meeting, but then that individual withdrew it from public participation after the Superintendent answered their question.

9. Action Items/Reports

A. Marlborough High School Graduation

Superintendent Bergeron reflected on the Class of 2020 graduation last year. Principal Riley thanked Superintendent Bergeron and the School Committee for their leadership over the past year. He then discussed the Class of 2021 graduation ceremony. Mr. Riley's graduation presentation is attached to his report. The anticipated graduation dates are June 5th and 6th at the John G. Noble field behind Whitcomb School. Mr. Riley stated he intends to consolidate the number of ceremonies done while still following safety guidelines. Students will choose whether they want to attend the in-person ceremony like they did last year. Mr. Riley discussed some logistics of the ceremonies. He noted that MHS will contract out for photography services during the ceremonies once again.

Mrs. Hennessy appreciated the communication about the Class of 2021's graduation.

B. FY22 School Calendar

Superintendent Bergeron presented the draft of the FY22 school calendar. Mrs. Barry has a copy to present to the union. A final version will be voted on at the next School Committee meeting.

Mrs. Ryan, Mrs. Matthews, and Superintendent Bergeron discussed the February 22nd School Committee meeting highlighted on the calendar.

C. Policies for Removal

1. Policy 7.400 Community & Business Volunteers

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy.

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Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

2. Policy 8.140 After School/Discipline

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

D. Policies for Approval

Motion by Chairman Vigeant, seconded by Vice-Chair Boden-Hettinger to take the vote for all policies presented.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

- 1. Policy 6.900 Holidays**
- 2. Policy 7.450 Home/School Relationship**
- 3. Policy 8.060 Entrance Age & Placement**
- 4. Policy 8.090 Redistricting**
- 5. Policy 8.110 Student Advisory**
- 6. Policy 8.400 Military Connected**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve the policies as presented.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews informed everyone that the Negotiations Sub-Committee will bargain with paraeducators and administrators in the next coming weeks.

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Mrs. Hennessy stated that the Policy Sub-Committee met last week. They will have more policies to vote on soon.

11. Members' Forum:

Mrs. Matthews has reviewed the warrant and signed it.

Mrs. Hennessy explained that the MIAA is hosting a Wellness Summit. She reflected on the event she attended today.

Chairman Vigeant stated he was able to read to pre-school students the other day; he enjoyed being back in the classroom.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:59 p.m.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm
Approved March 23, 2021

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CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: January 26, 2021

OPEN SESSION

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAR 31 A 9:34

1. CALL TO ORDER: 10:02 a.m.
2. MEMBERS PRESENT: David Manzello (participating remotely), Ellen Silverstein
Also in attendance: Jonathan Frank, Regional Principal Assessor, Cindy Healy, Senior Clerk, Patricia Mespelli, Head Clerk, and Mark Gibbs, IT (monitoring virtual meeting)
3. MOTION TO ACCEPT: Minutes of the December 8, 2020, meeting
Ms. Silverstein; second Mr. Manzello
Vote 2-0 Mr. Manzello, Ms. Silverstein
4. PUBLIC INPUT: (None)
5. EXECUTIVE SESSION: 10:04 a.m.
(Meeting adjourned directly from Executive Session)

MARLBOROUGH ASSESSORS

Ellen Silverstein
David Manzello

CITY OF MARLBOROUGH MEETING
Conservation Commission
Minutes
March 4, 2021 (Thursday)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAR 26 P 4:06

This meeting was conducted via remote participation, Microsoft Teams and was recorded.

Chairman Clancy read the following notice: *"Due to statewide emergency actions limiting the size of public gatherings in response to COVID-19, this meeting will be held virtually with remote participation and will be closed to in-person attendance." The public can participate via Microsoft Teams. The "link" will be posted on the City's and Conservation's websites: <https://www.marlborough-ma.gov/>"*

Present: By roll call – Remotely: Karin Paquin, William Dunbar, John Skarin, and Edward Clancy. In Memorial Hall: David Williams, Allan White, and Dennis Demers. Also present was Priscilla Ryder, Conservation Officer

Absent: None

Approval of Minutes: The minutes of February 18, 2021 were reviewed. On a motion to accept and place on file by Mr. Skarin and second by Chairman Clancy, the minutes were unanimously approved on a roll call vote of all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, Dennis Demers, and Allan White.

Public hearings:

Notice of Intent (Continued from Feb. 18, 2021)

Bolton St. (Map 16, Parcel 4) - The Grove – The City of Marlborough – Engineering Dept.

Tom DiPersio, City Engineer, was present and explained that at the last meeting the Commission wanted to meet on site to review the rocks to be removed, which occurred, and the rocks were marked by Mr. Clancy and Mr. Dunbar. Mr. DiPersio presented a slightly revised plan showing the correct contours of the small settling basin. Based on a proposed dock design, the abutment elevation will be at 262 so the design as shown will work. The walkway will not remove any existing trees. The dock length was discussed. The Commission asked about stabilization of the sediment basins, it was agreed this could be planted with native shrubs. The shoreline will also be stabilized and planted with native shrubs. Mr. Dunbar noted that this proposal should make the water access safer for all canoe/kayak users at this location. There being no further questions from the Commission or the public, the hearing was closed. Ms. Ryder shared a set of draft conditions which the Commission reviewed. On a motion to approve the conditions as drafted and amended was made by Mr. Skarin second by Chairman Clancy, the Commission voted unanimously by roll call vote 7-0 to approve. A roll call vote of all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, Dennis Demers, and Allan White.

Notice of Intent (Continued from Feb. 18, 2021)

146 Phelps St. – Delray Realty Trust – Commission member, Dennis Demers abstained from this hearing due to a conflict of interest.

Mr. Bob Parente, P.E. was present for the applicant. He noted that at the last meeting the Commission had asked for the work to be moved outside of the 100' Riverfront area. The revised plan shows a new garage and a new gravel driveway to access it. This keeps all work outside the 100' Riverfront area. Mr. Clancy noted that he had received e-mail comments from the Assistant City Engineer, Tim Collins which explained that the two gravel driveways will not be able to stay, they need to be combined some how to meet the zoning requirement. The Commission confirmed that the work in the Riverfront area is 2,308 sq. ft. is under the 5,000 sq. ft. threshold. After some discussion, it was agreed that a revised plan showing a combined driveway is needed, and restoration of the existing gravel driveway with plantings in the first 100' wetland. There was some discussion about boat storage and accessibility. There being no further questions or comments from the Commission or the public, the hearing was continued to March 18th meeting. A roll call vote of all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, and Allan White.

Notice of Intent (Continued from Feb. 18, 2021)

107 Phelps St. - David Franca

At the applicants request this hearing was continued to the March 18th meeting. A roll call vote of all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, Dennis Demers, and Allan White.

Notice of Intent (Continued from Feb. 18, 2021)

Next to 107 Phelps St. - David Franca - Map 72, Parcel 11A.

