

REGULAR MEETING
JUNE 14, 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 JUN 10 P 12:50

This meeting of the City Council will be held virtually on Monday, June 14, 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).

Presentation of City Scholarships 2021

Taylor Baber
Marlborough High School

Amelia Carlman
Marlborough High School

Makenna Nobel
Assabet Valley Regional Technical High School

Brooke Bishop
Marlborough High School

Allyson Trinh
Marlborough High School

Ryan Fettig
Assabet Valley Regional Technical High School

- 1 Minutes, City Council Meeting, June 7, 2021.
- 2 Communication from Councilors Ossing and Tunnera, re: Municipal Aggregation – June 2021 Update.
- 3 Communication from the Mayor, re: Transfer Request in the amount of \$213,852.00 which moves funds from PEG Fund to IT Equipment to fund an upgrade of our current permitting software “Accela” to “OpenGov”.
- 4 Communication from Solicitor Jason Grossfield, re: Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District (RWMUOD) and Proposed revisions to Chapter 650 §33 of the Zoning Code, in proper legal form, Order No. 21-1008216C.
- 5 Communication from Assistant Solicitor Jason Piques, re: Request for Approval of Free-Standing Sign, Mobil, 656 Boston Post Road East, in proper legal form, Order No. 21-1008275.
- 6 Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of two Flat Wall Signs, Local Roots, 910 Boston Post Road East, within the Wayside District.
- 7 Communications from various residents re: Opposition to Application for Site Plan Review from Attorney Brian Falk, on behalf of WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, Order No. 21-1008277.
- 8 Communication from Sudbury Companies of Minute and Militia re: Temporary sign placement at the corner of Route 20 and Hagar Road for the 2021 Colonial Faire and Muster at the Wayside Inn.
- 9 Application for Special Permit from Edgewood Entertainment, LLC, to operate indoor golf simulators and a bar area in the existing building at 229 Boston Post Road West.

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. Minutes of Boards, Commissions and Committees:

- a) School Committee, May 11, 2021.
- b) Conservation Commission, May 20, 2021.
- c) Council on Aging, May 11, 2021.
- d) Cultural Council, May 13, 2021.

11. CLAIMS:

- a) John Pelliccio, 593 Hemenway Street, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee12. **Order No. 21-1008216C: Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District (RWMUOD) and Proposed revisions to Chapter 650 §33 of the Zoning Code.**

Recommendation of the Urban Affairs Committee is to approve. Councilor Doucette moved to recommend approval to proposed revisions to Chapter 650 §33 Results Way Mixed Use Overlay District and Zoning Map as amended; the motion received a second. The vote was 3-2 with Councilors Landers and Robey opposed.

13. **Order No. 21-1008266: Proposed rezoning of land at 290 Hudson Street identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3.**

Recommendation of the Urban Affairs Committee is to approve pending the recommendation of the Planning Board. Councilor Doucette moved to recommend approval pending the input from the Planning Board; the motion received a second. The vote was 5-0 in favor.

14. **Order No. 21-1008275: Request to replace existing sign panels on the free-standing sign, Mobil, 656 Boston Post Road East within the Wayside Zoning District.**

Recommendation of the Urban Affairs Committee is to approve. The council approved an LED Sign Special Permit 17/18-1007068C for this site. There was no request to amend the Special Permit, the applicant submitted a sign permit indicating they were switching out the existing panels that read "Alltown" and "Auto Wash" and replacing them with "Alltown Fresh" Handcrafted Kitchen & Market" and "Alltown Car Wash".

Councilor Doucette moved to recommend approval of the changes to the sign; the motion received a second. The vote was 5-0 in favor. The Solicitor indicated he would submit an Order in proper form to reflect the changes when this is on the agenda for final vote.

From City Council

15. Order No. 21-1008221: Proposed Ordinance Amendment to Code, Chapter 270 “Building and Site Development Article V “Fences’ relative to §19 “Permit Required” in addition to §24 “Easements and Rights of Way”.

Recommendation of the Legislative & Legal Affairs Committee is to approve as amended.

LEGAL AD WAS ORDERED ADVERTISED AT THE JUNE 7, 2021 CITY COUNCIL MEETING. ADVERTISEMENT WAS PUBLISHED ON FRIDAY, JUNE 11, 2021, ACTION CANNOT BE TAKEN UNTIL THE JUNE 21, 2021 CITY COUNCIL MEETING TO COMPLY WITH THE 10-DAY PERIOD.

16. Order No. 21-1008230: Proposed Ordinance Amendment to the City Code, Chapter 510 “Sewers” §2(D) “Use of Public Sewers” as submitted by Mayor Vigeant.

Recommendation of the Public Services Committee is to approve as amended.

LEGAL AD WAS ORDERED ADVERTISED AT THE JUNE 7, 2021 CITY COUNCIL MEETING. ADVERTISEMENT WAS PUBLISHED ON FRIDAY, JUNE 11, 2021, ACTION CANNOT BE TAKEN UNTIL THE JUNE 21, 2021 CITY COUNCIL MEETING TO COMPLY WITH THE 10-DAY PERIOD.

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.

1-1

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, JUNE 7, 2021

The regular meeting of the City Council was held on Monday, June 7, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram & Perlman. Councilors Participating Remotely: Robey. Meeting adjourned at 9:22 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, May 24, 2021, **FILE**; adopted.

President Ossing called a recess at 8:02 PM to resolve a technical issue with the connection for Councilor Robey and returned to open meeting at 8:04 PM.

Yea: 11 – Nay: 0

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

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

ORDERED: That the PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #19 within the layout of Boston Post Road West (Route 20), Order No. 21-1008294, all were heard who wish to be heard, hearing closed at 8:24 PM, adopted.

Councilors Present: 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 \$546,738.00 which moves funds from Economic Development to MEDC to fund the FY22 operations of Marlborough Economic Development Corporation, referred to **FINANCE COMMITTEE**; 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
<u>\$1,030,154.10</u>	<u>\$546,738.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$546,738.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0.00</u>
Reason:		<u>To allow the MEDC to continue it's work in promoting the economic development of the City for FY22</u>							
\$546,738.00		Total		\$546,738.00		Total			

Yea: 11 – Nay: 0

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

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

Suspension of the Rules requested to allow Conservation/Sustainability Officer Priscilla Ryder to speak regarding the open space acquisition – granted.

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 \$150,000.00 from Stabilization-Open Space to Open Space Acquisition to contribute to the purchase of 33+ acre parcel off Parmenter Road to enlarge Callahan State Park, **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
<u>\$629,483.26</u>	<u>\$150,000.00</u>	<u>83600</u>	<u>32918</u>	<u>Stabilization-Open Space</u>	<u>\$150,000.00</u>	<u>19300006</u>	<u>58170</u>	<u>Open Space Acquisition</u>	<u>\$0.00</u>
	\$150,000.00	Total			\$150,000.00	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 City Council of the City of Marlborough hereby appropriates the sum of \$150,000.00 from the Open Space Acquisition Account, number 19300006 58170, for the purposes of contributing to the Commonwealth of Massachusetts' Department of Conservation and Recreation ("DCR") for the cost of acquisition of a parcel of land located off Parmenter Road, Marlborough (Assessor Map 109, Parcel 1) comprised of 33.39 +/- acres, further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64087 Page 554 recorded in the Middlesex South Registry of Deeds and Land Court Certificate 257409 registered with Middlesex South Registry of Deeds. This appropriation is subject the Sudbury Valley Trustees contributing \$100,000 towards this purchase and the Commonwealth of Massachusetts proceeding with the purchase of the property with their contribution of \$1,250,000.

Said land will become part of Callahan State Park, protected in perpetuity, by DCR. Said land is to be acquired by DCR for the combined total sum of \$1.5 million, **APPROVED**; 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 Reappointments to the Conservation Commission of Karin Paquin for a term to expire on May 5, 2023, John Skarin for a term to expire on March 7, 2022 and Allan White for a term to expire March 2, 2024, referred to the **PERSONNEL 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 Reappointments to the Parks & Recreation Commission of Robert F. Kays, William F. Doherty, Jr. and Mark A. Vital for 3-year terms respectively to expire on April 2, 2024, be and is herewith referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Proposed Ordinance Amendment to Chapter 270 "Building and Site Development" Article V "Fences" relative to §19 "Permit Required" and §24 "Easements and Rights-of-Way", in proper legal form, Order No. 21-1008221, be **MOVED TO ITEM 15** and **FILE**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Proposed Ordinance Amendment to Chapter 510 “Sewers” §2(D) “Use of Public Sewers” as submitted by Mayor Vigeant, in proper legal form, Order No. 21-1008230, be **MOVED TO ITEM 18** and **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 Assistant Solicitor Jason Piques, re: Application for Special Permit from Calverde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, in proper legal form, Order No. 21-1008214B, be **MOVED TO ITEM 19** and **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 Request for Approval of a Canopy for the Drive-thru at Chick-fil-A, 36 Apex Drive within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), referred to the **URBAN AFFAIRS 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) Conservation Commission, May 6, 2021.
- b) Cultural Council, May 4, 2021.
- c) Commission on Disabilities, March 8, 2021 & April 13, 2021.
- d) Traffic Commission, March 31, 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) Christopher King, 114 Kosmas Street, residential mailbox claim (2a).

Yea: 11 – Nay: 0

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

Reports of Committees:

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

City Council Urban Affairs Committee
Thursday, June 3, 2021; 7:00 PM
Via Teams & Council Chambers
Minutes and Report

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Wagner, Councilor Doucette, and Councilor Navin. As all committee members were participating in Council Chambers, no Roll Call votes were required.

Other councilors present in Chambers were Councilor Irish, Councilor Ossing and Councilor Perlman and participating via Teams were Councilor Dumais and Councilor Oram.

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

Order No. 21-1008266: Proposed rezoning of 290 Hudson St. identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3 requested by Council Irish.

Councilor Irish had asked this be rezoned at the request of property owner. At one point the property was zoned residential and it's unclear how it got switched but the property is now considered pre-existing non-conforming. Rezoning this to match the adjacent residential property and those across Hudson St. would offer relief. The chair reminded committee that the Planning Board will be holding their Public Hearing on Monday, June 7. The committee could move to recommend approval pending the Planning Board's input.

Councilor Doucette moved to recommend approval pending the input from the Planning Board; the motion received a second. The vote was 5-0 in favor.

Order No. 21-1008275: Request to amend free standing gas pricing sign, Mobil, 656 Boston Post Road East within the Wayside Zoning District.

Attorney Falk and City Solicitor Grossfield were present via Teams to discuss this matter. The council approved an LED Sign Special Permit 17/18-1007068C for this site. There was no request to amend the Special Permit, the applicant submitted a sign permit indicating they were switching out the existing panels that read "Alltown" and "Autowash" and replacing them with ALLTOWNfresh. Handcrafted Kitchen & Market" and "ALLTOWN CARWASH."

Councilor Doucette moved to recommend approval of the changes to the sign; the motion received a second. The vote was 5-0 in favor. The Solicitor indicated he would submit an Order in proper form to reflect the changes when this is on the agenda for final vote.

Reports of Committee Continued:

Order No. 21-1008216: Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District and Proposed revisions to Chapter 650 §33 of the Zoning Code.

Peter Tamm, attorney with Goulston & Storrs was present via Teams. The council began reviewing this on May 11 with a lengthy discussion on hazardous and toxic chemicals and was postponed in committee. At the May 25th meeting the committee reviewed the proposed amendments which included language in A(2) specifying Subdistrict 1 which includes the original parcel described in Exhibit A and Subdistrict 2 which includes the new parcel described as Exhibit B; adding a new A(4) stating that within each subdistrict one MUD shall be permitted, which shall be subject to separate development agreement and master plan; changes throughout the document changing use of “the RWMUOD” to “each subdistrict” or the MUD within the applicable subdistrict; adding in C Master concept plan; development agreement a new (2)(c) stating each development agreement shall only apply to the applicable subdistrict; amending E eligible uses (1)(e) to specify that subdistrict 1 was allowed up to 350 dwelling units and subdistrict 2 would be allowed up to 100 dwelling units and (f) to clarify that each subdistrict is allowed up to 75,000 square feet of retail sales and service; and in E(2) clarifying that only subdistrict 1 would be allowed to have more than 350 dwelling units via a special permit.

At the request of the applicant, this was postponed in committee so language could be worked on for manufacturing and/or warehousing that may use and store hazardous or toxic chemicals. At the June 3 meeting, Section E, Eligible Uses (1) the following additional uses are also permitted by right in the RWMUOD was amended by adding a new item (o) to reflect the by right use of manufacturing and/or warehousing that may use and store hazardous or toxic chemicals. In E(2) which lists uses by special permit, the proposed language of (c) for subdistrict 2 only was removed and (d) regarding biosafety level 3 labs would become (c). The manufacturing of hazardous and toxic chemicals delineated in E(3)(g) would remain expressly prohibited with no amendments. Additional changes were made to language in Exhibit A specifying the map and parcel number in subdistrict 1 and a new Exhibit B specifying the map and parcel number in subdistrict 2. A GIS map reflecting the areas was also included.

There was a lengthy discussion about how to proceed as the last day to act on this is June 21 and there was concern that if the vote was taken on that date and a councilor objected to passage in one evening, then we would need to start all over with new public hearings. The agenda for the June 7 meeting was amended to have this item included but per our rules, there would need to be a vote to suspend the rules to vote on June 7. If there is not support to vote on the 7th, the Council President will add to the regular meeting schedule a meeting for June 14. That would allow final passage to take place on June 21 if needed or it could be completed on the 14th.

Councilor Doucette moved to recommend approval to proposed revisions to Chapter 650 §33 Results Way Mixed Use Overlay District and Zoning Map as amended; the motion received a second. The vote was 3-2 with Councilors Landers and Robey opposed.

Reports of Committee Continued:

Order No. 21-1008277: Application for Site Plan review from Attorney Brian Falk, on behalf of WoHo, to construct a mixed-use project within the Marlborough village District, 28 South Bolton Street.

The committee began discussion on May 25th with a presentation by the applicant on the project. There was lengthy discussion by all attendees on the look of the project and how they felt it met/didn't meet the design guidelines for Downtown Village. A decision was made to have the applicant take the comments and create an updated version which would be presented at Site Plan Review meeting on June 1 with comments from the SPRC to be forwarded for the June 3 Urban Affairs meeting. After a PowerPoint review of the new design, another lengthy discussion was held. The chair had reminded the public that this was not a special permit and therefore didn't require a public hearing. However, several members of the public had submitted emails to the council office asking the councilor to vote no and expressing their dislike of the design.

It was agreed that the applicant would create a final design using the version submitted on May 25th but incorporating the brick wall around the front and extending it in front of the garage as shown on the June 3 version. They may incorporate some color variations. Committee members would be polled to set up another meeting; this remains in committee.

It was moved and seconded to adjourn. The vote was 5-0 and the meeting adjourned at 9:28 PM.

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

ORDERED: That the Mayor's Office work with the City Clerk to provide the Council with a summary of vacancies and expired Board and Commission members and develop a clear process on our website by which residents can apply to join Boards and Commissions and see the responsibilities associated with that Board, referred to the **PERSONNEL COMMITTEE**, is **DENIED**; adopted.

Yea: 5 – Nay: 6

Yea: Wagner, Doucette, Navin, Oram, Perlman.

Nay: Dumais, Tunnera, Irish, Landers, Ossing & Robey.

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

ORDERED: At a regular meeting of the City Council held on Monday, JUNE 7, 2021, the following Proposed Amendment to Chapter 270 "Building and Site Development" Article V "Fences" relative to §19 "Permit Required" and §24 "Easements and Rights of Way", 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 AS FOLLOWS:

- I. By amending Chapter 270, Article V (Fences), Section 270-19, entitled "Permit required", by **inserting** a new Section 270-19(D) to read as follows:
 - D. No permit shall be required under this article for the following fences, provided that the fence is in full compliance with all other provisions of this article and all other City ordinances: 1) a fence not exceeding three (3) feet in height which is erected to enclose a garden and complies with Chapter 650, Zoning, Section 650-45N (Sight Distance), or 2) a fence that is not located in the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Attachment 2.