At the applicants request this hearing was continued to the March 18th meeting. A roll call vote of all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, Dennis Demers, and Allan White.

Abbreviated Notice of Intent

200 Concord Rd. - The Marlborough Country Club

Mr. Ken Snow, P.E. was present and explained that he is representing the owner, in addition Tim Crane and Mike Rodman were both also present. Mr. Snow explained that they are looking to remove and replace the existing golf cart bridge that crosses the North Branch of Mowry Brook. The new bridge is a fiberglass bridge that is slightly longer than the existing bridge to allow for the bridge to overlap the bank better. The current bridge is 20.6' long, the new bridge is 24' long. Some asphalt and soil will need to be removed and landscape bricks will be used to blend the asphalt path to the bridge. All excess soils will be used on the green, away from wetlands, and the asphalt will be recycled. The Commission discussed the helical piers, how they are attached and how deep they will go. Mr. Snow explained that they will be

installed with a machine used by the installation company Techno Metal Post. Mr. White asked if they hit refusal how is that dealt with. Mr. Snow indicated they can make adjustments. Mr. Demers noted that the plans have not been stamped by an engineer and that needs to happen before this can be approved. After discussion about the bank stabilization, and installation process, the hearing was continued, with the applicants consent to the March 18th meeting to allow for the revised plan to be presented. Ms. Ryder was asked to draft an Order of Conditions for review at that meeting as well.

Certificate of Compliance:

- **DEP 212-750, 669 Stow Rd. – Full Certificate -** Ms. Ryder noted that this is an old file that never received a Certificate of Compliance. All conditions have been met. On a motion to issue a full Certificate of Compliance by Mr. Skarin, seconded by Chairman Clancy on a roll call vote of 7-0 with all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, Dennis Demers, and Allan White.
- **DEP 212-1037, 23 Boivin Dr. (Lot 14) - Ms.** Ryder noted that this project is not ready for a Certificate of Compliance as there are still quite a few items that are still not completed. Robert DiBenedetto of Hancock Associates was present and stepped through his letter which outlines the items that are still not completed for the Certificate of Compliance. Including, walkway construction, fencing, site stabilization, erosion control removal, and deed language. He also noted that the boundary markers, and pictures as required have been submitted. The Commission discussed the need for the wetland boundary markers to be flush to the ground. Mr. DiBenedetto indicated this can be corrected so they are flush with the ground. After some discussion, the Commission noted they would not be issuing a Certificate of Compliance as too many items are outstanding. However, since the lot is seeking an Occupancy Permit at the end of the month, it was suggested that a letter be submitted to the Building Department outlining the outstanding items, so they know what is still to be done if a temporary or permanent Occupancy Permit is issued. Ms. Ryder will draft a letter noting items that must be completed prior to Occupancy Permit and those items that will be needed prior to the issuance of the Certificate of Compliance (as noted above).
On a motion to allow Ms. Ryder to issue a letter to the Building Department outlining the items still outstanding to assist the Building Department in their decision on a request for the Occupancy Permit. The motion was made by Mr. Skarin seconded by Chairman Clancy, the motion passed with a 5-2 vote on a roll call as follows: Yeas – Ms. Paquin, Mr. Skarin, Mr. Dunbar, Mr. White, Mr. Clancy. Nays - Mr. Williams and Mr. Demers.

Discussion/Correspondence/Other Business:

- **Panther Trail/DCR – Update -** Ms. Ryder noted that she is working to get the Panther trail opened by October 2021. She and Ms. Paquin had a good meeting with DCR who granted permission to do trail improvements along the Sudbury Reservoir trail. So that work can begin soon with the Trails Committee lead by Ms. Paquin. Mr. Dunbar asked if the work across from Hellen Dr.

drainage had been done and the trail improvement installed. Ms. Ryder noted this has not been started yet.

- MACC – Training - Ms. Ryder noted that there is funding for training if any members are interested in any of the training available from MACC.
- Violation 541 Pleasant St. – Ms. Ryder noted that some additional trees were cut on this property, Mr. Clancy and Mr. Dunbar also visited the site. Ms. Ryder followed up the site visit with an e-mail emphasizing that any further work would be met with a fine. The owner will be hiring a wetland consultant to delineate the wetland soon.

Next Conservation Commission meetings: March 18th and April 1, 2021

Adjournment - There being no further discussion, on a motion to adjourn by Mr. Demers, second by Mr. White the Commission voted 7-0 unanimously. A roll call vote of all yeas: Edward Clancy, Karin Paquin, William Dunbar, David Williams, John Skarin, Dennis Demers, and Allan White.

Respectfully submitted,


Priscilla Ryder

Conservation Officer/Sustainability Officer

Marlborough Historical Commission Meeting Minutes
February 18, 2021

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2021 MAR 19 A 9:17

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, Alan Slattery (in at 7:15). Absent: Larry Reeves (associate member)

Additional Attendees (All remote): Patricia M. Bernard (Executive Aid to the Mayor); Michael Sayce (IT Support)

Meeting called to order 7:05 PM.

On the Motion to approve January 2021 minutes, the Commission voted as follows: Bell Bergeron AYE; Downey AYE; Fagone AYE; Whapham AYE; Wilderman AYE
The motion passed.

Correspondence & Communications.

Kathy Miner of Wisconsin, a member of the Amsden Family, contacted the commission regarding the condition of the family monument in the cemetery behind the Walker Building. She suspected it had been vandalized. The MHC chair contacted the forestry department and inspected the monument with Chris White. It was determined that the condition of the monument was a result of its age, not vandalism. Chris said he would try to repair the monument on his own time despite the fact that the official policy states that the family is responsible for the care of the monument, the city takes care of the plot. No timeline was provided.

Preservation by Education.

Historical Review Period – Design guidelines and/or ordinance restriction discussion. Pamela met with the Mayor's office RE making changes to site plan and building review process. Pamela informed Patricia M. Bernard that she had spoken to Jeffery Cooke, Building Commissioner about this subject. Mr. Cooke agreed that a simple change to the site plan application would not take extraordinary measures to modify and the same would be true of the building permit process. There is also a separate written application process in place for demolition projects. It would be possible to include a historical review requirement in the existing process but there is a 30-day time limit based on state regulations. The MHC would need to be flexible to accommodate these reviews. At this time, the MHC has no authority to force delays or enforce design guidelines and there is no desire within the city to provide that authority. However, for the sake of historic preservation, which is a Commission mandate, the best strategy is to start slowly and look to define what is worthy of preservation with a focus on the history of the past residents as well as historical structures themselves.

Item: Does the existing set of processes include any historical criterion and if so who is reviewing that?

Item: There is a question on the permit application "Is this a historic home?". Currently, only a portion of professional contractors pay attention to this step. The city building inspector is

responsible for verifying that the information on the form is correct and that any factors mandated by the state are enforced.