II. Chapter 270, Article V (Fences), Section 270-24(A), entitled "Easements and rights-of-way" is hereby **amended** to read as follows:

A. On any lot subject to an easement where a fence will encroach upon or hinder the use of an easement area, the owner or applicant shall procure a release in writing from the holder of the easement, and said release shall be attached to the application for a fence filed with the Building Department.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Best Buy Stores LP #820, 769 Donald J. Lynch Boulevard, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED That the Application for Renewal of Junk Dealer/Secondhand Dealer License, ecoATM, LLC, 601 Donald J. Lynch Boulevard (kiosk in Solomon Pond Mall), **APPROVED**; adopted.

Yea: 10 – Nay: 1

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

Nay: Tunnera.

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

ORDERED: At a regular meeting of the City Council held on Monday, JUNE 7, 2021, the following Proposed Amendment to Chapter 510 "Sewers" §2(D) "Use of Public Sewers", 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 510, ENTITLED "SEWERS," AS FOLLOWS:

I. Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended to read as follows:

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

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

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

An exemption from the connection requirement in this section may only be granted upon application to the board of health, and with the recommendation of the city engineer for reasons of either: (a) extraordinary site conditions due to which the land cannot be drained into such sewer, or due to weather conditions limiting the ability to connect, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board, or (b) for a period of five (5) years from the date of installation of a new or replacement private disposal system which fully complies with Title 5, provided that the exemption shall expire upon the failure of any such system under said Title 5.

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:

**DECISION ON A SPECIAL PERMIT
CALVERDE NATURALS, LLC**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008214C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Calverde Naturals, LLC (the “Applicant”) to build and operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 10 Briarwood Lane, Winchester, Massachusetts.
2. The Applicant is the prospective tenant of a commercial retail unit located at 239 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 78 as Lot 2A (the “Site”). The Site is owned by R.K. Marlboro West, LLC, c/o RK Centers with a business address of 50 Cabot Street, Suite 200, Needham, MA 02494.
3. In accordance with Article V, § 650-17, § 650-18(A)(46), and Article VI, § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant seeks to operate an Adult Use Marijuana Retail Establishment at the Site within a single story building to be constructed by the Applicant consisting of approximately 2,800 square feet of floor area (the “Use”).
4. The Site is located in the Business Zoning District with adequate frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 208,005 +/- square feet.
6. The Use entails construction of a standalone building dedicated to the use to be constructed by the Applicant within an existing development pad at the Site with an area of 2,800 +/- square feet.
7. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use, as provided in this Decision.
8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of plans, photographs, and concept designs of the exterior and interior of the unit associated with the Use (collectively the “Plans”), attached hereto as “Attachment A.”
9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be 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, March 22, 2021. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. The Applicant demonstrated that the proposed Use is not located within 500 feet of an existing public or private school providing education to children in kindergarten or grades 1 through 12 as required by § 650-32(F.1)(1) of the Marlborough Zoning Ordinance.
14. At the public hearing, there were no members of the public that spoke either in support of or 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 the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F.1 of the Zoning Ordinance.
- D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:
 1. Social, economic, or community needs which are served by the proposal:

Finding: The Use will provide a safe and convenient location for adults to obtain marijuana and marijuana infused products. The sales occurring within Marlborough (in lieu of neighboring communities) increases revenues to the City as a result of annual community impact payments that Calverde makes to the City based on a Host Community Agreement.

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

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity. There are adequate parking spaces within the retail development to both comply with the requirements of the Zoning Ordinance and to meet the anticipated need of customers. The parking lot also includes a 30'x30' fenced loading zone adjacent to a dumpster pad which can be secured in accordance with Cannabis Control Commission security preferences to ensure the highest level of safety during the unloading of product deliveries to the site.

3. Adequacy of utilities and other public services:

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

4. Neighborhood character and social structures:

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

5. Impacts on the natural environment:

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

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

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees. The proposed use will allow for the phased creation of over 30 jobs at the facility over the next three years. Calverde has committed to prioritize the hiring of local resident.

7. Hours of operation:

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

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

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

9. Requiring payment of a community impact fee:

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

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: The signage shown on the Plans is appropriate for the Use.

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

Finding: The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.

- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use including without limitation the regulations promulgated by the Massachusetts Cannabis Control Commission.
3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
5. Compliance with State Requirements. In accordance with § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.
6. Security.
 - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entry and exit vestibule providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
 - b. As shown on the Plans, the Use shall have opaque exterior windows.
 - c. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
 - d. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.

7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.
9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Massachusetts Cannabis Control Commission.
11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.
13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.
14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hour of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.

15. Lapse of Special Permit. This Special Permit shall lapse if the Applicant fails to commence retail operations at the Site within three (3) years of the date of approval of the Special Permit, not including any time during an appeal under M.G.L. c. 40A § 17. The Applicant may with good cause, request the Council extend the provisions of this section.
16. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, §11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 11 – Nay: 0

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

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:22 PM; adopted.

Yea: 11 – Nay: 0

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



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 JUN -8 A 7:50

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

June 7, 2021

Honorable Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Municipal Aggregation – June 2021 Update

Dear Honorable Members:

In accordance with Order No.19-1007578B, this correspondence informs the City Council of the first quarter 2021 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 the January 2024 meter reads.

Colonial Power has compiled the first quarter 2021 data and the City residents saved over \$621,000 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.

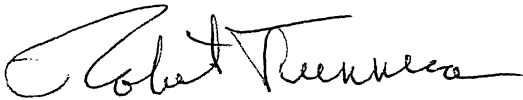
As a reminder, the City contract with Inspire is 100% National Wind Renewable Energy Credits (RECs). The savings are even greater when compared to the National Grid Green options.

Looking ahead to the second quarter 2021, the City rate is lower than the recently established National Grid summer Basic Service rate of 0.09707 \$/kWh. This is significant as the City residents will continue to see savings over the National Grid Basic Service rate and the requirements in order 19-1007578B will be satisfied by “on a yearly average be lower than the National Grid 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 \$2,700,000 on their electric bills with Inspire.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Tunnera".

Robert J. Tunnera
Member, Ad Hoc Municipal Aggregation Committee

A handwritten signature in black ink, appearing to read "Michael H. Ossing".

Michael H. Ossing
Chairman Ad Hoc Municipal Aggregation Committee

Attachment 1: Table showing Residential Savings with Inspire

Attachment 2: 1st quarter 2021 status report – Graph illustrating Marlboro aggregation savings

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	\$250,318	\$196,883
Third Quarter 2020	Jul – Sept .09898	Jul - .09690 Aug - .09390 Sept - .09390	\$78,972	(-\$148,135)*
Fourth Quarter 2020	Oct - .09898 Nov - .12388 Dec - .12388	Oct – Dec .09390	\$481,959	\$561,773
First Quarter 2021	Jan – Mar .12388	Jan – Mar .09390	\$621,824	\$754,362
Second Quarter 2021	Apr - .12388 May – .09707 Jun - .09707	Apr – Jun .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 March 2021) - \$2,796,321.
- Total program savings (all rate classes) since inception in 2007 is **\$7,061,000**.

CITY OF MARLBOROUGH COMMUNITY CHOICE POWER SUPPLY PROGRAM STATUS REPORT Q1 2021

Attachment 2

2-4

Prepared June 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 12,850 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 2021
Competitive Supplier	Dynegy	Inspire	Inspire
Standard (default)	\$0.09732 / kWh Meet MA Requirements	\$0.09690 / kWh 100% National Wind RECs	\$0.09390 / kWh 100% National Wind RECs
Optional	\$0.09804 / kWh 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 Req. 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.





City of Marlborough Office of the Mayor

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

3-1
Arthur G. Vigeant
RECEIVED
MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia M. Bernard
EXECUTIVE AIDE
2021 JUN 10 A 10:12
Ryan P. Egan
EXECUTIVE SECRETARY

June 10, 2021

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

Re: Transfer request to upgrade permitting software

Honorable President Ossing and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$213,852.00 from the PEG account to fund an upgrade to our permitting software system.

The City is currently planning a permitting software upgrade to integrate all departments and make available online permitting. The IT department and Inspectional Services has researched what other communities are using, looked at numerous applications, and would like to move forward using OpenGov Cloud.

Attached is correspondence from IT Director Mark Gibbs outlining the plan and he will be available, along with Building Commissioner Tin Htway, to discuss this software upgrade and the increased benefits.

Thank you in advance for your cooperation.

Sincerely,

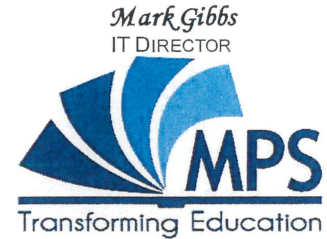
Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Marlborough Public Schools
Information Technology

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



June 8, 2021

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

Mayor,

I would like to respectfully request PEG funds necessary for the migration from our current permitting platform to another permitting platform, OpenGov Cloud.

The city moved to the Accela Automation Civic Platform back in 2015 when Accela purchased GeoTMS, which the Building Department was using at the time for issuing permits and managing inspections. Since then, Accela ownership has changed hands with several investment companies while support declined and all other Mass customers have moved on to other systems.

OpenGov Cloud is a leader in providing local governments with full-featured citizen services such as permitting, licensing, code enforcement, payments, storefront portal, forms and workflows. It is highly configurable while allowing for easy modification as the city's needs evolve. OpenGov currently serves over 100 communities in Massachusetts alone, including many of the surrounding cities and towns while covering the entire state of Rhode Island and a large part of Connecticut. This also includes many former Accela Automation customers.

OpenGov Cloud connects with MUNIS for financial reporting ease, Vision for real-time property assessment and ownership, and the State of Massachusetts for updated licensed contractor status. Once a licensed contractor registers with OpenGov Cloud for online permitting in one city or town, they don't need to register again. The customer service portal provides a seamless online permitting process along with online payment collection.

With OpenGov, we will be able to bring other departments onto the platform such as the DPW for road opening permitting, the Board of Health for licensing, the City Clerk's office for business licensing and the Conservation Department. Future uses could include dog licensing.

In short, our current solution has led us to evaluate alternative permitting and licensing platforms.

The total cost of the deployment and the 1st year costs is \$213,852.00.

Please feel free to contact me with any questions or concerns.

Thank You

Mark Gibbs
IT Director

DEPT: IT

FROM ACCOUNT:

2021

Amount

Org Code	Object
----------	--------

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$280,196.14

\$213,852.00

27000099 47750

47750

Receipts Reserved-PEG Funds

\$213,852.00

19300006

58618

IT Equipment

\$0.00

Reason:

Use PEG funds for full-featured citizen services

Reason:

Reason:

Reason:

\$213,852.00

Total

\$213,852.00

Total

Department Head signature:

Auditor signature:

Finance Director signature:

James L.
Rosenberg

PEG FEES

8/29/2017 Verizon	\$111,192.81
8/29/2017 Comcast	\$105,212.77
11/7/2017 Comcast	\$104,451.39
11/29/2017 Verizon	\$108,894.94
2/27/2018 Verizon	\$105,934.98
2/27/2018 Comcast	\$102,247.17
2/27/2018 Comcast-franchise	\$3,332.00
4/2/2018 Verizon-franchise	\$3,295.50
5/8/2018 Comcast	\$96,069.98
5/21/2018 Verizon	\$107,727.46
8/23/2018 Comcast	\$95,348.01
8/23/2018 Verizon	\$101,215.51
8/28/2018 Verizon-franchise	\$2,678.62
11/16/2018 Comcast	\$94,728.72
12/4/2018 Verizon	\$97,462.08
12/4/2018 Verizon-franchise	\$5,049.85
2/20/2019 Comcast	\$95,246.35
2/20/2019 Verizon	\$97,007.90
3/4/2019 Verizon-franchise	\$5,026.30
3/25/2019 Verizon-annual fee	\$2,997.00
3/25/2019 Comcast-annual	\$3,208.00
5/17/2019 Comcast	\$92,916.51
5/31/2019 Verizon	\$99,268.12
8/15/2019 Comcast	\$91,956.97
8/15/2019 Verizon	\$96,147.32
10/31/2019 Verizon-franchise	\$4,981.72
11/27/2019 Comcast	\$91,515.93
11/27/2019 Verizon	\$91,540.94
11/27/2019 Verizon-franchise	\$4,743.06
2/19/2020 Verizon	\$90,845.00
2/19/2020 Comcast	\$91,062.00
2/19/2020 Verizon-franchise	\$4,707.00
3/6/2020 Comcast	\$3,039.00
3/26/2020 Verizon	\$2,699.00
5/21/2020 Verizon	\$87,007.22
5/21/2020 Verizon-video	\$19,508.15
5/21/2020 Comcast	\$90,576.12
8/14/2020 Comcast	\$88,411.98
8/31/2020 Verizon	\$82,974.09
8/31/2020 Verizon	\$4,299.18
11/25/2020 Comcast	\$89,038.41
11/25/2020 Verizon	\$81,285.83
11/25/2020 Verizon	\$4,211.69
2/19/2021 Comcast	\$86,807.95
2/19/2021 Verizon	\$80,730.88
2/19/2021 Verizon	\$4,182.95
3/26/2021 Xfinity	\$2,736.00
4/27/2021 Verizon	\$2,397.00
5/12/2021 Verizon	\$73,186.77
5/17/2021 Comcast	\$88,389.83
Total Funding	\$3,099,493.96
12/18/2017 co#17-1007095A	-\$282,100.00
5/21/2018 co# 18-1007263A	-\$355,519.00
10/15/2018 co# 18-1007352A	-\$254,000.00
3/11/2019 co# 19-1007565A	-\$510,832.30
9/9/2019 co# 19-1007730A	-\$220,000.00
9/23/2019 co# 19-1007751A	-\$30,000.00
3/23/2020 co# 20-1007940A	-\$473,846.52
12/21/2020 co# 20-1008140	-\$80,000.00
3/22/2021 co# 21-1008202A	-\$370,000.00
4/5/2021 co# 21-1008229A	-\$243,000.00
Total Transfers	-\$2,819,297.82
Available for future transfers	\$280,196.14



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
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
2021 JUN -4 P 1:58
HEATHER H. GUTIERREZ
PARALEGAL

June 4, 2021

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

Re: Council Order No. 21-1008216
Proposed Zoning Amendments re: Results Way Mixed Use Overlay District

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed ordinance amendment, as discussed at the Urban Affairs Committee's June 3, 2021 meeting. I have reviewed the proposed amendments and placed them in proper legal form.

In addition, for reference purposes only, I am also enclosing a red-line version to show the changes to the existing section 650-33 for ease of reading.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Tin Htway, Building Commissioner

ORDERED:

THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Chapter 650 is hereby amended by deleting the existing Section 650-33, entitled “Results Way Mixed Use Overlay District.”, in its entirety and replacing it with the following:

§ 650-33. Results Way Mixed Use Overlay District.

A. Purpose and objectives.

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

safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

- (4) Within each subdistrict, one MUD shall be permitted, which shall each be subject to a separate development agreement and master concept plan, as described in Subsection C, below.

B. Authority of permit granting authority.

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

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

(1) Master concept plan.

(a) A master concept plan (master plan) which shall in a general manner show:

- [1] The location and areas of proposed development;
- [2] Proposed open space (usable or natural);
- [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
- [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).

(b) A table showing approximate acres and calculations of the following:

- [1] Total land area of each development area (building envelope area);
- [2] Total development limitations, if any, of uses in any developable area;
- [3] Total maximum development (square footage/use limitations); and

- [4] Approximate number of parking spaces within the applicable subdistrict.
- (c) The master plan shall be approved by a super majority (2/3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the applicable subdistrict. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.
- (2) A development agreement in recordable form binding upon the developer/property owner.
- (a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the applicable subdistrict, which shall contain, without limitation:
- [1] Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the applicable subdistrict progresses.
 - [2] Restrictions on development areas and such other development limitations as may be agreed upon.
 - [3] Proposed phasing of the development of the applicable subdistrict.
 - [4] Obligations with respect to pedestrian and vehicular interconnectivity within the applicable subdistrict to facilitate pedestrian access and parking efficiencies.
 - [5] The authority of the City Council to retain the necessary professionals to assist in its review of development applications.
 - [6] An agreement by the property owner/developer of the residential component of the property to make a one-time financial contribution to the City per residential unit developed within the applicable subdistrict for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the

development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.