Item: The MHC proposal should make sure that this step is consistently followed by all applicants. The idea will also educate property owners on the concept of historic stewardship.

Item: The main focus of the MHC should be to document historic properties and/or architectural elements and fixtures, to supply the City with this list.

Item: More work is needed on proper wording of any proposal to amend the building/demolition permits so that Inspectional Services and members of the Site Plan Committee apply consistent standards.

Patricia M. Bernard left the meeting at approximately 7:50 PM.

Historic Renovation Awards Project

This project has potential to bring us back to the historic house sign project. Winners would be determined by the MHC and awarded to homeowners and builders based on examples of historical stewardship. The MHC could solicit nominations for the award from the community. There may be the need for a founding grant to finance the award itself. Next steps: research what other communities are doing along these lines.

New Business

The MHC is actively looking to fill the spot on the board vacated by Cpt. Nick Evans.

On the Motion to adjourn meeting at 8:06 PM, the Commission voted as follows: Bell Bergeron AYE; Downey AYE; Fagone AYE; Whapham AYE; Wilderman AYE; Slattery AYE; Whapham AYE

The motion passed.

Respectfully submitted,
Brendan Downey

Marlborough Public Library Board of Trustees

Meeting Minutes

February 2, 2021

Virtual Meeting Held on Microsoft Teams

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2021 MAR 23 P 1:48

Meeting called to order by Tom Abel at 7:06pm

Board Members Attending: Tom Abel, Samantha Khosla, Robyn Ripley, Fred Haas, Bill Brewin, Rustin Kyle, Karen Bento, Janice Merk, Nena Bloomquist

Also Attending: Margaret Cardello, Library Director; Arthur Vigeant, Mayor of Marlborough; Wilson Chu, Marlborough Assistant City Clerk

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the January 5, 2021 meeting
3. Trust Fund/State Aid report for January 2021
4. Director's Report
5. Updated Donor Recognition Opportunities List

Proceedings:

1. **Minutes:** *A motion (Khosla/Ripley) to approve the minutes from the January 5, 2021 meeting was passed via a roll call vote.*
2. **Trust Fund Reports:** *A motion (Ripley/Kyle) to approve the trust fund reports for January 2021 was passed via a roll call vote.*
3. **Director's Report:**
 - The Contactless Holds Pickups program is now averaging 60 pickups a day and continues to run smoothly. The new pickup service model, which includes longer pickup windows, has been well received by patrons. One of the reasons for revising the pickup process, Margaret noted, was to provide staff with much needed time to develop and run programs for the community. The staff has made great use of this added time, creating a number of new programs including:
 - A variety of themed story-and-craft programs for younger children, including some in partnership with the YMCA of Central MA which has a grant that serves 100 families in Marlborough
 - An "ocean tank virtual experience" presented by the New England Aquarium
 - Zoom storytime/intro to the library for students and parents at the Guidepost Montessori School

- Craft programs, a virtual book club and a Spring Reading Challenge for teens

Samantha Kholsa requested that Margaret provide information on participation levels as programming ramps up.

- Margaret toured the new Tufts Library in Weymouth last month and spoke at length with the Director about "lessons learned" during the construction. There are a number of similarities between the Weymouth facility and our project, so this was a useful experience.
- The City's new VOIP phone system, Votacall, will be installed at the library on February 17. There will be a period of time when the library's phone system will be unavailable during the installation. Staff training on the new system is scheduled for February 18.
- Response to the digitization of 60 years of MHS yearbooks has been very positive from the community. Margaret has been interviewed by several local papers about the project, which will spread awareness further.

4. Committee Reports:

- Marlborough Public Library Foundation:
 - MPLF Chair Nena Bloomquist informed the board that Marlborough Nissan has made a very generous donation to the MPLF Capital Campaign in memory of Mena Hedin, a longtime MPL librarian who passed away recently. The Children's Service Desk in the new library will be named in her honor. *A motion (Bento/Ripley) to approve the Naming Opportunity Memorandum of Agreement with Marlborough Nissan was passed via a roll call vote.*
 - Following up on last month's news that her children donated to the campaign in her honor, Nena requested approval on a second agreement for a study room in the new library to be named for the Bloomquist-Farrell family. *A motion (Merk/Bento) to approve the Naming Opportunity Memorandum of Agreement with the Bloomquist-Farrell Family was passed via a roll call vote.*
 - Nena shared with the board an updated list of naming opportunities, explaining that the original list was developed in the early stages of the library renovation and expansion project. With the building design now being finalized, new areas have been identified and added.

5. Old Business:

- Margaret and the project team met with the MBLC Building Consultants last month, as planned, to review the construction documents. A follow up meeting

will be scheduled to review how the Building Consultants' input has been incorporated into the documents.

- Tom asked for an update on the status of this year's Trustees Scholarship for local graduating seniors. Nena reported that, per the board's suggestion, the essay question was updated to ask students to reflect on challenges of the past year. Details on the scholarship have been shared with local high schools that serve Marlborough students. Submissions are due at the end of March and will be discussed at the board's April meeting.

6. New Business

- Margaret asked the board for input on the library's piano, which was gifted to the library in the 1970s. The piano tuner who maintains the instrument for years has advised her that the piano is actually designed for home use and is too small for proper use in the new facility. Current plans for the new library call for dedicated storage space for the piano so it can be moved out of the way when not in use. And, there will be a cost to move and store it during construction. The board requested that Margaret investigate how much the piano has been used in the past and report back with that information, along with the costs for keeping and maintaining it, and options for selling/donating/etc.

7. Adjournment: *A motion (Bloomquist/Kyle) to adjourn was approved at 7:57pm.*

Minutes submitted by Janice Merk.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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2021 APR -1 A 11: 25
March 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, Matthew Elder, Sean Fay, Phil Hodge, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio and Assistant City Solicitor, Jason Piques.

1. Meeting Minutes

A. February 22, 2021

On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file the February 22, 2021 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, and Fenby. Nay: 0. Motion carried. (Note: Mr. Russ did not respond to the roll call vote.)

2. Chair's Business

A. Set Public Hearing Date - Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RMUOD)

April 5, 2021 7:00 pm was selected for the Planning Board's public hearing on the proposed zoning amendment.

B. Communication from Assistant City Solicitor (ACS) Piques re: Voting Requirements on Regulation Changes. George LaVenture read the March 2, 2021 email communication from ACS Piques into the record. His email details that a simple majority of the Planning Board may adopt or amend subdivision regulations.

3. Approval Not Required

A. 181 Boston Post Road East

Applicant: Post Road Mobile Homes and Sales, Inc.