- (b) The development agreement shall govern the implementation of the master plan and development at the applicable subdistrict.
 - (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable subdistrict and shall not govern any development of other subdistricts within the RWMUOD.
- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in a subdistrict in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUOD shall be 60% calculated on the entire land area of each subdistrict and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.

(1) The following additional uses are also permitted by right in the RWMUOD:

- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.

- (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
- (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
- (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
- (e) Multifamily dwelling:
 - (i) Subdistrict 1: up to 350 dwelling units including, without limitation, age-restricted dwelling units.
 - (ii) Subdistrict 2: up to 100 dwelling units including, without limitation, age-restricted dwelling units.
- (f) Retail sales and services: in each subdistrict, up to 75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment.
- (g) Hotels and motels.
- (h) Hotels with conference facilities and commercial uses.
- (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
- (j) Consumer service establishments complementary to the other principal uses at the property.
- (k) Restaurant, cafe with or without table service (including outside seating and service).
- (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
- (m) Self-service laundry.
- (n) Dry cleaning (pickup and dropoff only).
- (o) Manufacturing and/or warehousing, including but not limited to biomanufacturing facilities that may use and store hazardous materials or toxic substances in accordance with applicable law.

(2) The following additional uses are also permitted by special permit in the RWMUOD:

- (a) In Subdistrict 1 only: Multifamily dwelling — more than 350 dwelling units within the subdistrict including, without limitation, age-restricted dwelling units.
- (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.
- (c) In Subdistrict 2 only: Biosafety Level 3 laboratories, as defined by the United States Center for Disease Control and Prevention.

(3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:

- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
- (b) Tattoo and body piercing parlors and shops.
- (c) Dye works.
- (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
- (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
- (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
- (g) Hazardous and toxic chemical manufacturing.
- (h) Trucking terminal and distribution center.
- (i) Automotive sales and/or service.
- (j) Retail gasoline, oil and lubrication stations.
- (k) Commercial bakeries.
- (l) On-site sales and rental of heavy machinery and vehicles.
- (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.

- (n) Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.
- (o) Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.

F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
 - (a) Residential structures shall not exceed 70 feet; and
 - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
- (6) Maximum lot coverage shall be calculated on the entire land area of the applicable subdistrict and not on an individual lot basis, and shall not exceed 60% of the total area of the applicable subdistrict.

G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of

parking areas may result in permitted reductions in the parking requirements.

- (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
- (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Signage.

- (1) Except as otherwise provided in this mixed use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
- (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-57 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (b) Street facade and exterior walls visible from public ways;
 - (c) Public space;
 - (d) Scale of buildings; and
 - (e) External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and

shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

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

K. Amendments. After approval, an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-57 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-57.

Exhibit A**Description of RWMUOD Subdistrict 1****Parcels (Identified by
Accessors' Map and Parcel
Number) Included in
Subdistrict 1**

- PID# 100-1B
- PID #101-2
- PID #101-3
- PID #100-1A
- PID #101-2A
- PID #101-2B

Note: The accompanying map shows the RWMUOD and each subdistrict therein. In order to ensure clarity with respect to the subdistrict boundaries in the event the tax parcels described above are modified after the date hereof, a metes-and-bounds legal description describing each subdistrict shall be kept on file in the City Clerk's office.

Exhibit B**Description of RWMUOD Subdistrict 2**

Parcels (Identified by	• PID #100-19
Accessors' Map and Parcel	• PID #111-801
Number) Included in	• PID #111-1
Subdistrict 2	

Note: The accompanying map shows the RWMUOD and each subdistrict therein. In order to ensure clarity with respect to the subdistrict boundaries in the event the tax parcels described above are modified after the date hereof, a metes-and-bounds legal description describing each subdistrict shall be kept on file in the City Clerk's office.



U

A-3

U

Industrial

Proposed
Sub-District 1

Proposed
Sub-District 2

EROD

Proposed RWMUOD Zoning Amendment

0 500 1,000 2,000 Feet

Man Not to Scale

City of Marlborough



ADOPTED

In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

**FOR REFERENCE PURPOSES ONLY –
RED-LINE COMPARISON TO EXISTING 650-33**

§ 650-33. Results Way Mixed Use Overlay District.

A. Purpose and objectives.

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to Simarano Drive ~~to the west, and~~ Forest Street ~~to the north, and Puritan Way and Results Way to the east~~ as indicated on the City Zoning Map ~~and~~. The RWMUOD shall consist of two separate subdistricts: (i) Subdistrict 1, as more particularly described in Exhibit A annexed hereto and incorporated by reference herein^[4]; and (ii) Subdistrict 2, as more particularly described in Exhibit B annexed hereto and incorporated by reference herein.

[4]

Editor's Note: ~~Exhibit A~~ is on file in the City offices.

- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

(4) Within each subdistrict, one MUD shall be permitted, which shall each be subject to a separate development agreement and master concept plan, as described in Subsection C, below.

B. Authority of permit granting authority.

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

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

(1) Master concept plan.

(a) A master concept plan (master plan) which shall in a general manner show:

- [1] The location and areas of proposed development;
- [2] Proposed open space (usable or natural);
- [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
- [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).

(b) A table showing approximate acres and calculations of the following:

- [1] Total land area of each development area (building envelope area);
- [2] Total development limitations, if any, of uses in any developable area;
- [3] Total maximum development (square footage/use limitations); and
- [4] Approximate number of parking spaces ~~for within~~ the entire RWMUOD District applicable subdistrict.

- (c) The master plan shall be approved by a super majority (2/3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the RWMUODapplicable subdistrict. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.
- (2) A development agreement in recordable form binding upon the developer/property owner.
- (a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the RWMUODapplicable subdistrict, which shall contain, without limitation:
 - [1] Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the RWMUODapplicable subdistrict progresses.
 - [2] Restrictions on development areas and such other development limitations as may be agreed upon.
 - [3] Proposed phasing of the development of the RWMUODapplicable subdistrict.
 - [4] Obligations with respect to pedestrian and vehicular interconnectivity within the RWMUODapplicable subdistrict to facilitate pedestrian access and parking efficiencies.
 - [5] The authority of the City Council to retain the necessary professionals to assist in its review of development applications.
 - [6] An agreement by the property owner/developer of the residential component of the property to make a one-time financial contribution to the City per residential unit developed atwithin the RWMUODapplicable subdistrict for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a

housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.

- (b) The development agreement shall govern the implementation of the master plan and development at the applicable subdistrict.

(c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable subdistrict and shall not govern any development of other subdistricts within the RWMUOD.

- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in a subdistrict in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the ~~RWMUOD~~RWMUOD shall be 60% calculated on the entire land area of ~~the RWMUOD~~each subdistrict and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.

(1) The following additional uses are also permitted by right in the RWMUOD:

- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.

- (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
 - (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
 - (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
 - (e) Multifamily dwelling:
 - (i) Subdistrict 1: up to 350 dwelling units ~~within the entire RWMUOD Zoning District~~ including, without limitation, age-restricted dwelling units.
 - (ii) Subdistrict 2: up to 100 dwelling units including, without limitation, age-restricted dwelling units.
 - (f) Retail sales and services: in each subdistrict, up to 75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment.
 - (g) Hotels and motels.
 - (h) Hotels with conference facilities and commercial uses.
 - (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
 - (j) Consumer service establishments complementary to the other principal uses at the property.
 - (k) Restaurant, cafe with or without table service (including outside seating and service).
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - (m) Self-service laundry.
 - (n) Dry cleaning (pickup and dropoff only).
 - (o) Manufacturing and/or warehousing, including but not limited to biomanufacturing facilities that may use and store hazardous materials or toxic substances in accordance with applicable law.
- (2) The following additional uses are also permitted by special permit in the RWMUOD:

(a) In Subdistrict 1 only: Multifamily dwelling — more than 350 dwelling units within the ~~entire RWMUOD Zoning District~~subdistrict including, without limitation, age-restricted dwelling units.

(b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.

(c) In Subdistrict 2 only: Biosafety Level 3 laboratories, as defined by the United States Center for Disease Control and Prevention.

(3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:

- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
- (b) Tattoo and body piercing parlors and shops.
- (c) Dye works.
- (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
- (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
- (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
- (g) Hazardous and toxic chemical manufacturing.
- (h) Trucking terminal and distribution center.
- (i) Automotive sales and/or service.
- (j) Retail gasoline, oil and lubrication stations.
- (k) Commercial bakeries.
- (l) On-site sales and rental of heavy machinery and vehicles.
- (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
- (n) Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.

- (o) Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.
- F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:
- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
 - (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
 - (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
 - (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
 - (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
 - (a) Residential structures shall not exceed 70 feet; and
 - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
 - (6) Maximum lot coverage shall be calculated on the entire land area of the RWMUODapplicable subdistrict and not on an individual lot basis, and shall not exceed 60% of the total area of the RWMUODapplicable subdistrict.
- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.
- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.

- (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
- (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Signage.

- (1) Except as otherwise provided in this mixed use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
- (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § ~~650-59~~ 650-57 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (b) Street facade and exterior walls visible from public ways;
 - (c) Public space;
 - (d) Scale of buildings; and
 - (e) External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

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

K. Amendments. After approval, ~~the~~an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § ~~650-59- 650-57~~ of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § ~~650-59- 650-57~~.

Exhibit ADescription of RWMUOD Subdistrict 1Parcels (Identified by
Accessors' Map and Parcel
Number) Included in
Subdistrict 1

- PID# 100-1B
- PID #101-2
- PID #101-3
- PID #100-1A
- PID #101-2A
- PID #101-2B

Note: The accompanying map shows the RWMUOD and each subdistrict therein. In order to ensure clarity with respect to the subdistrict boundaries in the event the tax parcels described above are modified after the date hereof, a metes-and-bounds legal description describing each subdistrict shall be kept on file in the City Clerk's office.

Exhibit BDescription of RWMUOD Subdistrict 2

<u>Parcels (Identified by</u>	• <u>PID #100-19</u>
<u>Accessors' Map and Parcel</u>	• <u>PID #111-801</u>
<u>Number) Included in</u>	• <u>PID #111-1</u>
<u>Subdistrict 2</u>	

Note: The accompanying map shows the RWMUOD and each subdistrict therein. In order to ensure clarity with respect to the subdistrict boundaries in the event the tax parcels described above are modified after the date hereof, a metes-and-bounds legal description describing each subdistrict shall be kept on file in the City Clerk's office.



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
2021 JUN 10 AM 11:13

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

June 10, 2021

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

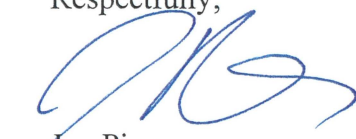
Re: City Council Order No. 21-1008275
Request for Approval of a Free-Standing Sign: Global Montello Group Corp., LLC – Mobil
656 Boston Post Road East.

Dear Honorable President Ossing and Councilors:

I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced request for approval of a free-standing sign.

Please contact me if you have any questions or concerns.

Respectfully,



Jay Piques
Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Tin Htway, Building Commissioner

ORDERED:

That the Request for Approval of a Free-Standing Sign, Mobil, 656 Boston Post Road East, within the Wayside District, be and is herewith APPROVED. Said sign shall otherwise remain subject to any conditions imposed by City Council Order No. 17/18-1007068D (LED Sign Special Permit) and to the extent said permit incorporates any conditions relating to any non-LED components, those conditions shall be applied consistent with this approval.

ADOPTED
In City Council
Order No. 21-1008275
Adopted

A TRUE COPY
ATTEST:

City of Marlborough
Commonwealth of Massachusetts

6-1



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Ethan Lippitt JUN -9 A 10:08
Code Enforcement Officer
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30201
Fax: (508) 460-3736
Email: elippitt@marlborough-ma.gov
pwilderman@marlborough-ma.gov

City Council Sign Approval Form

6/9/2021

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 910 Boston Post Road East.

These signs do comply with Chapter 526 of the City of Marlborough General Code.

These signs do not comply with the Special Permit from 2020 Order No. 20-1008062C, in that they do not meet the requirements of the special permit regarding there not being a master sign plan for the property.

The sign permit applications and renderings have been included as Exhibit A and Exhibit B.

Address of Location seeking approval 910 Boston Post Road East
BP-2021-000836 and BP-2021-000837

Zoning District:
Meets Current Sign Code:
Planning Board Variance:

Wayside Zoning
YES
NO

Code Enforcement Officer Ethan Lippitt

CC File
 City Council
 Commissioner Htway
 Planning Board

Letter to City Council RE: BP-2021-000836

Exhibit A



CITY OF MARLBOROUGH

Building Department
(508) 460-3776

BUILDING PERMIT

6-3

PERMIT NO

BP-2021-000836

ISSUE DATE

06/02/2021

APPLICANT

BOB'S SIGN SERVICE, INC.

JOB WEATHER CARD

PERMIT TO

Flat Wall Sign

AT (LOCATION)

910 BOSTON POST RD, MARLBOROUGH, MA 0

ZONING DISTRICT

B

Bldg. Type:

Commercial

SUBDIVISION MAP BLOCK LOT

62-21--

BUILDING IS TO BE:

CONST TYPE

USE GROUP

B

WORK DESCRIPTION

Installation of a Flat Wall Sign for "Local Roofs" Length 23", Width 72", Area 12 SQFT, South.

CONTRACTOR

LICENSE

0000

Construction Supervisor

BOB'S SIGN SERVICE, INC.

87 FAY ROAD
FRAMINGHAM, MA 01702

AREA (SQ FT)

EST COST(\$)

415.00

PERMIT FEE (\$)

50.00

OWNER

BLACKCOMB ASSOCIATES LLC

ADDRESS

ONE MAIN ST

WHITINSVILLE

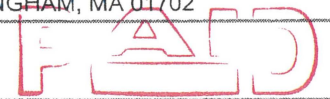
MA

01588

BUILDING DEPT BY

PHONE

5084050912



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.

OWNERS OBTAINING THEIR OWN PERMIT OR ENTERING INTO CONTRACTS WITH UNREGISTERED CONTRACTORS OR SUBCONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK ARE NOT ELIGIBLE FOR AND DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER M.G.L CHAPTER 142A.

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.

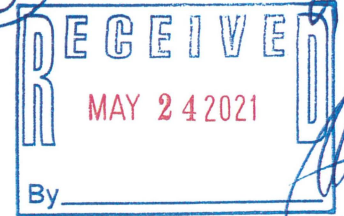
Zip Code



62-21 (A) (B)

City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



6-4

Date: 5/21/21

Permit No. BP-2021-000836

Address/Location of Sign 910 BOSTON POST RD E

Name of Business LOCAL ROOFS

Name of Owner of Business KEYSTONE DEVL. Telephone 603-988-2827

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 23" Width 72" Height (Free Standing) _____ Area 12 sq ft

Location of Sign on Bld. North ☐ South ☒ East ☐ West ☐

Dimensions Façade:

Length _____ Width _____ Area _____

[Signature] 617-470-6328
Signature of Responsible Party Telephone

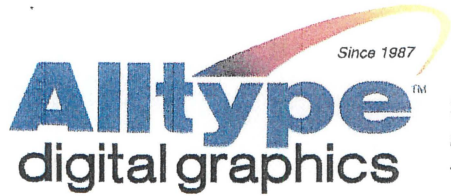
Installer Company BOB'S SIGN SERVICE INC. Telephone 508 405 0912

INFO@BOBSSIGNSERVICE.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.

[Signature] 5/21/21
Signature Date

Cost of Sign(s) 415.00 Permit Fee \$ 50.00



505 Worcester Road, Framingham, MA 01701
 alltype.com sales@alltype.com
 TEL: 508.620.0202 FAX: 508.620.0885

Order Date 4-19-21	Due Date 6-6	Shipped/Deliver Pick Up
Designer Peter		Email rlo@keystonedev.net

Company Local Roots Cannabis Crafted	Contact Rick Olstein	617.593.2131
--	--------------------------------	---------------------

Address 910 Boston Post Rd, Marlborough, MA 01752.	Color Matching Pantone Color Match All Pantone colors can NOT be obtained using CMYK, but we will attempt to come as close as possible. <div style="border: 1px solid black; padding: 2px; display: inline-block;">No</div>
--	--

Qty:	Size:	Description:
------	-------	--------------

1 72" x 23" direct print 1/4" ACM printed 1-sided w/ 3m luster lamination

THESE PLANS MUST BE KEPT ON SITE @ 390.00

Building Permit Issued: **BP-2021-000836**
 Date: _____

QTY 1
 Authorized By:

Handwritten: 11.5



23"

72"

Sub Total	<u>390.00</u>
Tax	<u>24.38</u>
Install	<u>--</u>
Total	<u>414.38</u>
Deposit	_____
<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card	
Balance Due	_____

PLEASE CHECK PROOF!

Please verify all wording, spelling, art and sizes are correct before approving.

Production will not begin until approval is emailed back stating "APPROVED"

Letter to City Council RE: BP-2021-000837

Exhibit B



CITY OF MARLBOROUGH

Building Department
(508) 460-3776

BUILDING
PERMIT

6-8

PERMIT NO

BP-2021-000837

ISSUE DATE

06/02/2021

APPLICANT

BOB'S SIGN SERVICE, INC.

JOB WEATHER CARD

PERMIT TO

Flat Wall Sign

AT (LOCATION)

910 BOSTON POST RD, MARLBOROUGH, MA 0

ZONING DISTRICT

B

Bldg. Type:

Commercial

SUBDIVISION MAP BLOCK LOT

62-21--

BUILDING IS TO BE:

CONST TYPE

USE GROUP

B

WORK DESCRIPTION

Installation of a Flat Wall Sign for "Local Roofs" Length 144", Width 66", Area 66 SQFT, West.

CONTRACTOR

LICENSE

0000

Construction Supervisor

BOB'S SIGN SERVICE, INC.

87 FAY ROAD
FRAMINGHAM, MA 01702

AREA (SQ FT)

EST COST(\$)

4223.00

PERMIT FEE (\$)

50.00

OWNER

BLACKCOMB ASSOCIATES LLC

ADDRESS

ONE MAIN ST

WHITINSVILLE

MA

01588

BUILDING DEPT BY

PHONE

5084050912

PAID

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.

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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.

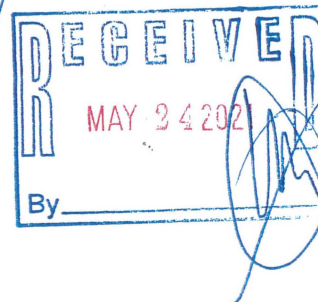
Zip Drive



(b)

City of Marlborough BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



6-9

Date: 5/21/21

Permit No. BP-2021-000837

Address/Location of Sign 910 BOSTON POST RD E

Name of Business LOCAL ROOTS

Name of Owner of Business KEYSTONE DEVL. Telephone 603-988-2827

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 144" Width 66" Height (Free Standing) Area 66 sq ft

Location of Sign on Bld. North ☐ South ☐ East ☐ West ☒

Dimensions Façade:

Length Width Area

[Signature] 617-470-6328
Signature of Responsible Party Telephone

Installer Company BOB'S SIGN SERVICE INC. Telephone 508 405 0912

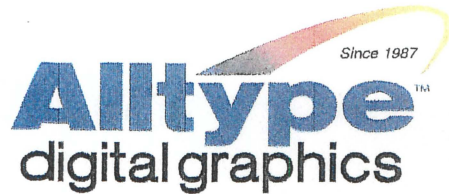
INFO@BOBSSIGNSERVICE.COM
Email

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.

[Signature] 5/21/21
Signature Date

Cost of Sign(s) 4223.⁰⁰

Permit Fee \$ 50.⁰⁰



505 Worcester Road, Framingham, MA 01701
 alltype.com sales@alltype.com
 TEL: 508.620.0202 FAX: 508.620.0885

Order Date 4-21-21	Due Date	Shipped/Deliver Pick Up
Designer Jon	Email rlo@keystonedev.net	

Company Local Roots Cannabis Crafted	Contact Rick Olstein James Nunn james@juuced.com (855) 588.2336	Phone 617.593.2131
--	--	------------------------------

Address **910 Boston Post Rd, Marlborough, MA 01752.**

Color Matching

Pantone Color Match
 All Pantone colors can NOT be
 obtained using CMYK, but we will
 attempt to come as close as possible.

No

Qty: Size: Description:

1 144" x 66" 1/4" ACM Direct Print with 3m Luster Lamination
 (Qty 3 48" x 66" panels = 144" x 66")



Sub Total **1360.00**
 Tax **85.00**
 S&H _____
 Total **1445.00**

Deposit _____
☐ Cash ☐ Check ☐ Credit Card

Balance Due _____

**PLEASE
CHECK
PROOF!**

Please verify all wording,
 spelling, art and sizes are
 correct before approving.

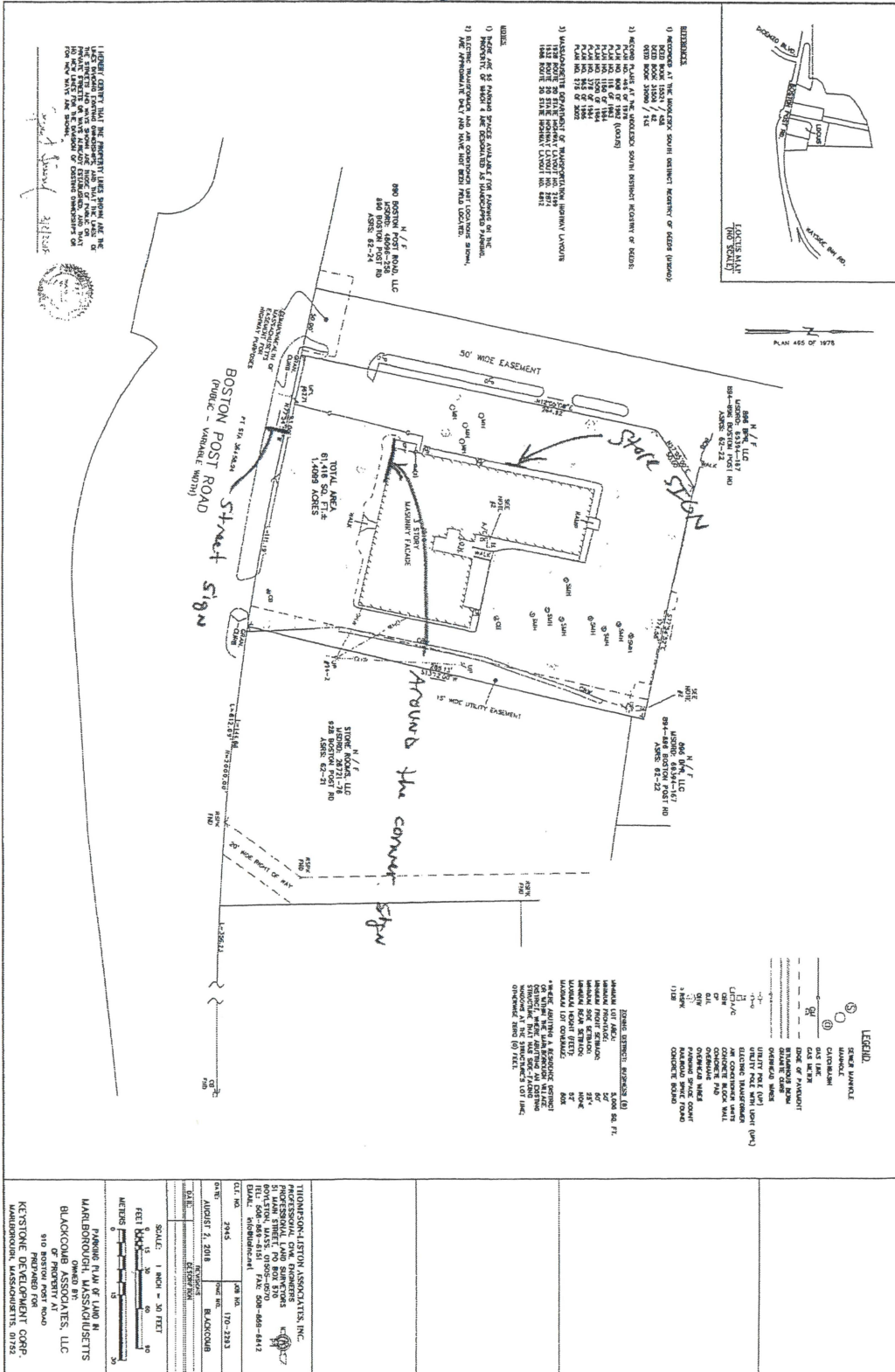
Production will not
 begin until approval
 is emailed back
 stating "APPROVED"

THESE PLANS MUST
BE KEPT ON SITE

Building Permit Issued:

Date:

Authorized By: *[Signature]*



Steven Kerrigan

From: City Council
Sent: Friday, June 4, 2021 1:14 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Debra Marino, 146 Woodland Drive, 28 S Bolton Street

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

From: Debra Marino
 Sent: Thursday, June 3, 2021 6:43 PM
 To: City Council
 Subject: 28 S Bolton Street

Please do not support the WoHo proposed building design at 28 South Bolton Street. It is truly hideous and looks like a parking garage. The original design - which looked like townhouses - is so much more attractive and fitting for downtown. Please allow and accept Marlborough residents' input.

— Debra Marino
 146 Woodland Drive

Steven Kerrigan

From: City Council
Sent: Monday, June 7, 2021 9:54 AM
To: Mike Ossing; Kathleen Robey; Samantha Perlman; Mark Oram; Karen Boule; John Irish; Don Landers; David Doucette; Sean Navin; Laura Wagner; Christian Dumais; Robert Tunnera; Ossing; Donald Landers; Tunnera; Robey
Cc: Steven Kerrigan; Wilson Chu
Subject: From Mary Anne Schovitz: 28 Bolton Street

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MAHARAJA
 2021 JUN -7 A 10:01

From: Mary Schovitz

Date: June 4, 2021 at 10:15:59 PM EDT

Subject: 28 Bolton Street

Please do not green light the project at 28 Bolton Street, with the company WoHo. The architecture of this building does not fit in with the city's aesthetics. I would like to see something that blends in better than this projected eyesore.

Thank you for your consideration,
 Mary Anne Schovitz

Steven Kerrigan

From: City Council
Sent: Friday, June 4, 2021 12:04 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Paul Allen Hackett, Brimsmead Street: In opposition of the current WoHo design

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 JUN 04 - 4 12:36

From: Paul Hackett
Sent: Friday, June 4, 2021 11:52 AM
To: City Council
Subject: In opposition of the current WoHo design

Dear City Council,

I hope this email finds you well. My name is Paul Hackett, and our family lives on Brimsmead Street in Marlborough.

I am writing to ask you to consider voting no on the current WoHo design for 28 South Bolton St. The design proposed doesn't align with the idea of the historic cultural district. While modern architecture strives to be optimistic, the current design feels too close to Brutalism architecture. I worry the building will not age well. Can we ask the firm to consider an alternative design that aligns more with the historical architecture tradition?

Thanks for your consideration,

Paul Allen Hackett

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 4:11 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Peg McDougall, 178 Glen Street: Bolton street vs Marlborough Village District guidelines

From: Peg McDougall
Sent: Thursday, June 3, 2021 1:20 PM
To: City Council
Subject: Bolton street vs Marlborough Village District guidelines

Why generate guidelines if you're not going to adhere to them.

This construction is a monstrosity and will probably rival big blue the building on the corner of Glen Street and Route 20.

The ambience of downtown invites and with the exception of parking it's quaint. I firmly believe it would be in your best interest to pole the residence of Marlborough to ascertain how they feel and please for your political future listen to the majority and not the back room good old boy's slap wink and tickle or we just might end up with another APEX all headache and no revenue.

Peg McDougall
 178 Glen Street
 Marlborough, MA

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 4:08 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Peter Ferland, 66 Brimsmead Street: 28 Bolton Street Proposed Development

-----Original Message-----

From: Petefer
Sent: Thursday, June 3, 2021 1:28 PM
To: City Council
Subject: 28 Bolton Street Proposed Developemnet

I want to express my opposition the the current architectural style of the building proposed for 28 Bolton Street. The building has no 'New England style' and will look out of place in Marlborough. The previous proposed building I had no objections too because it would have fit into the fabric of downtown Marlborough. Please turn down this proposal until another architectural pleasing and appropriate building is designed.

Thank you,
 Peter Ferland
 66 Brimsmead Street
 Marlborough, MA

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 4:00 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Ralph Mauro: New housing South Bolton Street.

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF HARLBOROUGH
 JUN 03 - 4 PM 35

From: Ralph Mauro
Sent: Thursday, June 3, 2021 2:34 PM
To: City Council
Subject: New housing South Bolton Street.

To who it may concern,

I recently became aware of the proposal for a new development on South Bolton Street. Besides the fact that intersection is a nightmare, adding that building with that design it outrageous.

Please stop letting every developer come into the City to put another building into an area it doesn't fit.

Regards,

Ralph Mauro

Steven Kerrigan

From: City Council
Sent: Friday, June 4, 2021 1:07 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: More from Sharon Neel, 15 Elm Street: Bolton street developer

From: sharon neel
Sent: Thursday, June 3, 2021 6:44 PM
To: City Council
Subject: Bolton street developer

Hello-

I would like to express how disappointed I am with the design of this building. I have an investment property in Marlboro and was very excited about what was originally designed for this area. However, this new development has no idea what would look good in Marlboro. It's one thing to have something like that in NYC but not Marlboro. One of the things I love when I travel to Europe is how beautiful the old cities are and they stand the test of time. This will not please see how people in this community share the same feeling that this development will be an eyesore. Please make them do something that is historic like a lot of the other beautiful buildings in Main Street.

Thank you for your time.

Sharon Neel

--

Best Regards,

Sharon Neel

Owner and Founder, Nana on the Move LLC

--

Steven Kerrigan

From: City Council
Sent: Friday, June 4, 2021 11:38 AM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Teona Brown: 28 South Bolton Street (former resident of Newton Street /current resident of Millham Street)

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 JUN 4 12:38 PM

From: Teona Marston
Sent: Friday, June 4, 2021 12:20 AM
To: City Council
Subject: 28 South Bolton Street

After seeing images of the proposed building for the 28 South Bolton Street site, I want to express that I don't feel the design is a good fit for the downtown area. I lived on Newton Street until 2018, and now live on Millham. I still enjoy going downtown to visit my parents, or go to one of the restaurants. I have always loved the older buildings and history of the area. While I also appreciate modern designs and architecture, I feel like the proposed design will look and feel out of place in that historic area. I wouldn't mind seeing that same building in another part of town, such as near the Apex center, but it is alarming to think this type of architecture would be approved for an area I associate more with historic preservation.

I am asking our councilors to please consider a different design, and not make a hasty decision to push yet another project through. The things I loved most about this city have a lot to do with how we WERE a country kind of city...now we are quickly becoming the type of community I was trying to avoid when I was purchasing a home.

Sincerely,
 Teona Brown

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 6:07 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Beule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: More from Dennis Wright, 17 Fontaine Street re: 28 South Bolton st building proposal

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 JUN 3 2021 12:33

From: Dennison Wright
Sent: Thursday, June 3, 2021 5:59 PM
To: City Council
Subject: 28 South Bolton st building proposal

Hello,

I am a resident of Marlborough, and I am writing to urge you to consider not approving the proposal for the building at 28 South bolton st. The brutalist design is far from modern, and is reminiscent of the 50+ year old Boston City Hall, UMass Dartmouth, and the UMass Boston campus which is being torn down and rebuilt with more pleasing architecture. This building existing within Marlborough for several decades would not project an image of forward-thinking city planning that many people my age, 30's, are looking for in their communities.