Surveyor: RJP Construction and Engineering, 21 Chapin St., Northborough, MA 01532

Deed: Book 11449, Page 675, Middlesex South Registry

Mr. LaVenture read the March 2, 2021 review letter from Assistant City Engineer Collins into the record. Mr. Collins details that the Feb. 7, 2021 plan, revised on Feb. 26, 2021 is a third version of previously endorsed plans (October 16, 2020 and again on December 21, 2020). Neither the Oct. 16 plan, nor the Dec. 21 plans were recorded at the South Middlesex Registry of Deeds. Per Assistant City Engineer Collins's letter, Lots 1 and 2 have adequate area, the required frontage, meet the Lot Shape requirement and have present adequate access for buildable lots within their respective zoning boundaries. (Mr. Russ spoke and indicated he had rejoined the meeting after having network issues earlier.) On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted accept, file, and endorse the Feb. 26, 2021 referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

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. Working group discussion – Planning Board Rules and Regulations
 - i. Rules and Regulations – Continued Recommendations

Mr. LaVenture provided an update to the Board on the Working Group's most recent meeting on March 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 below:

Current regulation:

§ A676-10 Definitive plan. A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(3) (Reserved)

Proposed change:

§ A676-10 Definitive plan. A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(3) ~~(REMOVE)(Reserved)~~ (ADD) For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.

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 and 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. For the purpose of establishing the official submission date, said **submission shall be made to the Planning Board** at a regularly scheduled meeting of the Planning Board. The Planning Board **requests the applicant to arrange for the Engineering Department to review the plans** prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.

Proposed change: Member discussion resulted in amending the pre-meeting posted language to the following:

(1) For the purpose of establishing the official submission date, said submission ~~(REMOVE) shall be made~~ (ADD) date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board ~~(REMOVE) requests~~ (ADD) suggests the applicant ~~to arrange for~~ (ADD) meet with the Engineering Department to review the plan (ADD) 's (ADD) format and completeness prior to said submission to the Planning Board as outlined above.

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 a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, 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. **For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board.**

Proposed change:

(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 a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, 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. For the purpose of establishing the official submission date, said submission ~~(REMOVE) shall be made~~ ~~(ADD)~~ ~~date shall be the date the plan was presented~~ to the Planning Board at a regularly scheduled meeting of the Planning Board.

Reason for changes:

To clearly establish submission date and for uniformity of ANR, Preliminary, and Definitive Plans.

Current Regulation:**G. Performance guarantee.**

Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.

(1) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G(2) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond.

(2) Approval with covenant.

(a) The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G(1) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.

(b) The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.

Proposed change: None.

Assistant City Solicitor Piques explained this language comported with MGL c. 41, §81U and should remain unchanged.

Current Regulation: § A676-10 Definitive plan.

A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(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 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: Mr. LaVenture noted the words "and until" also needed removal to clarify the sentence. This resulted in amending the pre-meeting posted language to the following:

(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 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 ~~(REMOVE) and until a new application~~ (ADD) an extension of the approval of the Definitive Subdivision Plan is filed with and approved by the Board. (ADD) Any surety securing the completion of the subdivision must be extended to run concurrently with the extension of the Definitive Subdivision Plan approval. Ways not completed or portions thereof ~~(REMOVE) within two years from the date of approval by the Board~~ (ADD) when the approval of the Definitive Subdivision Plan has expired 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.

Reason for change:

Conformity with current practice.

>> Addition to A676-2 Definitions changing "the singular includes the plural" to "the singular includes the plural and the plural includes the singular"

Current regulation: §A676-2 Definitions.

As used in **this chapter**, the following terms shall have the meaning indicated.

§ A676-2 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

Proposed changes: Based on a comment by Mr. Fay at the last meeting the language was amended:

As used in ~~(REMOVE) this chapter~~ (ADD) these Rules and Regulations, the following terms shall have the meaning indicated ~~(REMOVE):~~ (ADD). The word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, (AMENDED) the plural includes the singular, and the present tense includes the future and other words and phrases have the following meanings.

§ A676-2 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(ADD) SHADE TREE

Any tree which casts a shadow large enough for an individual to enjoy passive recreation while being protected from the effects of the sun or, in the opinion of the Tree Warden, will cast such a shadow when mature.

(ADD) STREET TREE

Any existing tree located within 15 feet from the edge of the roadway layout that casts a shadow upon the sidewalk area or a tree planted in the required landscape easement that will, in the opinion of the Tree Warden, casts a shadow on the sidewalk area when mature.

Reason for change:

Stated with more clarity.

Mr. LaVenture reminded the Board that at the last meeting he mentioned a number of Editor's Notes throughout the document might be replaced with a single statement. After discussion, the working group decided to recommend removing all occurrences of Editor's Notes, such as [1] *Editor's Note: Appendix B is on file in the City Clerk's office* and add language to the General Provisions section of Article I.

Current Regulation:

Article I
General Provisions

§ A676-1 Authority. Under the authority vested in the Planning Board of the City of Marlborough by MGL c. 41, § 81O, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

Proposed change:

(ADD) The current version of the Planning Board Rules and Regulations were adopted by the Marlborough Planning Board on _____ and have been recorded at the South Middlesex Registry of Deeds, Book _____ Pages _____. A copy of the current version of the Planning Board Rules and Regulations are available at the Marlborough City Clerk's Office and the City Engineer's Office or may be obtained on the City of Marlborough's website: www.marlborough-ma.gov.

Reason for change:

Stated with more clarity.

Current regulation:

§ A676-10: Definitive Plan

B. Contents

(n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer. (ADD) A Stormwater Management Design Report showing that measures to mitigate stormwater impacts of the proposed subdivision have been designed, and that such measures meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth; and 310 CMR 10.0 Wetlands Protection Act Regulations.

(ADD)

(s) An Erosion Control Plan showing that construction erosion and sediment controls have be designed to ensure that no off-site impacts to abutting properties or wetland resource areas will result during construction of the project, and that such controls have been designed to the satisfaction of the City Engineer and, if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities and/or the Wetlands Protection Act.

Reason for change:

Mr. DiPersio, City Engineer explained this would bring requirements into compliance with current standards.

Mr. LaVenture explained that while many presentations have been clear and readily understandable, some have been a bit more difficult to determine the presenter's intent. Especially during an online meeting.

The working group decided to recommend one Rules and Regulation change and one procedural change. As mentioned previously, suggesting the Engineering Department review a plan for format and completeness prior to its submission was the proposed Rules change.

The proposed procedure change is to allow the plan presenter to have control of the screen during the presentation. This might provide smoother presentation as they would control the pointer and not need to direct its movement second hand.

>> Mr. Hodge suggested putting mailboxes on the sunny side of an east-west street.

Mr. DiPersio, City Engineer, explained that placement of the mailboxes is an issue for the local Post Office. The Detail shown for mailbox placement was derived from the standard set by the United States Postal Service.

Mr. Collins, Assistant City Engineer, had provided the following:

Can you move a mailbox? ^

The Postal Service permits moving a mailbox, but it must be placed in a location that is readily accessible by a mail carrier. For example, roadside mailboxes must in a location where mail carriers can place mail from their delivery vehicles.