Best,

Dennison Wright

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 5:05 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boulé; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: Revised from Andrea Bibi: Urgent! RE: a vote being taken tonight 6/3/21

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

From: andrea@bbrealtycorp.com
Sent: Thursday, June 3, 2021 2:53 PM
To: City Council
Subject: Re: Urgent! RE: a vote being taken tonight 6/3/21
Importance: High

Good afternoon.

It turns out I confused the site for this project with another but after clarification of its location I am still vehemently opposed to this design; a building with this look does not belong in our historic downtown. The lack of parking is also still a major concern.

I am unable to attend tonight's committee meeting due to a previous obligation but I again implore the members of the committee not to approve this plan.

Thank you.

Respectfully submitted,

Andrea Bibi
 BB Realty

On Thu, 03 Jun 2021 09:44:40 -0400,

m

Dear Marlboro City Council,

It just came to my attention this morning that a vote will take place this evening whether or not to approve a design for a building proposed for 28 South Bolton St. Attached is a file of the proposed building.

As a lifelong Marlboro Resident & small business owner, I implore you not to approve this design! Please require WoHo to submit a design that fits with the aesthetic of the neighborhood & provides for ample off street parking. According to what I've read, there will only be 25 parking spaces for a building with 40 apartments & retail on the ground floor? Where are people going to park? .

A building of this design may have its place, but that place is most certainly not 28 South Bolton St. This type of design belongs in an office or industrial park surrounded by buildings of similar style, not

in a mixed use area that is predominantly residential. Please require this firm to design a building that's more in line with the look & feel of the neighborhood &/or is in line with the Historic Downtown Village guidelines.

Thank you for your time & attention.

If you have any questions please contact me.

Respectfully submitted,

Andrea Bibi
BB Realty

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 5:55 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: FW: Vote No on WoHo
Attachments: image.png; image.png; image.png; image.png; image.png; image.png

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 JUN 04 11:55 AM

From: Mo
Sent: Thursday, June 3, 2021 5:26 PM
To: City Council

Subject: Re: Vote No on WoHo

Hi Everyone,

I concur. The exterior shape of the proposed building as presented would be a gross mismatch to the existing urban forms of downtown Marlborough. They can surely come up with better designs.

Street parking is already in short supply in downtown area. I hope they would consider providing at least one parking space for each unit.

Thanks!
 Morteza Asgarzadeh
 9 High St

On Thu, Jun 3, 2021, 2:31 PM jamie andrade

wrote:

Dear City Council,

Please consider voting no on the current WoHo design for 28 South Bolton St. As a Marlborough Downtown Village resident I am excited by the development but deeply disappointed in the direction of this project. As a historic property owner in a historic cultural district, I am saddened to see the removal of the historic Rowe Funeral home for a giant condominium project and the addition of a parking lot on Bolton St. in part due to many of these projects that do not provide ample parking in their initial conception.

What makes downtown historic if we are developing it without it's history in mind?

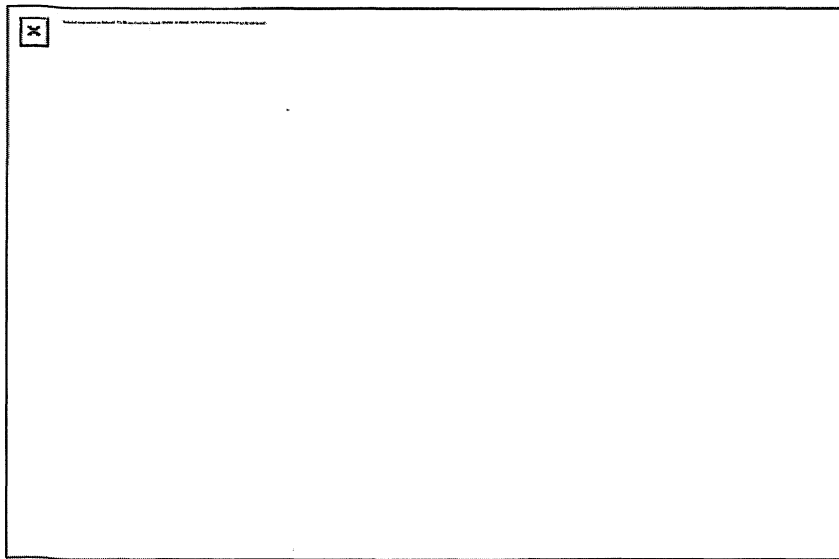
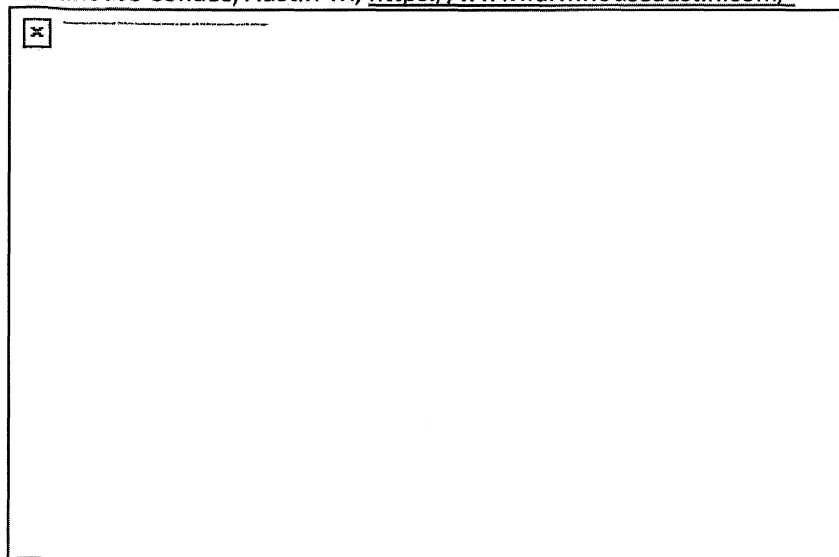
This is a historic part of the city - we have the opportunity to give Downtown a real boost with careful planning and consideration, rather than a mishmash of random shops, inadequate parking and lack of walkability. We need bold vision and timeless design (please see examples attached below).

The current design is already outdated and a nod to Brutalism - this style of architecture has nothing to do with contemporary Marlborough, nor it does not make sense for our historic area (not to mention how tall it is!). Brutalism (a version of this style) ages poorly. Massachusetts has many of these unfortunate structures including Boston City Hall and the UMass Dartmouth campus. Architectural pedagogy literally defines this style as a depressed genre born post cold war. Coming out of Covid we need inspiring and hopeful architecture that also reflects the past of this city rather than covering it up.

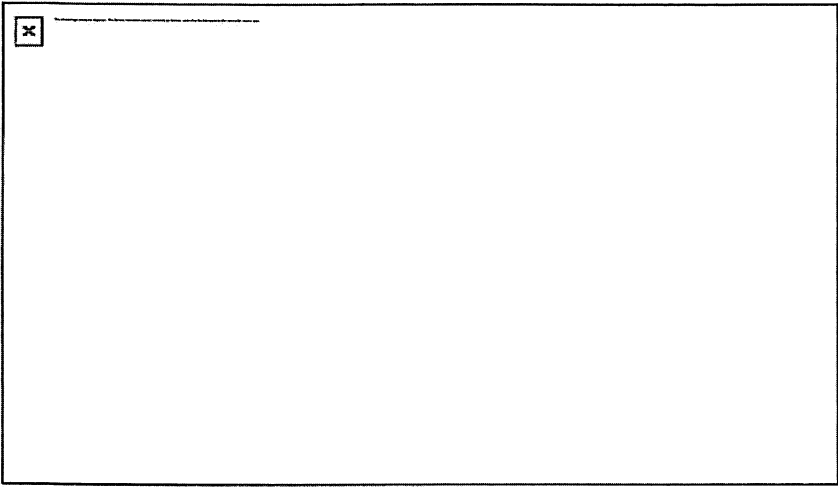
For your entertainment see how Brutalism is made fun of by millenials on social media
- https://www.instagram.com/cats_of_brutalism/

Revitalize with forward thinking - when I think of the history of Marlborough I think of: colonial, farm land, and mid-century industrial (brick, cast iron, post and beam). There are cities leading with modern projects that nod to colonial, farm house or historic industrial architecture that draws new business and new life to the area. Please see a few examples I've attached for your consideration.

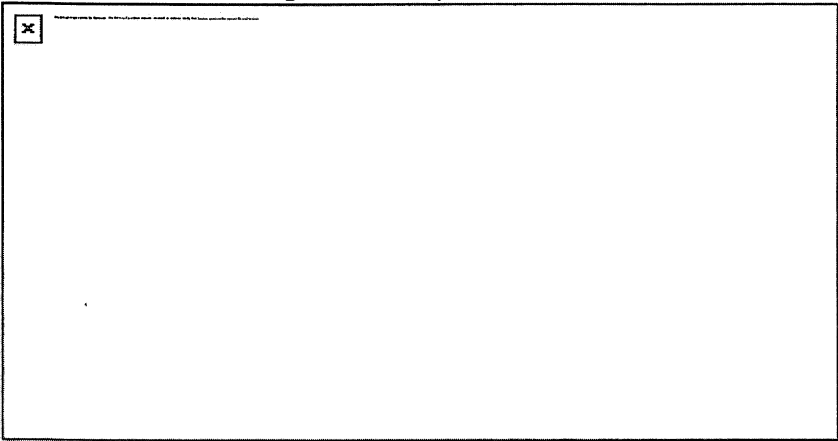
Farmhouse Condos, Austin TX, <https://www.farmhouseaustin.com/>



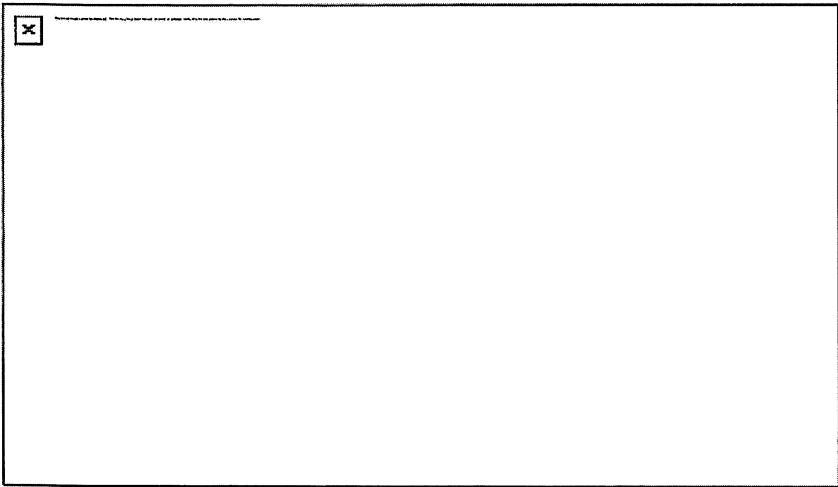
Modern Colonial, VKO Architects Ltd.



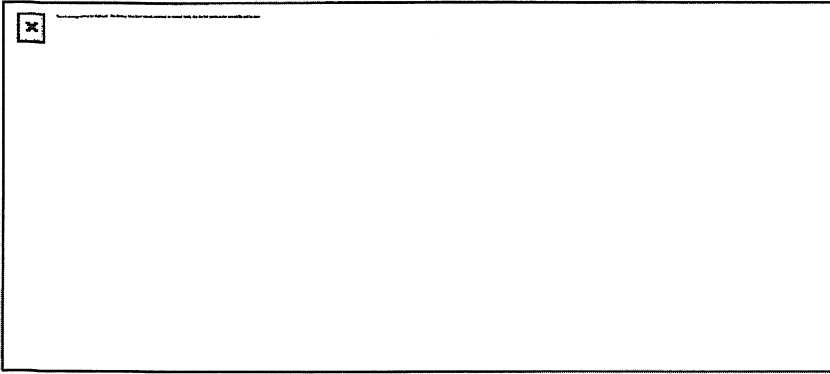
Colonial Nobscot Framingham Development



Hendon Condos - Post Modern Industrial



Howe Condos Marlborough



Thank you for your willingness to pause, be patient and work to make Marlborough a vibrant place for many years to come,
-Jamie

Jamie Andrade

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 5:15 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Robert Preciado: WoHo Development

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 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

JUN 04 2021 12:35

From: Robert Preciado
Sent: Thursday, June 3, 2021 4:14 PM
To: City Council
Subject: WoHo Development

Dear City Council,

Please consider voting no on the current WoHo design for 28 South Bolton St. As a Marlborough Downtown Village resident I am excited by new and planned development but feel let down by the direction of this project. As a resident in the Village District I was disappointed in the removal of the historic Rowe Funeral Home and its planned development of a multi story condo. The addition of a parking lot on Bolton St., which also saw the removal of large historic trees in an area that had been deemed a "red" zone during an environmental awareness meeting was also extremely disheartening. In part due to the outcome of that meeting and its grant that was made available to the city. If the City Council keeps approving large scale multi use condos in its Village District that do not adhere to the guidelines then what was the 2014 Village District Ordinance for? How can we keep a Historic district if the history of the city is being removed to the highest bidder? And if these buildings keep getting approved by the council then what about the subsequent infrastructure problems? The addition of cars to our mostly walkable downtown, the clearing of real estate for parking lots, the absence of foresight past a dollar amount? My only hope is that as a city on the rise we can take agency over its direction and create the vision that WE want, its residents, not the developers.

Thank you for your time,
 Robert Preciado

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 3:57 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Turnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Jamie Andrade: Vote No on WoHo

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

From: jamie andrade
Sent: Thursday, June 3, 2021 2:31 PM
To: City Council
Subject: Vote No on WoHo

Dear City Council,

Please consider voting no on the current WoHo design for 28 South Bolton St. As a Marlborough Downtown Village resident I am excited by the development but deeply disappointed in the direction of this project. As a historic property owner in a historic cultural district, I am saddened to see the removal of the historic Rowe Funeral home for a giant condominium project and the addition of a parking lot on Bolton St. in part due to many of these projects that do not provide ample parking in their initial conception.

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 - https://www.instagram.com/cats_of_brutalism/

Revitalize with forward thinking - when I think of the history of Marlborough I think of: colonial, farm land, and mid-century industrial (brick, cast iron, post and beam). There are cities leading with modern projects that nod to colonial, farm house or historic industrial architecture that draws new business and new life to the area. Please see a few examples I've attached for your consideration.

Farmhouse Condos, Austin TX, <https://www.farmhouseaustin.com/>



Modern Colonial, VKO Architects Ltd.



Colonial Nobscot Framingham Development



Hendon Condos - Post Modern Industrial



Howe Condos Marlborough



Thank you for your willingness to pause, be patient and work to make Marlborough a vibrant place for many years to come,
-Jamie

Jamie Andrade
[Web](#) // [IG](#)

Steven Kerrigan

From: City Council
Sent: Thursday, June 3, 2021 4:03 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: FW: Vote No on WoHo from Jamie Andrade, 5 Springhill Avenue

From: Jamie Andrade
Sent: Thursday, June 3, 2021 4:01 PM
To: City Council
Subject: Re: Vote No on WoHo

Jamie Andrade
5 Springhill Ave
Marlborough MA 01752

Steven Kerrigan

From: City Council
Sent: Tuesday, June 8, 2021 12:48 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Maura Navin Webster: WOHO Opposition

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2021 JUN -8 P 2:08

From: Maura Webster
Sent: Monday, June 7, 2021 7:12 PM
To: David Doucette
Cc: City Council
Subject: WOHO Opposition

Councilor Doucette,

Apologies for the last minute email as I know you're heading into tonight's meeting, but I couldn't let the opportunity pass to share my opposition to the WOHO project.

The current proposal for the South Bolton Street parcel has multiple issues. The design doesn't fit with the aesthetics of our city center, which the City has worked to maintain while staying current and relevant over the years. It is quite possible to maintain Marlborough's look and feel AND be green in our construction and development practices.

More importantly, the potential impact to downtown businesses cannot be ignored. To allow a residential building without sufficient parking on site for all of the residents and to rely on nearby municipal garage parking is simply irresponsible. In today's environment, many larger companies, with the exception of retail and restaurants, are adopting a flexible work environment, which means that residents looking to live in Marlborough may not be leaving their homes during the day to go to an office. This also means that our municipal garages will likely be filled during the day, taking valuable space away from customers and clients of our local restaurants and other businesses.