Does one have to get permission from the USPS to move the ...
www.quora.com/Does-one-have-to-get-permission-from-t...

[See all results for this question](#)

Can USPS mailboxes be relocated? ^

The USPS does not legislate the relocation of residential mailboxes nationally. Rather, they allow local postmasters to decide what is best for their geographic location and mail service.

Relocating Residential Mailbox – USPS Mailbox Guidelines
www.mailboxworks.com/blog/relocating-residential-mailb...

[See all results for this question](#)

Is the placement of mailboxes determined by the USPS? ^

YES! The placement of every mailbox is determined by the USPS - for safety, efficiency of the route/driver. Before moving/replacing your mailbox one is encouraged to visit the post office and ask for instructions. You will be given general instructions on where/how a mailbox must be placed.

Mr. LaVenture suggested if Mr. Hodge had language he would like to propose, the working group would discuss it at their next meeting on March 11.

Current regulation: § A676-16 Protection of natural features.

Due regard shall be shown for all natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed.

Proposed change:

Due regard shall be shown for all natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed. **(ADD) The Applicant may be required to hire a certified consulting arborist to identify those trees which can be saved and thrive upon the completion of the subdivision, show those trees on the Definitive Subdivision Plans and certify as to such.**

"I hereby certify that the trees shown on this plan as to be retained (RET.), if preserved, will add attractiveness and value to the subdivision. Those trees not designated as to be retained (RET.) have no significant value where they would need to be retained."

Reason for change:

To reduce total tree clearing of lots prior to lot development.

Discussion regarding the exact intent and language required resulted with the working group agreeing to review the language at it March 11 meeting.

Current regulation: § A676-28 Trees.

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.

B. The subdivider shall **plant other trees** as needed to provide at least two areas of shade to each lot.

C. Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.

Proposed change: Member discussion resulted in amending the pre-meeting posted language to the following:

A. Street trees of a species approved by the ~~(REMOVE) City Forester~~ **(ADD) Tree Warden** 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.

B. The subdivider shall **plant (REMOVE) other (ADD) shade trees** as needed to provide at least two areas of shade to each lot.

~~(REMOVE) C. Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.~~

(ADD) If allowed by the Tree Warden, Shade Trees located within 15 feet of the roadway layout may also be designated as Street Trees and be designated as both a Shade Tree and a Street Tree.

(ADD) Street tree compensation. For those street trees required, that cannot be planted within the required landscape strip adjacent to the roadway right-of-way and there are not any trees adjacent to the roadway that can be considered as street trees, compensation for those street trees may be given in one of the following ways: (1) monetary value given to the City of Marlborough for the purpose of planting trees, (2) as trees planted elsewhere in the subdivision, or (3) trees planted within the City of Marlborough. Option chosen is at the discretion of the Planning Board with approval from the Tree Warden. All tree locations will be selected by the Tree Warden.

Mr. LaVenture noted that text in the APPENDIX F Cross-sections would be updated to state "MINIMUM 2 SHADE TREES PER LOT". The Board would see those changes in the future.

Reason for Change:

Update to meet current practices.

City Forester is no longer a City position – Replaced with the position of Tree Warden, who has been charged with the care of public trees.

Mr. Fay inquired about the status of proposed language regarding easement vs fee.

Mr. LaVenture noted the following language had been submitted to Legal for review:

All land required for access to a subdivision, including that required for the roadway roundings, must be held in fee by the Applicant.

Mr. LaVenture asked Assistant City Solicitor Piques if he could address the question. Mr. Piques indicated the language and its placement was under review.

Without further discussion the proposed changes were forwarded to Legal for review.

Working group discussion – Planning Board Rules and Regulations

ii. Next steps.

Mr. LaVenture noted that next steps included:

- A working group meeting 11 March to review outstanding items and the body of proposed changes in their entirety
- Planning for a public meeting for formal presentation to the Board of proposed changes for Board review.

Mr. LaVenture noted that due to the advertisement requirements for the public meeting, the earliest that presentation could occur was April 5.

Mr. LaVenture asked Mr. Piques if that provided enough time for Legal review. Mr. Piques indicated he would let us know if that would work.

11. Calendar Updates (None)

- A. Public Hearing Date - Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RMUOD). April 5, 2021 7:00 pm (Remote Teams Meeting)

12. Notices from other Cities and Towns (None)

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

Respectfully submitted,



George LaVenture/Clerk

/kih



**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, February 24, 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 & Ryan Malcolm also from the Engineering Department, Sgt. Zac Attaway and Officer Andy Larose from the MPD Traffic Services Unit, City Council President Mike Ossing, City Councilor Katie Robey, and local resident Allen White (joined the meeting at 10:20am).

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:02 and began by welcoming everyone and making introductions.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, January 27, 2021.

MOTION was made, seconded, duly VOTED:

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

2 - New Business –

2a) Crosswalk Issue at the EEC

Tom DiPersio has received several emails from staff at the ECC regarding problems they are having with the crosswalk at the new parking lot on Bolton Street. Their main concern is that cars are not stopping for pedestrians at the crosswalk. There are also times when a car does stop and then is almost hit by the car behind them because they are not prepared to stop. There were also concerns about parking in the winter with the snow and the way the lot was plowed limiting the number of spaces available. There was also

a question as to why the area was not marked as a school zone. Mr. DiPersio and Mr. Collins have been out to observe the area and have some suggestions that may help.

Tim Collins said there are actually two separate issues: 1) Greater visibility and 2) School Zone. Mr. Collins also said that this crosswalk has not yet been regulated. He pulled up a schedule of regulated crosswalks. He noticed that this one and the one down by the elderly housing unit (Bolton Manor, south of Poirier Drive and the entrance to the school) are not on there. They both need to be properly regulated and added to this schedule. He also said that the law in MA is to “yield” to pedestrians in the crosswalk. He pulled up Chapter 89, “Law of the Road”, and highlighted a portion of Section 11 which states “driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield,... if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approached from the opposite half of the traveled part of the way to within 10 feet of that half....

With regard to the School Zone issue, Mr. Collins pulled up the MA amendment to the MUTCD for reference. The speed limit is dropped to 20 mph in a School Zone, however, there are 4 very specific minimum warrants that must be met in order to create a School Zone.

- The school property abuts the public right of way within the limits of the proposed zone area.
- School children have direct access to the street or roadway from the school property.
- The zone must contain a marked crosswalk
- The school must involve one or more grades between Grade 1 and Grade 8, inclusive.

The ECC fails to meet the warrant for grade levels as it only has preschool and kindergarten students. Children are also not required to walk to school here.

Chief Giorgi advised that we have tried to put the crosswalk cones in other crosswalks throughout the City and they have been hit.

Mr. Collins said that there is really only a 15-minute timeframe that is the issue. School starts at 8:15am. He went out there from 7:45 to 8:15 and observed about 15 people crossing. He said that the placement of the crosswalk is perfect and that most people had no problem crossing. The traffic lights in the area do also provide a gap in traffic. He did note that about 1/3 of the people crossing did not even look when using the crosswalk. He observed 2 vehicles that did stop and 2 that didn't even look. The person crossing needs to make eye contact with the driver. They can't just assume that cars will automatically stop. He said that the pedestrian must assume some responsibility even though they are in the crosswalk

Mr. Collins is proposing:

1. Regulate the crosswalk
2. Move the Advance Warning signs to a better location
3. Add crosswalk signs that point to the actual crosswalk

4. Making the parking lot entrance one way so that cars entering the lot are not blocking the view of the crosswalk. He is suggesting that the southerly side be marked as "Do Not Enter" and that the northerly side be marked as "Enter".

Tom DiPersio also suggested that someone at the school could put the crossing pylon out early and then be responsible for taking it in. Officer Larose said that these crossing cones are constantly hit by cars and dragged down the street.

Chief Giorgi said that someone from the school would need to be designated as the person to put the cone in and out on Bolton Street. He agrees that the Advance Warning signs are a good idea but he also agrees with Mr. Collins that some of the responsibility is on the pedestrian.

Steve Kerrigan asked when the last time was the School Zone requirements were updated by the MUTCD. He was questioning why a school with grades below first grade, doesn't qualify for a school zone. Mr. Collins said that he thinks this is because most municipalities don't expect preschool and kindergarten students to walk to school.

Chief Giorgi said that a good place to start is with the additional signage. He also suggested that Sgt. Attaway or Officer Larose could visit the school and educate students and staff on crosswalk safety. Mr. Collins agreed that this would be a good teaching opportunity to show young children and teachers how to cross properly.

Steve Kerrigan also mentioned that the charging station at the municipal lot also needs to be properly regulated. Mr. Collins said that he will also prepare the wording for this regulation.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to prepare the wording for all the necessary regulations for the crosswalks and municipal lots.

2b) Issues with the turn movement at intersection of Boston Post Road West & Ames Street

Tim Collins explained that this issue goes back to 2016. He pulled up copies of email correspondence he had with Joe Frawley from the MA DOT. The main issue was that when traveling westbound on Boston Post Road West the left turn movement for U-Turns at Ames Street conflicted with right turns from Ames Street. They both had a green light at the same time. He was also requesting that the "No Right on Red" restriction for Ames Street be eliminated. Mr. Collins also included aerial photos of the intersection in the agenda packet showing Ames Street, northbound, at the intersection and Boston Post Road West, westbound, at the intersection. MA DOT recognized the conflict and eliminated the overlap with the green lights. This eliminated most of the problems.

At the time, MA DOT also advised that they would be willing to replace the "No Turn on Red" sign with a "No Turn on Red Except from Right Lane", however, this was never done. Mr. Collins included two graphics for MUTCD signs in the agenda packet as well, one for this sign and the other for "Right Turn on Red Must Yield to U-Turn" for the Boston Post Road West, westbound, approach. Mr. Collins advised that he has a new contact at the MA DOT, and he can send a letter to revisit the "No Turn on Red". All agreed that this was a good idea.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to draft a new letter to the MA DOT and revisit this issue.

2c) Speeding throughout the community – specifically on Berlin Road

President Ossing was contacted by a resident of Berlin Road on this issue. The resident is frustrated with the speed on Berlin Road and was questioning “how the city made a decision to increase the speed limit on Berlin Road with zero improvements?!” He also doesn’t understand why officers can’t write more speeding tickets. He knows there are no quick answers but feels something needs to be done.

President Ossing asked if the speed limit was properly posted and if there was anything that could be done on a more specific regular basis. He asked if we can set up monitoring equipment?

Chief Giorgi advised that the speed limit signs were changed to reflect the correct speed limit on Berlin Road. Tim Collins pulled up the speed limit regulation and a diagram showing the speed zones on Berlin Road. It starts at 20 mph then goes to 30 mph then 25 mph. When reviewing the regulations in the past, it was realized that the sign was in the wrong place before. There is only one very small section (about 211 feet) that was supposed to be marked as 20 mph. The speed limit was never changed on the road. It was just reposted to show the actual speed limits that were already in place.

President Ossing will get back to the resident with this information but he also asked if we could get recent speed data for the area. Officer Larose advised that he has had the speed board out there in the area near Peebles Way, where the speed limit is 30 mph. He pulled up the Extended Speed Summary from 11/9/20 to 11/21/20. He does feel like the signs work to slow people down. He also had another summary report from the other end of Berlin Road, closer to Pleasant Street, where the speed limit is 25 mph. This one was from 3/11/20 to 4/11/20. It showed the average speed was 27.85 mph with the 85th percentile at 31 mph.

President Ossing asked how frequently we could monitor Berlin Road? Officer Larose said that we’ve put the speed signs out every time between speed complaints and that they are normally left out for 7 days, however, sometimes they are left up longer. When they are up, they are effective. You can see this from the blue on the pie chart which shows that vehicles slowed down when they were in the area of the sign. Sgt. Attaway said that as soon as the weather clears up, we can also get the speed trailer back up. Last year the sign was out in that area for 5 to 6 weeks. Any time they had an extra sign they would put it there.

Chief Giorgi suggested that we get a specific schedule going. President Ossing asked if we could get them to target Berlin Road if they have extra signs available in 2021. Officer Larose said that the Police Department now has a 4th electronic speed sign. Sgt. Attaway also said that after the speed signs are out in an area, they usually do a directed patrol there to monitor speed the following week. They will send the results to President Ossing and he can share them with the resident.

Allen White, another resident of Berlin Road, joined the meeting at this time. Chief Giorgi asked if he would like to express his concerns. He also has concerns about speed on West Hill Road and said that his neighbors do as well. He is a lifelong resident of Berlin Road. He feels we do have to get the traffic slowed down and get this area under control before someone is seriously hurt or killed. He also mentioned that commercial vehicles are a problem. He really hopes the Traffic Commission can do something for him. Chief Giorgi advised that we do try to keep officers here and keep it under control. His father also lives in this area and he also hears all of this from him.

Mr. Collins said that we have addressed the issue of the truck exclusion in the past, however, the detour would have to go through the Town of Hudson and Hudson has said no to this route. There are also very specific truck numbers required for a road to qualify for a truck exclusion. It's very difficult to meet all the criteria.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT to continue to monitor and enforce speed limits in the area.

3-Old Business

3a) Truck traffic volume/noise on Rte. 85 by the Navin Rink

Update: Sgt. Attaway and Officer Larose have been monitoring truck traffic and jake brake noise on Bolton Street over the past month. Officer Larose said that he spent 10 hours on this and that he has also been keeping his office windows open. His office is located in the front of the building directly on Bolton Street and he said he has heard nothing. He had one morning where he was monitoring the area at Bolton Street and Reservoir Street and heard jake brakes. He called Sgt. Attaway who had his office windows open and asked if he could hear anything. He could not. He went over by the Connector and at the light he could hear heavy truck traffic. Over the last month he has only observed 1-2 trucks on Bolton Street, and neither were using Jake Brakes. He believes the truck noise is coming from the Connector, not Bolton Street.