As a lifelong resident and business owner, I urge you to consider holding out for a project that best represents our City and our businesses.

Respectfully,

Maura Navin Webster



**Let's
Chat!**

Maura Navin Webster
 Founder, Chief Strategist, & Mindful Marketing Coach
LillaBlu Strategies, LLC

www.lilla blu.com





Sudbury Companies of Minute and Militia
Sudbury Massachusetts 01776

8-1
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 JUN -9 P 4: 01

June 8, 2021

Hon. Lisa M. Thomas, City Clerk
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

Re: Temporary Sign for the 2021 Colonial Faire at the Wayside Inn

Dear Ms. Thomas,

By this letter, The Sudbury Companies of Militia and Minute respectfully request permission to place a temporary sign on city property at the corner of U.S. Rt. 20 and Hagar Road at the Wayside Inn turn from Saturday, September 18, 2021, to Sunday, September 26, 2021.

The Sudbury Companies' petition for placement of the sign is to advertise and give directions to the 2021 Colonial Faire and Muster to be held on Saturday, September 25, 2021. As in years past, the sign will ease traffic flow through this area by providing directions to the event to be held at the Wayside Inn.

The Colonial Faire and Muster celebrates and honors our colonial heritage and patriotic past with several Fyfe and Drum Companies, living history demonstrators, re-enactments, children's games and crafts. The members of the Sudbury Companies, many of whom live in this area, freely give their time and treasure to keep the importance of our first struggle for liberty always before the citizenry through demonstrations, encampments and re-enactments of the events surrounding April, 1775.

Your assistance is very much appreciated. Should you have any questions, please do not hesitate to contact me by phone (925-915-9400) or email (joe.p.t@live.com).

On behalf of The Sudbury Companies of Militia and Minute, I am

Your Obedient Servant,

Joe Tyrrell
Faire Committee
75 Harness Lane
Sudbury, MA 01776

Enclosures: Picture of sign
Arial view of the proposed sign location



Sign Size: Length: 3' 4"

Width: 4'

Area: 13.33 square feet



X Proposed Location of Sign

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2021 JUN -7 P 12:10

1. Name and address of Petitioner or Applicant: 48 Edgewood Rd.
Brian Salvi - Edgewood Entertainment, LLC Southborough MA 01772
2. Specific Location of property including Assessor's Plate and Parcel Number.
Assessor's Map #78 Parcel # 2A
3. Name and address of owner of land if other than Petitioner or Applicant:
R.K. Centers 50 Cabot St. Needham, MA 02494
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) lessee
5. Specific Zoning Ordinance under which the Special Permit is sought:
1.) Article 5 Section 50-17 Paragraph A Sub-paragraph 2
2.) 5 50-17 (see table)
6. Zoning District in which property in question is located:
B
7. Specific reason(s) for seeking Special Permit
Required by zoning use table per Tin Highway
See letter included
8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

B R Salvi
Signature of Petitioner or Applicant

Address: 48 Edgewood Rd.
Southborough, MA 01772

Telephone No. 774-270-3291

Date: 4/15/21

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

Brian Salvi
(Name of Petitioner)

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

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

*See enclosed list provided by and certified by
Marlborough Assessors office*

ABUTTERS 219-237 BOSTON POST ROAD WEST, MARLBOROUGH, MA - 400 FT

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
77-11	M_192158_898 711	77-11	291-293 BOSTON POST RD WEST	BPR 293 EQUITY PARTNERS LLC		C/O KS PARTNERS LLC	130 NEW BOSTON ST STE 303	WOBURN	MA	01801
78-1	M_192633_899 100	78-1	261 BOSTON POST RD WEST	ROYAL PLAZA MARLBOROUGH H LLC		181 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
78-12	M_192617_898 673	78-12	58 APEX DR	WALKER REALTY LLC	MARLBOROUGH ASSESSORS <i>Elly K. Richardson</i> <i>Don W. W.</i>	C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	43 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
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78-12	M_192617_898 673	78-12	43 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	BOSTON POST RD WEST <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
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78-12	M_192617_898 673	78-12	160 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	142 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	21 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR <i>dup</i>	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	<i>dup</i> 58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	<i>dup</i> 90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	<i>dup</i> BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-16	M_192641_898 760	78-16	187-189 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC	✓	50 CABOT ST STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494

78-1A	M_192648_898 901	78-1A	191-199 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC ✓	50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	201 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC ✓	50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	191-199 BOSTON POST RD WEST <i>dup</i>	R K ASSOCIATES- MARLBORO INC	50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	201 BOSTON POST RD WEST <i>dup</i>	R K ASSOCIATES- MARLBORO INC	50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-23	M_192584_898 651	78-23	190 BOSTON POST RD WEST	NEWTON- WALTHAM BANK & TRUST COMPANY ✓	101 N TRYON ST NC1-001-03-81	ATTN BANK OF AMERICA	CHARLOTTE	NC	28255
78-3	M_192389_898 637	78-3	241 BOSTON POST RD WEST	241 BPR REALTY LLC ✓	241 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
89-1	M_192317_898 551	89-1	275 BOSTON POST RD WEST	KORANDANIS ASPASIA TR ✓	275 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
89-1A	M_192266_898 595	89-1A	277 BOSTON POST RD WEST	BUFFALO- MARLBOROUGH ASSOCIATES LLC ✓	7978 COOPER CREEK BLVD		UNIVERSITY PARK	FL	34201
89-1B	M_192315_898 594	89-1B	BOSTON POST RD WEST	KORANDANIS ASPASIA TR ✓	275 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
89-77	M_192465_898 519	89-77	169 APEX DR	MARLBORO HOSPITALITY LLC ✓	C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Brian Salvi Address: 48 Edgewood Rd. Southborough MA
(219-237)
 Project Name: Edgewood Entertainment Address: 229 Boston Post Rd. West
D/B/A XGolf Marlborough, MA 01752

1. PROPOSED USE: (describe) Indoor golf simulators and bar area
2. EXPANSION OR NEW: repurpose of existing space
3. SIZE: floor area sq. ft. 9,075 1st floor — all floors —
 # buildings 1 # stories 1 lot area (s.f.) 208,216sf
219-237 Boston Post Rd
4. LOT COVERAGE: no change %Landscaped area: no change % West
5. POPULATION ON SITE: Number of people expected on site at anytime:
 Normal: ~40 Peak period: ~100
6. TRAFFIC:
 - (A) Number of vehicles parked on site:
 During regular hours: ~30 Peak period: ~40
 - (B) How many service vehicles will service the development and on what schedule?
deliveries 1-2x/wk
7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? same as current tenant
8. NOISE:
 - (A) Compare the noise levels of the proposed development to those that exist in the area now.
similar to existing
 - (B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. hitting golf balls during hours of operation
screens w/ noise reduction materials will be used
9. AIR: What sources of potential air pollution will exist at the development? n/a
10. WATER AND SEWER: Describe any unusual generation of waste. n/a
11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? n/a

*Attach additional sheets if necessary



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: _____

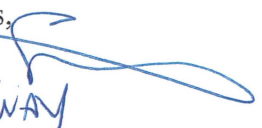
SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: X-Golf
 Project Use Summary: Golf simulators - indoor recreation
 Project Street Address: 229 Boston Post Rd. West
 Plate: 78 Parcel: 2A
 Applicant/Developer Name: Edgewood Entertainment, LLC
 Plan Date: _____ Revision Date: _____

Dear President and Members:

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

Very truly yours,


 Jeffrey K. Cooke
 Building Commissioner

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

\$500.00

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Lisa M. Thomas
City Clerk



Dear Applicant,

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

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

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

Holly D. Salvi
 Signature

4/7/2024
 Date

Thank you for your cooperation in this matter.

Sincerely,

Lisa M. Thomas
 City Clerk

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT****Lisa M. Thomas
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Edgewood Entertainment, LLC.

Owner Name/Officer Name of LLC or Corporation

Brian Salvi

Owner/Officer Complete Address and Telephone Number

48 Edgewood Rd.

Southborough, MA 01772

774.270.3291

Signature of Applicant

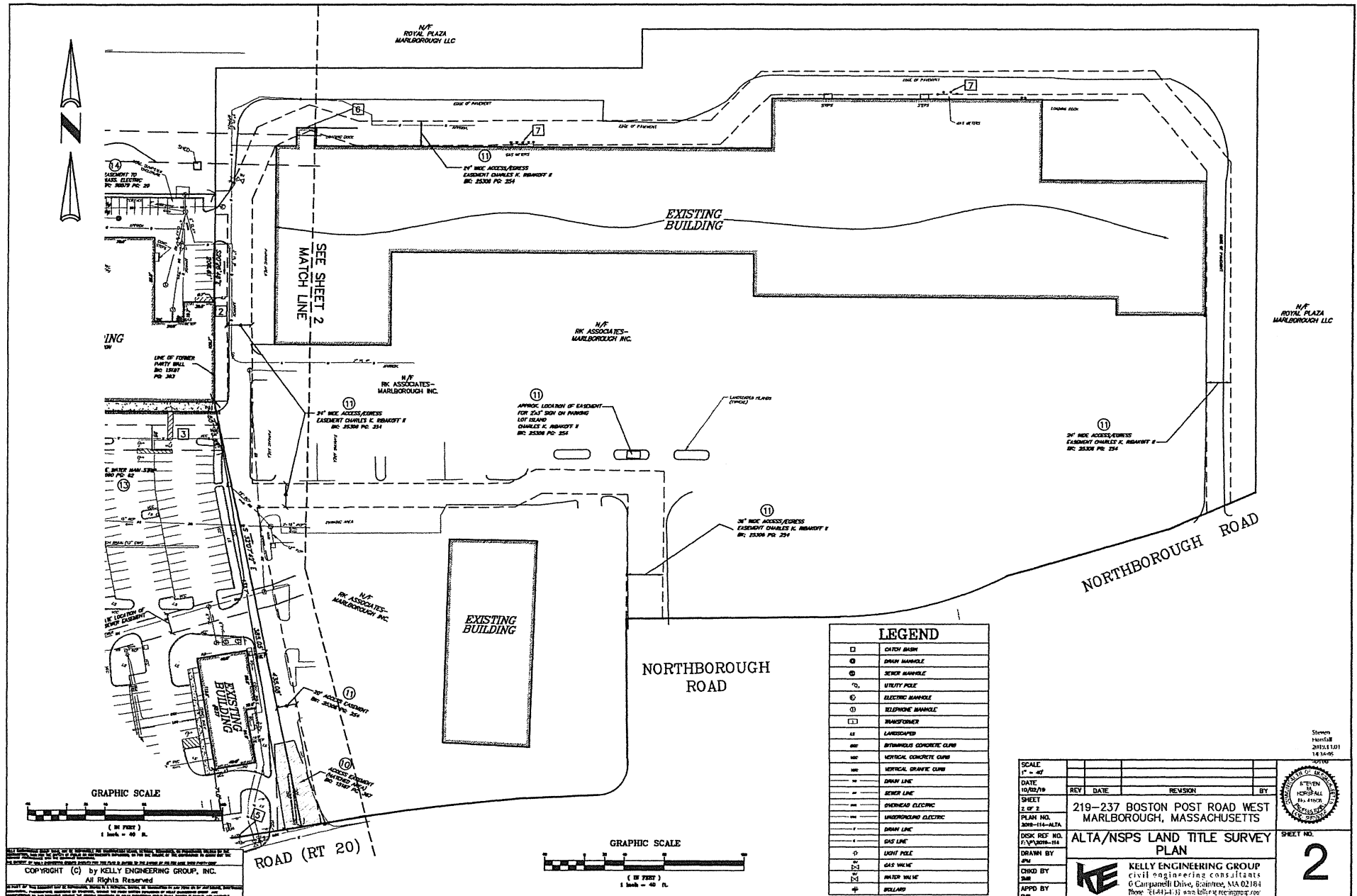
Brian Salvi

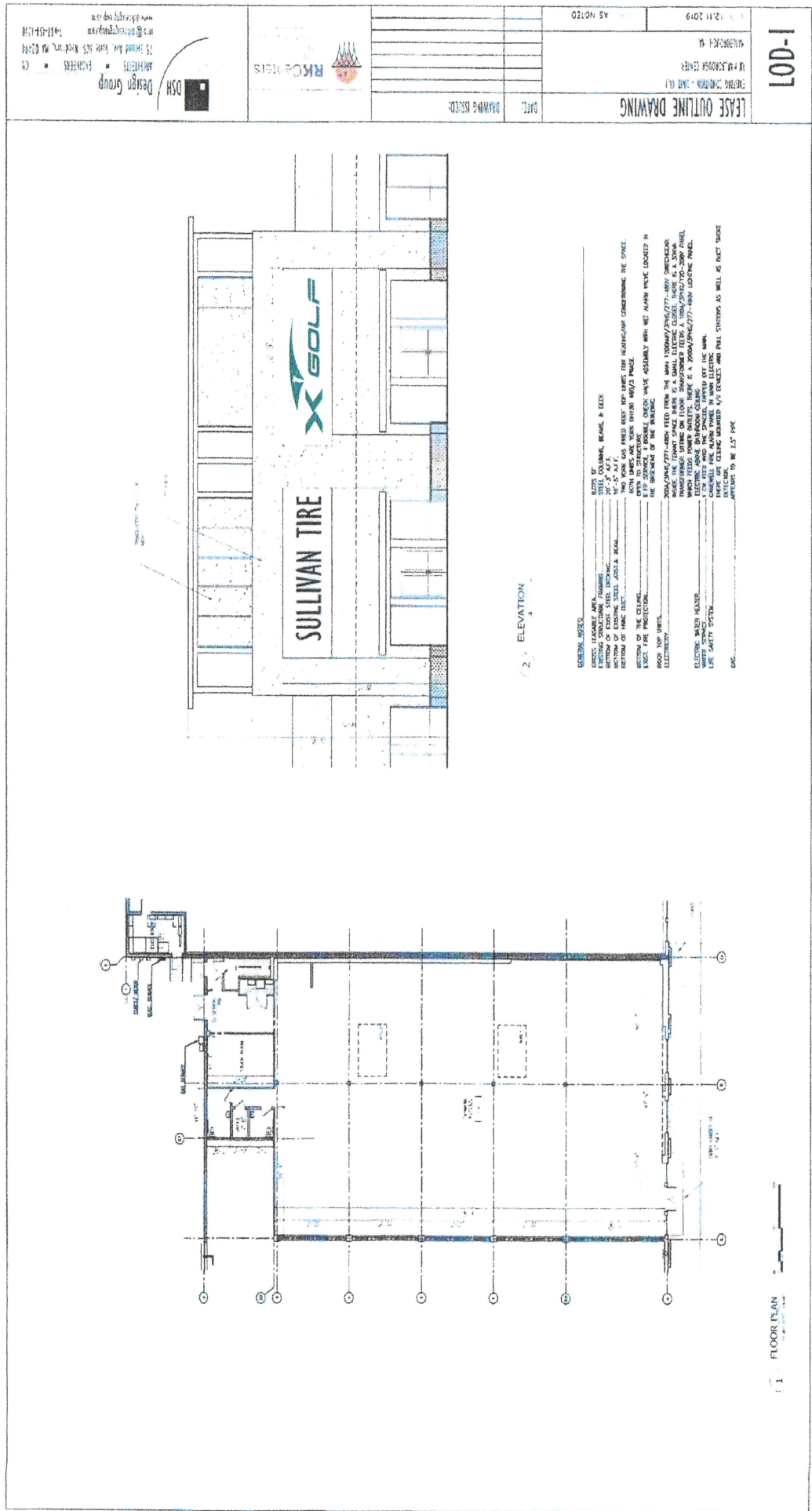
Attorney on behalf of Applicant, if applicable