Sgt. Attaway advised that he can reach out to the Hudson resident who brought up this issue now that we have stats from the last month.

Chief Giorgi asked if anyone else had anything else they would like to add. No other comments.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:46 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 2/24/21, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, January 27, 2021.

-Email forwarded by Tom DiPersio to Chief Giorgi, dated 2/4/21, re: Crosswalk issue at the EEC (Original email from Wendy Cunningham on 2/3/21).

-Email from Tom DiPersio to Chief Giorgi, dated 2/3/21, re: Crosswalk on 85 ECC Staff (includes email from Monique Skarin, dated 2/3/21)

-Email chain from Tim Collins to Chief Giorgi, dated 1/28/21, re: Traffic Commission Agenda Item for February 24, 2021 (Issues with the turn movement at intersection of Boston Post Road West & Ames Street – including wording for proposed signage and photos of the intersection.)

-Email from City Council President Ossing to Chief Giorgi, dated 2/19/21, re: Speeding throughout the community, specifically Berlin Road speed limit increase with zero improvements?!

Additional Handouts

-Extended Speed Summary Reports for Berlin Road (SB) from 3/11/20 – 4/11/20, Berlin Road (EB) from 7/28/20 – 8/3/20 and Berlin Road (EB) from 11/9/20 – 11/21/20.

-Copy of Chapter 586-60.1 – Crosswalk Locations

-Copy of Chapter 89-11 with specific wording highlighted.

-Copy of Chapter 3: MUTCD Traffic Control for School Zones with specific wording highlighted.

-Photo of Pedestrian Crossing Sign used on Crosswalk

-Copy of Chapter 586-58, Schedule XIV: Speed Limits for Berlin Road, including diagram.

-Copies of Emails between Tim Collins and Joe Frawley (DOT) regarding issues at the intersection of Boston Post Road West and Ames Street, along with aerial photo.

City of Marlborough
Zoning Board of Appeals
March 16, 7:00 PM
Minutes
Microsoft Teams Meeting

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March 16, 2021 – Meeting being recorded

7:00 PM Location – 21 Patten Dr. ZBA Case # 1475-2021
Applicant: Thomas Coder c/o Atty. Brian Falk
Date of Appeal: February 5, 2021
Date of Meeting: March 16, 2021

The Zoning Board of Appeals, acting under the Marlborough Zoning Ordinance and General Laws, Chapter 40A, as amended, a meeting was held on March 23, 2021

A roll call of Board Members present virtually were: Ralph Loftin-Chairman, Paul Giunta, Thomas Golden, Thomas Pope and Robert Levine. Also, Susan Brown-secretary.

Name and Address of Applicant: Thomas Coder (represented by Atty. Brian Falk, Mirick O'Connell, 100 Front St., Worcester, MA 01608-1477

Nature & Basis of Appeal: The reconstruction of a single family home granted by Special Permit thru City Council does not meet the three conditions of the Special Permit: The structure is larger than approved on all four side; the structure is higher than approved; Lot coverage increased beyond approved; concrete pavers were installed for approximately 10 ft. of the city's right of way 650-49B(4) Paving materials (a) and Driveway width expanded without prior approval.

Variances request under (Chapter 650-58(B)(2) and Chapter 650-58(B)(3)(c) for rear setback and lot coverage.

The property in question is located in Zoning District A3, being Map 5, Parcel 80 of the Assessor's maps. Also known as 21 Patten Dr. This meeting was held virtually on Microsoft Teams. It was stated the meeting was being recorded.

Applicant Thomas Coder and his representative Atty. Brian Falk attended virtually.

Board Member Thomas Pope read into the file the following correspondence which was placed on file:

- E-mail from Thomas DiPersio, City Engineer, dated March 12, 2021
- Letters of support from: Frank Silka of 27 Patten Dr., Janis Bergstrom of 132 Second Rd. and Abiud and Natalia Chacon of 22 Patten Dr.
- E-mail from Jeffrey Cooke, Building Commission, dated March 16, 2021
- Letter from Councilor Navin, dated March 12, 2021

Atty. Brian Falk made his presentation in accordance with his two letters: One dated January 4, 2021 RE: Variance Application – 21 Patten Dr. (Thomas Coder) and the other letter dated February 4, 2021 RE: Special Permit Application – 21 Patten Dr. (Thomas Coder).

Variance Requests -- Rear Setback and Lot Coverage:

- Atty. Falk presented a power point slide show (attached in file)
- Atty. Falk stated existing lot is a legal pre-existing non-conforming lot with 50 ft. frontage and an area of 5,000 sq. ft. which had a one story, single family home.
- Currently existing on the lot is a new, more than a 2 ½ story house.
- Applicant is seeking variances for Rear Setback and Lot Coverage. These are new non-conformities.

PLANS

- March 7, 2019 plan – This plan was submitted to the city council and it met rear setback and Lot coverage.
- August 16, 2019 Plan – submitted this plan with a better design and still did not need variances. The Original house was conforming to rear setback and lot coverage before it was torn down. This plan was approved by Engineering Dept. and City Council.
- Jan. 21, 2021 – As-built plan – According to the General Notes: Proposed 24 ft. rear setback and proposed 34.5% Lot Coverage, thus creating 2 new non-conformities which needs variance relief.
- Variances requested:

	Original house	As-built plan	Proposed	Deviation
Variance - Rear setback – minimum required 30 ft.	Original house 40.1 ft. (conform)	As-built plan 21.9 ft. to roof overhang	Proposed 24. Ft.	2.1 ft.
		23,9 to foundation	Proposed 24 ft.	.1 ft.
Variance - Lot Coverage – maximum 30%	Original house 24.2% (conform)	As-built plan 34.9%	Proposed 34.5%	.4%

Shape and topography:

- The lot is narrow in shape, being 50 ft. on the front and rear lot lines and 100 ft. deep along the side lines.
- The lot has a very steep slope, rising in elevation by 24 ft. from front to back.
- Shape and topography not shared with other lots in the area.
- Deck on the side, according to the plan, will not exist.

HARDSHIP(S) as stated by Atty. Falk:

- Lot is narrow in shape and the topography is steep – This is a financial hardship in that the lot could not accommodate a home of the size acceptable to modern homebuyers, significantly diminishing the value and viability of the property.
- Would not cause a substantial detriment to the public good or substantial derogation from the intent and purpose of the Zoning Ordinance
 1. The rear yard of the property is situated at a higher elevation with views extending over the property.
 2. Lot coverage deviation is less than 450 sq. ft. in total. Concentrated in the middle of the lot.
- Homes at the rear of the lot in question are situated higher than the existing house, because of the slope.
- House lots in the area have roof lines that are similar to 21 Patten Dr.
- 21 Patten Dr. is in keeping with other homes in the neighborhood, being a single family home. The existing foundation is off, so it is off all around.
- These are minor deviations, construction error, according to Atty. Falk

There was no one attending virtually who spoke in favor. There was no one attending virtually who spoke in opposition.

SPECIAL PERMIT

Atty Falk submitted a packet for the Special Permit process. Included in the packet:

- Violation letter from Jeffrey Cooke, Building Commissioner, dated Jan. 12, 2021
- Letter from Atty. Falk dated Feb. 4, 2021 - RE: Narrative on amending a special permit.
- Denial letter dated March 4, 2021 from Jeffrey Cooke
- Plan approved by city council and engineering
- Plans submitted: Exhibit Plan dated Feb. 17, 2021 prepared by Connorstone Engineering and As-built Plan dated Jan. 21, 2021 prepared by Connorstone Engineering.

His client, Mr. Coder, desires to amend his City Council June 17, 2019 Special Permit authorizing the alteration, reconstruction, extension or structural change to a lawful pre-existing non-conforming single family dwelling, in accordance with Section 650-12B and Section 650-58B(3)(b) of the Marlborough Zoning Ordinance.

Zoning Board of Appeals

Minutes

March 16, 2021

In modifying the special permit, the Board must consider all items listed below.

	Original house	City Council	Proposed	As built Plan	Deviation
Two Side setbacks on – required 15 ft.	8.2 ft.	City Council approved 9.5 ft.		9.3%	.2%
Front setback- required 20 ft.	Conforms 20.0 ft. (I think)	20.9 ft.		20.9 ft.	conforms
Height of structure 2 ½	225.2 ft.	City council approved 229.8 ft.		231.9 ft.	1.29 ft.
Rear Setback – required 30 ft. -new nonconformity	<i>Variance needed</i> Original house – 40.1 ft.	City council approved 24.0 ft.	24 ft.	21.9 ft. to roof overhang 23.9 ft. to foundation	2.1 ft. .1 ft.
Lot Coverage – required 30% -new nonconformity	<i>Variance- needed</i> Original house-24.2%	City Council approved 34.5%	34.5%	34.9%	.4%

Atty. Falk’s client was issued a Special Permit dated June 17, 2019. Condition #1 states:
Construction in Accordance with Applicable Laws: Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as maybe subject to minor modification and approval of the Building Commissioner.

Atty. Falk’s client is seeking to amend Condition #1 of the existing special permit as follows:
Construction in Accordance with Applicable Laws: Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings *modified as shown and described on the plan of land entitled “as-built Site Plan of 21 Patten Drive in Marlborough MA prepared by Connorstone Engineering, Inc. and dated January 21, 2021 attached as “Attachment A-1”, and as maybe subject to minor modification and approval of the Building Commissioner.*

The existing new house currently deviates from the as-built plans and from the plans approved as part of the existing Special Permit. The Building Commissioner determined that these deviations from the approved plans do not qualify as “minor modifications”, as may be allowed under the Special Permit.

Atty. Falk feels that the home built is not more detrimental to the neighborhood than the prior pre-existing non-conforming structure and is therefore eligible for an amended special permit thru the ZBA.

No one spoke in favor. No one spoke in opposition.

Questions and comments from audience:

- Barbara Allen – 124 Second Rd., Marlborough. The applicant did not comply with the Special Permit that was granted to him. There were rules to follow and now he is seeking relief away from the special permit he was granted. How will something like this be handled for future homeowners wanting to remodel and reconstruct their homes. Mr. Coder, applicant, is a professional, he should have been more careful. Will this type of error in construction be something of the future, people coming in seeking compliance for their errors? The neighborhood has many small lots, and this could happen again. Answer: Mr. Falk responded that this was a “construction error.” Deviations are minor.
- Paul Goldman – 137 Second Rd., Marlborough, MA - Echoed with what Barbara Allan said. We are in an area of small lots and with many styles of homes. This could become a case study. Answer: Atty. Falk stated that every case is different. This is a unique lot and the relief they are seeking is minor.

Board Member, Ralph Loftin asked the following:

- When did the applicant know he was deviating from the approved city council plan? Answer: Atty. Falk answered when the as-built plan was prepared.
- He cannot understand how the applicant can overlook a deviation of 2 ft. I do not consider this a “construction” error.

Board Member, Thomas Pope asked if the existing walkways were included in Lot Coverage?

Other 2 Violations:

Pavers - Board Member, Paul Giunta asked the following questions:

- How will the paver violation be handled? Answer: Falk said that will be corrected, weather permitting and when asphalt companies are operating. Pavers on the lot are **not included** in Lot Coverage. The walkways on the lot are included in Lot Coverage.
- Paul Giunta also asked if they can reduce their Lot Coverage? Answer by Atty. Falk: They would rather not.

Widening of the driveway – the applicant can correct.

Patio is not included in Lot Coverage.

Close of Public Hearing

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

Robert Levine stated in regard to the variance request, he did not see any "hardship". The deviations were discovered after the as-built plan was produced. There are many small lots in the area, and the area is on a slope. 21 Patten Dr is not unique to the other lots in the area.

Ralph Loftin stated the hardship was created by the applicant. The plan probably can be modified to conform to the Special Permit that was granted to the applicant. He felt this 2 ft. error is way beyond a construction error.

- Original plan was conforming to rear, front and lot coverage and met height.
- But side setbacks were always off and never conformed.
- City council requested revised plans, and this showed rear and lot coverage violations, showing 2 variance requests which are new deviations rear setback and lot coverage which was not there with the original house.

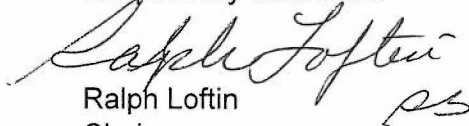
Robert Levine made a motion to deny the variance request for rear setback and lot coverage. He felt these 2 variance requests could be remedied. Mr. Levine withdrew his motion when Atty. Falk request a continuance.

Atty. Falk stated if need be, they will cut back on the impervious areas.

Atty. Falk requested of the Board to continue their deliberation to their next meeting, before taking a vote. Atty. Falk understands the public hearing is closed. Mr. Falk requested to have the Board postpone their vote until he had a chance to speak with this client about his options.

A motion was made by Paul Giunta to continue the Board's discussion to their March 23rd, 2021 meeting at 7:45 PM. Seconded by Robert Levine. Vote of the Board 5-0 with all yeas to continue to March 23, 2021 at 7:45 PM. Paul Giunta, Ralph Loftin, Robert Levine, Thomas Pope and Thomas Golden.

Respectfully submitted:



Ralph Loftin
Chairman
Zoning Board of Appeals