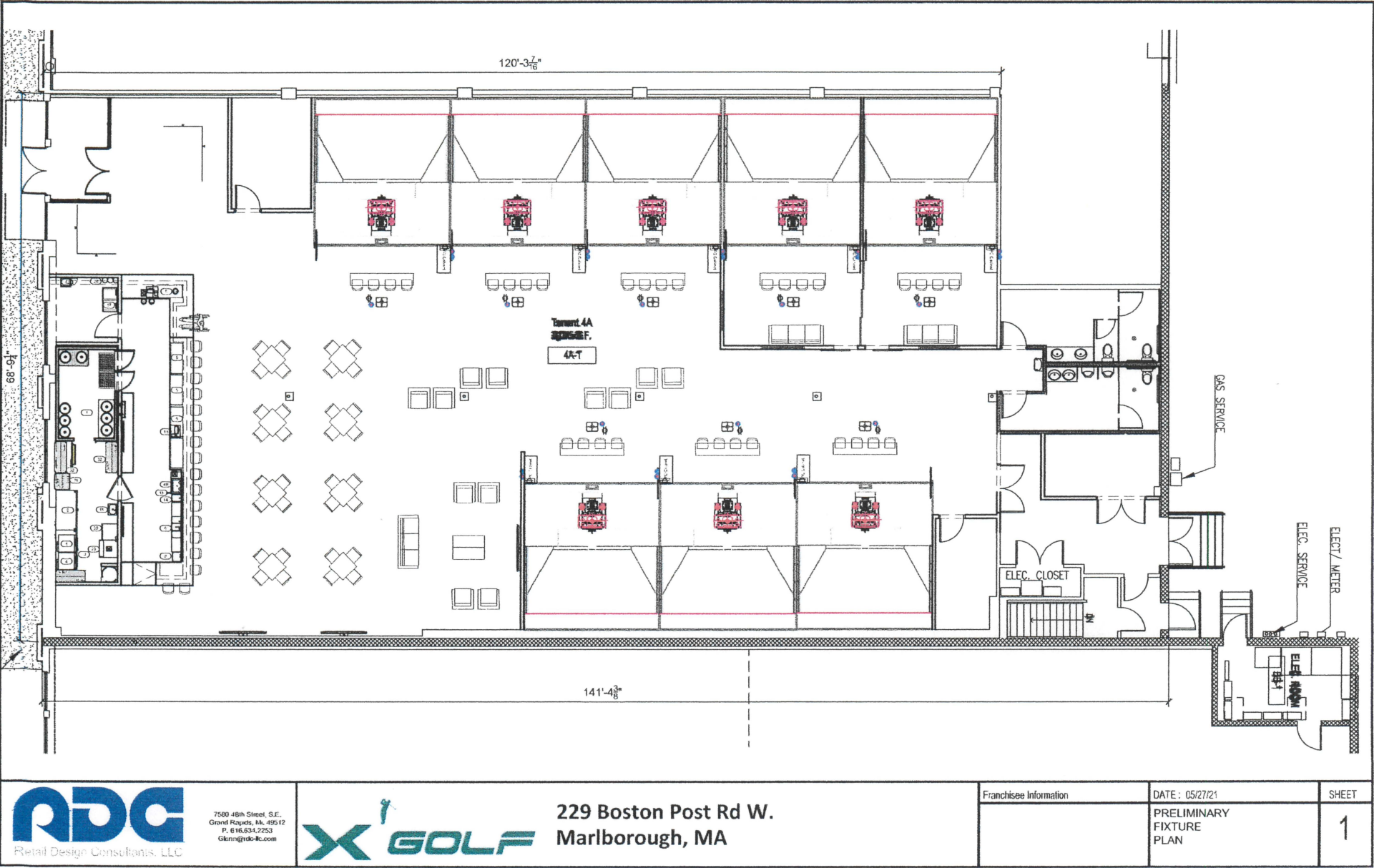
The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Bristol

Tax Collector





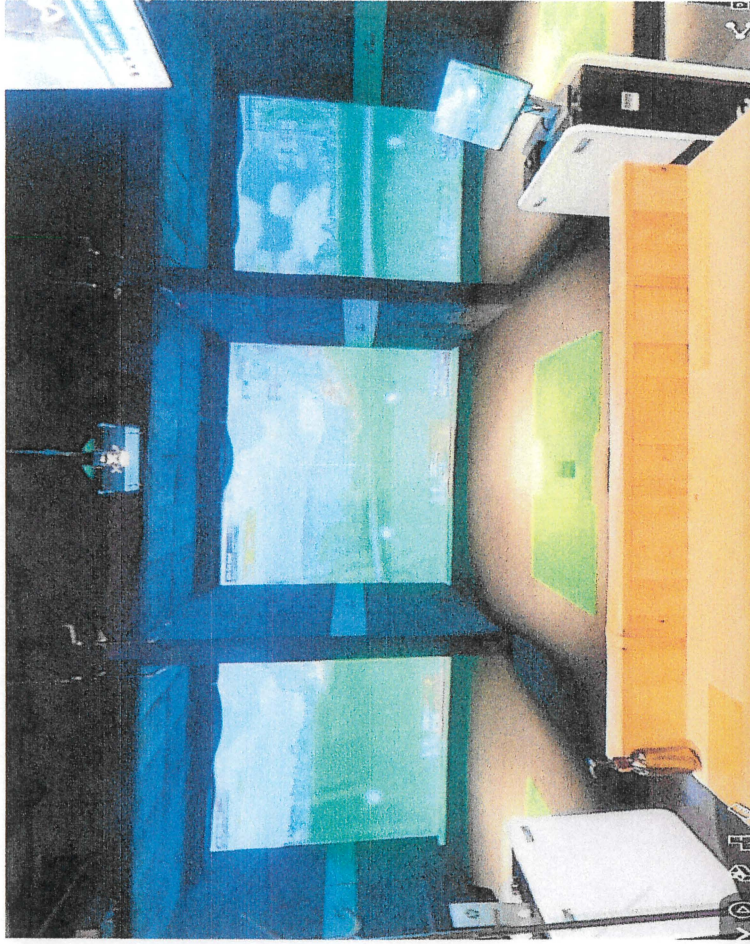


EQUIPMENT SCHEDULE - XGOLF

MARK	QT	MANUFACTURER	MODEL NUMBER	DESCRIPTION
1	1	KOLPACK	TBD	WALKIN COOLER WITH REACH IN GLASS DOORS
2	2	AVANTCO	UDD-4-HC	3 DOOR KEGERATOR
3		AVANTCO	UDD-3-HC	2 DOOR KEGERATOR
4	2	MERRYCHIEF EIKON	E4S	IMPINGING COUNTER TOP OVEN
5	5	SHELVING	FOCUS	18X36 2 TIER UNDER COUNTER SHELVING
6	1	ADVANCE TABCO	FC-3-1515-15RL	3 COMP BAR SINK w/ DOUBLE JOINTED FAUCET WITH 8" CENTERS (T&S B-0265-BST)
7		MANITOWOC	UY-0190A	UNDER COUNTER ICE MACHINE
8	1	ADVANCE TABCO	SC-15-TS	STAINLESS STEEL UNDERBAR HAND SINK
9	1	AVANTCO	SSWT-60R-HC	60" Two Door Worktop Refrigerator with 3 1/2" Backsplash
10	1	AVANTCO	SSWT-60F-HC	60" Two Door Worktop Freezer with 3 1/2" Backsplash
11	1	SQUARE	KITCHEN SYSTEM	POS / SQUARE BAR KITCHEN REGISTER SYSTEM
12	1	TBD	BY OWNER	TELEPHONE
13	1	COCA-COLA	8-PIN BAR GUN	BAR GUN w/ ICEBIN FOR SODA DISPENSING
14	1	ADVANCE TABCO	PRHSC-19-12	DUMP SINK w/ PERFORATED BASKET (MODEL A-17)
15	2	AVANTCO	UBB-4-HC	3 DOOR BACK BAR KEG COOLER
16	1	REGENCY	17.25"x15.25"	WALL MOUNT HAND SINK w/ FACUET AND WRIST BLADES
17	1	COCA-COLA	BAG IN BOX	SYRUP BOX SHELVING RACK
18		PERLICK	TS24LS	MODULAR LIQUOR BOTTLE DISPLAY
19		AVANTCO	UBB-3-HC	2 DOOR BACK BAR KEG COOLER (69 1/8"W x 27 3/4"D x 35 5/8"H)
20		BEVERAGE-AIR	MMR66HC-1-B	MERCHANDISER COOLER 75"x32 1/8"x78" w/ LED LIGHTING
21		BEVERAGE-AIR	MT49-1-SDB	MERCHANDISER COOLER 47 1/8"x30 1/8"x78 5/8" w/ LED LIGHTING
22		DELFIELD	GUR72P-G	72"x31 5/8"x34" Glass Door ADA Height Undercounter Refrigerator
23	1	DELFIELD	GUR60P-G	60"x31 5/8"x34" Glass Door ADA Height Undercounter Refrigerator
24		DELFIELD	GUR48P-G	48"x31 5/8"x34" Glass Door ADA Height Undercounter Refrigerator
25		AVANTCO	SS-WT-72R-HC	72" Three Door Worktop Refrigerator with 3 1/2" Backsplash
26	1	MANITOWOC	IYT0420A	AIR COOLED ICE MAKER (TALL)
27		SOLWAVE	180MW 1000D	Stainless Steel Commercial Microwave with Dial Control - 120V, 1000W
28	3	NA	CO2	20lb CO2 tank
29		NA	CO2	300lb CO2 TANK
30		TBD	TBD	24"x18"x74" 5 TIER WIRE SHELVING w/ CASTERS
31		TBD	TBD	36"x18"x74" 5 TIER WIRE SHELVING w/ CASTERS
32	2	TBD	TBD	48"x18"x74" 5 TIER WIRE SHELVING w/ CASTERS
33		TBD	TBD	60"x18"x74" 5 TIER WIRE SHELVING w/ CASTERS
34	1	TBD	TBD	24"x24"x74" 5 TIER WIRE SHELVING w/ CASTERS
35	1	TBD	TBD	36"x24"x42" 3 TIER WIRE SHELVING w/ CASTERS
36	1	TBD	TBD	48"x24"x42" 3 TIER WIRE SHELVING w/ CASTERS
37		TBD	TBD	60"x24"x74" 5 TIER WIRE SHELVING w/ CASTERS
38	1	SCHIER	GB-2	UNDER COUNTER 35 GPM GREASE TRAP
39	1	CMA	UC65e	24"W x 25"D x 33.5"H
40	1	KROWNE	KR18-M36R	ROYAL SERIES UNDERBAR MULTI STATIONS
41	1	ADVANTCO	APT-71M-HC 71"	3 Door Mega Top Refrigerated Sandwich Prep Table
42	1	TBD		EMPLOYEE LOCKERS



XGolf Brookfield, WI



XGolf – Brookfield, WI |



XGolf Wayland |



XGolf Mequon, WI |



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
 Marlborough, MA 01752
 Tel. (508) 460-3776 Facsimile (508) 460-3736
 building_dept@marlborough-ma.gov

TIN HTWAY
BUILDING COMMISSIONER

PATRICK DAHLGREN
 ASSISTANT BUILDING
 COMMISSIONER

LAURENT "LARRY" LEMIEUX
 PLUMBING & GAS INSPECTOR

JOHN CAIN
 WIRING INSPECTOR

WILLIAM PAYTON
 BUILDING INSPECTOR

ZONING DETERMINATION

May 15, 2021

Brian Salvi
 Edgewood Entertainment, LLC
 48 Edgewood Rd
 Southborough, MA 01772

RE: X GOLF PROJECT
229 BOSTON POST RD. WEST, MARLBOROUGH, MA
ASSESSOR'S MAP 78, PARCEL 2A
OWNER: RK MARLBORO WEST LLC

Dear Mr. Salvi:

This office has reviewed your request for a zoning determination regarding proposed new indoor recreation golf and bar use on Parcel 78-2A known as 229 Boston Post Rd. West Drive based upon the Preliminary Fixture Plan drawing dated 4/21/2021 by Retail Design Consultants. This office offers the following:

1. This office finds in Section 650 Attachment I - Table of Use Regulation, City of Code of Marlborough that the proposed indoor recreation use is allowed by special permit in the Business (B) zone.
2. This office finds that based upon proposed seating plan this office calculates approximately 95 seats – 16 seats including ADA compliant space , 32 seats – 8 four-top tables, 8 four-high top tables and 15 various seats dispersed throughout the interior space tenant space, additionally, 4 employees per shift and potential of patrons standing up shall require a minimum of 40 parking spaces per Section 650-46 (A)(10),(11) Off-street.
3. Additionally, this office finds that a Site Plan approval is not required from the Site Plan Review Committee due to the fact that no work will be performed to the exterior of the site except for a change of signage which will require separate approval through the Chapter 560 General Legislation – Signs .
4. The Special Permit if granted by Marlborough City Council and is subject to any referenced conditions and in conformance with current minimum zoning requirements and construction plans

submitted this office are to be in conformance with Massachusetts Building Code & Marlborough Ordinances prior to issuance of a Building Permit and/or Certificate of Occupancy from this office.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Tin Htway', with a stylized, flowing script.

Tin Htway
Building Commissioner



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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

May 11, 2021

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

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.

3. Presentation:

A. Project 351

Mr. Wayne Labbe, Assistant Principal at the Whitcomb School, introduced Project 351 to the committee. Victoria Villar was chosen as the Marlborough student representative to Project 351. Victoria shared her experience with Project 351 and her future plans through a PowerPoint presentation attached to this agenda item. Additionally, Superintendent Bergeron and Mr. Labbe recognized Ms. Roache for her assistance in this experience.

B. MHS Student Advisory

One of the Sophomore class representatives, Abigail Hennessy, discussed mental health check ins between teachers, staff and students. Abigail shared some tactics her teacher utilizes to keep tabs on students' well-being. She also shared some practices used by staff at department meetings.

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The other Sophomore class representative, Jessica Rosenzweig, presented student feedback on the return to full in-person learning. Jessica received input from about 50 students via google forms. Overall, the students had positive feelings about being back to school, and Jessica divulged her own opinions regarding this transition.

Freshman class representative Risha Khanderia surveyed ninth grade students on their feelings about this school year. Her classmates pointed out the need for mental health issues to be discussed more. Students also commented on the pros and cons of no homework. The freshman class provided insight on their vision of the future, specifically with what aspects of this year should/should not be carried over into next year.

C. MHS Class of 2021 Graduation Update & Events

Principal Riley introduced the MHS Class of 2021 Graduation, Red Carpet Gala, and Operation Graduation events. His PowerPoint presentation is attached to this agenda item. Graduation will be held on June 5th at Noble Field at the Whitcomb School once again. The logistics of the ceremonies will be a bit different than last year. There will be 90 graduates per ceremony with multiple ceremonies held that day between 10am and 1pm. A rain delay plan has been created. Additional logistic details/changes are outlined in Principal Riley's presentation.

Principal Riley discussed additional senior events that will be held at the start of June as well: Senior breakfast, Powderpuff football, graduation rehearsal, the Red Carpet Gala, and Operation Graduation.

The co-advisors for the Class of 2021, Sarah Casey and Leah Canonico, discussed the Red Carpet Gala and Operation Graduation more in depth. The Red Carpet Gala will be held in place of Senior Prom on June 4th from 5-7pm with Operation Graduation following from 7pm-10pm in place of the All-Nighter. These events will be held outside on Vital Field at MHS for Seniors only. Mrs. Casey shared the Red Carpet Gala agenda from the perspective of a student. She also outlined the safety precautions for the evening.

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Mrs. Hennessy commended the staff and faculty on their efforts for graduation and related events. She also reminded everyone that students enjoy acknowledging staff who are important to them and missed out on doing so last year. Mrs. Hennessy inquired whether businesses or individuals could donate or provide things for these events, and Principal Riley mentioned the fundraising efforts for these events thus far. Mr. Caruso and Principal Riley discussed the standing room portion of graduation as well as MHS graduate lawn signs.

Mrs. Matthews and Principal Riley discussed how graduation will be live streamed and speeches will be pre-recorded.

4. Committee Discussion/Directives: None.

5. Communications: None.

6. Superintendent's Report:

Superintendent Bergeron updated the committee on the Spring 2021 COVID-19 Data throughout the district, city, and state. He presented the adjusted numbers that differ from the figures in his attached report.

Superintendent Bergeron thanked faculty and staff for making the full return to secondary schools successful.

MEA Representative Eileen Barry thanked Katie Adams for assisting numerous MPS faculty and staff on finding vaccination appointments. Mrs. Adams has three children in the school system.

The Superintendent updated the committee on the close contact/quarantine protocols that DESE and the Department of Public Health have revised. The existing 6-foot rule was eliminated; a new 3-foot rule is in place for exposures requiring quarantine. In his report, Mr. Bergeron included a sample letter from DESE if someone was a close contact of a COVID positive individual in class or on the bus. The Superintendent stated that MPS has not seen an influx in COVID cases since students have returned to school full time in person.

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Superintendent Bergeron thanked the Mayor and committee for their assistance in celebrating staff at ice cream socials during Teacher Appreciation Week.

The Superintendent and Patricia Brown were invited by Dr. Kelly Matthews to speak to Framingham State Education graduates. Mr. Bergeron noted that two of the graduates at this presentation had already been hired by MPS.

Superintendent Bergeron recognized Principal Riley for earning his Doctorate from the University of Massachusetts.

Mrs. Matthews asked if an effort could be made to coordinate a clinic to vaccinate high school students in the future.

Chairman Vigeant and Superintendent Bergeron stressed how accessible the Marriot Hotel vaccination site is. Appointments and insurance are not required.

A. Assistant Superintendent of Teaching & Learning

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, reported on MCAS testing, which is scheduled through June. Student Responsibility agreements will be signed by remote students and families.

Mrs. Murphy informed the committee that the Title I sponsored parent SEL workshop will be offered again in the fall. She shared another workshop that will be offered in-person in the fall as well.

Mrs. Murphy provided an update on the district-wide Anti-bias/Anti-racist Committee. The ABAR committee met monthly throughout the year and accomplished numerous things, such as planning and leading a professional development for staff. Mrs. Murphy has asked a sub-committee to present at the next meeting.

B. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, provided a Facilities Department update. This update mentioned the tie-in of a new electrical service into MHS, the installation of LED lights at all schools except ECC and MHS, and the installation of solar panels at Jaworek, Kane and MHS thus far. These projects help the City's efforts to be a Green Community. Mr. Dias thanked General Foreman Dan Jackson and his team for managing these projects during the school year.

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Mr. Dias presented a list of summer projects for schools and buildings in the district. These projects are outlined in his report.

7. Acceptance of Minutes:

A. Minutes of the April 13, 2021 School Committee Meeting

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

Motion passed 7-0-0.

B. Minutes of the April 27, 2021 School Committee Meeting

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

Motion passed 7-0-0.

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.

9. Action Items/Reports

A. FY22 School Choice

Superintendent Bergeron recommended that the district should not accept school choice for the 2021-2022 school year. He provided various reasons such as class sizes, costs, etc.

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Motion made by Mrs. Matthews, seconded by Chairman Vigeant to reject school choice.

Motion passed 7-0-0.

B. Obsolete Music Equipment

Superintendent Bergeron requested to declare the guitars listed in this agenda item as obsolete. They can be purchased from Mr. Rosenthal; the original and selling prices are listed.

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

Motion passed 7-0-0.

C. FY21 Operating Budget Transfers

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

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

Motion passed 7-0-0.

D. School Committee Student Representative

Mrs. Bodin-Hettinger and Mrs. Hennessy discussed the parameters of the Student Advisory Council (SAC) and Student Representative positions. Mrs. Bodin-Hettinger clarified that the student body elects the SAC and then the Student Representative is selected from the SAC. Committee members discussed whether to add language to the policy/policies regarding the timeline of the Student Representative position.

Mrs. Bodin-Hettinger suggested that the committee meet the SAC prior to the school year as per request of the students themselves.

The committee discussed potential ways to meet with students.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to engage with SAC students in the Fall with a sub-committee of the full committee chosen later.

Motion passed 7-0-0.

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E. Acceptance of Donations and Gifts

Anonymous. MPS received an anonymous donation of \$3,288.00.

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

Motion passed 7-0-0.

Box Tops for Education. Whitcomb School received a donation of \$18.90.

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

Motion passed 7-0-0.

Adopt-a-Classroom. Mrs. McCann's classroom at Richer School received a donation of \$250.00.

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

Motion passed 7-0-0.

MA DESE FY21 COVID Prevention Fund Program. MPS received a \$288,300.00 grant.

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

Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that Policy Sub-Committee met recently.

Mrs. Matthews reported that tentative agreements were reached with paraeducators and administrative groups today. Negotiations with teachers will begin next week.

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11. Members' Forum:

Mrs. Matthews has read the warrant and will sign it.

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:54 p.m.
 Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm
 Approved June 8, 2021

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CITY OF MARLBOROUGH

Conservation Commission

Minutes

May 20, 2021 (Thursday) 7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 JUN -8 A 11:11

This meeting was conducted virtually and recorded using the Microsoft Team's platform.

Chairman Edward 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.marlbrough-ma.gov/>"*

Present: By roll call –

Remotely: Edward Clancy- Chairman, William Dunbar, David Williams, Karin Paquin, and John Skarin,

In Memorial Hall: Dennis Demers and Allan White. Also present was Priscilla Ryder, Conservation Officer.

Absent: none

Approval of Minutes: The minutes of May 6, 2021 were reviewed. On a motion to accept and place on file by Allan White and second by Edward Clancy. The minutes were unanimously approved 7-0 on a roll call vote.

Public hearings:

Request for Determination of Applicability

1001 Boston Post Rd. East - Raytheon Technologies

John McMeeking of SMRT was present representing Raytheon. He explained that they have decided to move the proposed generator and uninterruptable power source (UPS) batteries closer to the building instead of across the driveway as previously approved by the Commission last year. The new location is further away from the wetland, but a portion still falls within the 100' buffer zone. There will be minor earthwork and trenching for this installation of a concrete pad. The generator is serviced by gasoline and the system, as before, is fully contained and will capture any spill. Bollards are proposed on the southern corner to protect the pad and UPS system from any roadway traffic. The Commission asked if more room could be provided as this will also be an issue for snowplows. Mr. McMeeking said they could see if they could shift it to provide more space. He noted erosion controls would be installed per the plan and that all excavated materials would be removed from the site. The major site work for the pad will take a couple of days. After some discussion, and there being no further questions or comments from the Commission or the public, the hearing was closed. On a motion by Mr. Skarin second by Edward Clancy to issue a negative determination with standard conditions and a request to shift the pad away from the southern corner. The commission voted unanimously by a roll call vote 7-0 to approve the motion.

Amend Order of Conditions (212-1193)

149 Hayes Memorial Dr. - Marlborough/Northborough Land Realty Trust

Will Park of SMMA and Israel Lopez from the Gutierrez Co. were both present. Mr. Park explained the changes made to the plans based on the comments from the City Engineer and the Commission. He believes all items have been addressed as shown. The changes included: changes to the detention

basin, infiltration system, shifting the detention basin outside the 20' buffer zone, altered tree species and location as suggested, and added inspection ports to infiltration system. He stepped through the

construction sequencing plans which were revised to address the tight areas in Phase 1 and discussed the sewer realignment and old-line abandonment. Some restoration in this area will be needed. After some discussion and there being no further questions or comments from the Commission or the public the hearing was closed. The Commission reviewed a set of draft Conditions and agreed to add a new condition regarding the sewer line restoration. On a motion by Mr. White second by Edward Clancy to approve the Order of Conditions as drafted and amended. On a roll call vote, the Commission unanimously approved 7-0 the motion. The Order of Conditions were approved.

Notice of Intent

146 Phelps St. – Delray Realty Trust

Mr. Parente was present representing the applicant. He noted that a new planting plan had been provided which was done by Dave Crossman, wetland consultant. The Commission agreed that was the last item they were waiting for and had no further questions on the proposed garage addition and driveway relocation as proposed. The hearing was closed. The Commission asked that the draft conditions be provided at the next meeting for review and approval. These will be reviewed at the June 3rd meeting.

Notice of Intent – At the applicants request these two Phelps St. hearings were continued to July 22, 2021 to allow them time to provide the additional information that has been required regarding riverfront compliance.

0 Phelps St. (next to 107) - David Franca

Proposes to construct a new house on a vacant lot within the Riverfront Area of Mowery Brook. Map 72, Parcels 11B and 702.

AND

Notice of Intent –

107 Phelps St. - David Franca

Proposes to construct a driveway across this lot within the Riverfront Area and buffer zone of Mowery Brook. Map 72, Parcel 11A.

Request for Determination of Applicability – At the applicants request this item was continued to the June 3, 2021 meeting

656 Boston Post Rd. - Global Montello Group Corp.

Proposes to expand the existing “Alltown” Convenience Store, add parking, drive thru and upgrade drainage system near wetlands.

Request for Determination of Applicability

35 Stow Rd. – Jorge Torres

Mr. Jorge Torrez was present and explained that he has installed a stonewall and fence and is leveling out the back yard around his pool. He was informed by the building department that he needed a permit for the wall as it is higher than 4' and Conservation was notified that work was being done near wetlands and he was requested to file a Request for Determination for review of this work. He has installed erosion controls near the stream headwall to protect the stream from the work area. He had stockpiled materials in the front yard and was moving it with a small machine and wheel barrels to the

back yard. Photos were provided and reviewed. He will be adding a fireplace and patio near the pool as well. The grading was discussed and the need for the site to be stabilized with loam and seed was agreed to. After further discussion and no further comments or questions from the Commission or the public the hearing was closed. On a motion by Mr. Demers second by Edward Clancy to issue a negative determination with standard conditions and those discussed above. The Commission voted unanimously by a roll call vote 7-0 to approve the motion.

Violation updates:

- 178 Simpson Rd. - Ms. Ryder heard back from the homeowner who indicated that the side slopes have been seeded just not the top. Ms. Ryder will do an inspection on Monday and will report back.
- 541 Pleasant St. - Ms. Ryder has notified the homeowner that he was to have hired a wetland consultant and filed with the Commission to confirm the wetland boundary, she has not heard back yet.

The Commission noted that on both these items if there is no activity then fines should be issued.

Current Project Updates: none

Discussion/Correspondence/Other Business: The following items were discussed and placed on file.

- Felton Conservation Land mowing – discuss process to find new farmer to hay fields. The Commission will let people know that we are looking for a farmer who may want to hay the fields. With the passing of Donald Wright, his family can no longer mow the fields per the license agreement.
- Letter to Al Deak, Manager, Home Depot (212-771) – dated May 7, 2021, RE: Ongoing conditions violation 4/28 – 5/5.
- Letter to Eagle Scout Court of Honor for Brian O’Leary, dated May 10, 2021
- Letter from Wood Environmental and Infrastructure Solutions, Inc. RE: 2021 Yearly Operation Plan for Railroad Right-of-Way Management – CSX Transportation, Inc.
- Beaver activity – Bigelow St. & Cider knoll- Ms. Ryder noted that the beavers are actively constructing dams at the Cider Knoll pond and at Howe Pond off Bigelow St. She will keep an eye on these and work with the DPW to ensue things aren’t flooding. She will keep the Commission posted.

Next Conservation Commission meetings: June 3rd and June 17th, 2021 - with the lifting of the COVID-19 Emergency Order on June 15th, the June 17th meeting will resume to being in person.

Adjournment

There being no further business, the meeting was adjourned at 8:39 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

City of Marlborough COA meeting minutes

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2021 JUN -8 P 2:08

Meeting: COA Board meeting

Date: May 11, 2021

Time: Call to order 8:41 a.m.

Attendance: Joe Bisol, Jim Confrey, Pat Gallier, Michael Ossing, Trish Pope.

Virtual: Brenda Costa, Judy Kane, Jeanne McGeough

Excused: Leslie Bigger

March and April minutes approved

Director's Report: April 5th was the official opening. There are 9 exercise Classes in session with 10

People per class. The classes are meeting inside and on the patio. There are 62 participants with 50 unduplicated.

Cinco de Mayo event was a grab and go and was well received.

Lisa Martino facilitating a Memory Training Class. The class will be held once a week for 4 weeks. Class is limited to 10 participants and is currently full.

The Lunch Program: There will be some lunch programs for July outside on the patio or Inside in the café and will be catered by Kennedy's Restaurant.

Trish and Alicia are working on grants from Bay Path that are due June 11th.

Transportation: Ridership is slowly increasing with 3 people on the shuttle for each ride. The City Shuttle bus is being used. We don't have drivers for vans yet. The salary for this position will be included in the State Formula Grant.

Bay Path: Joe Bisol reported that a new Director Joseph Quirk, was hired last year. Mr. Quirk wants to come to our next Board meeting in June. The Board voted to welcome him to that meeting.

Joe presented documents discussing the following issues: Bay Path Management Program, Covid-19, State homebound program...160 homebound clients identified.

Next meeting is June 8th.

Meeting adjourned.

Respectfully submitted,

Pat Gallier



Massachusetts Cultural Council

Marlborough LCC Meeting Agenda

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2021 JUN -9 A 8:06

Marlborough LCC Meeting conducted remotely

Date: Thursday, May 13th at 7PM

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

Non-members in attendance: Mark Gibbs, Samantha Perlman

Absent: Monica Lucey

Participants participated remotely given precautions around COVID-19. The public could access the meeting by clicking the link on the meeting calendar page or by dialing 617-433-9462 and using conference ID 889 453 750.

I. Meeting called to order at 7pm

A. Welcome and recap

B. Attendance

Mary Avery: present

Emily Wilde: present

Gabriele Luzzi: present

Kathy Oliver Jones: absent (joined at 6:14pm)

Monica Lucey: absent

II. Postponed: Review minutes from May 4th meeting

A. Motion made by Kathy to defer reviewing minutes because they are not yet done.

Vote:

Mary Avery: yes

Emily Wilde: yes

Gabriele Luzzi: yes

Vote was 3-0 in favor

III. Review updates to community survey

A. Emily showed the updates to the survey based on the Council's feedback from last meeting.

B. The group added a survey question asking about venues for showcasing art

C. Discussion of our plan for getting the survey translated. Luis will do our Spanish translation and Gabriele has a friend who can help with the translation.

IV. Discuss setting up admins on the facebook page.

A. Emily showed the facebook page that she started

B. Mary agreed to be an admin on facebook

- C. Gabriele suggested setting up automated posts on the page--a good way to advertise an event in the week or two before the event
- D. Discussion of how to manage the types and content of posts we want to put on the page.
- E. Proposal to allow Council members who are facebook admins to post on the following topics without whole group discussion: Council minutes, upcoming meeting info, member recruitment, news stories from the Massachusetts cultural council.

Vote:

Gabriele Luzzi: yes

Mary Watson: yes

Kathy Oliver: yes

Emily Wilde: yes

Vote was 4-0 in favor

V. Discuss proposed City Council mural ordinance and Cultural Council role in review process.

- A. Samantha explained that the City Council had suggested the idea of the Cultural Council playing a role in the art review process, so there will be context for the City Council when we reach out
- B. Discussion of idea for a art-focused walking corridor
- C. Watertown, Lowell, and Westfield are working on new mural ordinances as well
- D. Emily will write a draft of a letter to the City Council to express our general interest in helping to develop the mural ordinance, and interest in helping to develop the art review process as well

VI. Plan for virtual grant reception

- A. The way Samantha has seen this done: all grantees will send one person to attend, we'll send them a certificate, legislators are invited (state representatives, state senator). City Council, Mayor, School Committee. Have people share what they're working on so that people can see what the grant money is funding.
- B. We should put out a press release to get the word out
- C. We need to check with IT to get the platform set up. We want to make sure that the meeting is secure

VII. Council programming via allocated funds

- A. Samantha has offered to connect us with contacts in city who would be relevant for the picnic table-top project we discussed last time, and to send us a description of a similar project in Milford

VIII. Member recruitment

- A. We ran out of time and will discuss this in a future meeting.

Emily made a motion to adjourn. Seconded by Kathy. Vote:

Mary Avery: yes

Emily Wilde: yes
Gabriele Luzzi: yes
Kathy Oliver: yes

Meeting adjourned at 8:01

Respectfully submitted by: Emily Wilde