

REGULAR MEETING
JUNE 21, 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 17 P 1:45

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, June 21, 2021 at 8:00 PM. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, June 14, 2021.
2. From Council President Ossing having Mayor Vigeant, provide an update to the City Council regarding COVID-19.
3. PUBLIC HEARING on the Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane's Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, Order No. 21-1008307.
 - a) Communication from Attorney Michael Brangwynne, re: Request for continuance of Public Hearing on the Application for Special Permit on behalf of Raising Cane's Restaurants, Order No. 21-1008307.
 - b) Communication from Attorney Michael Brangwynne, re: Letter sent to abutters informing them of requested continuance of Public Hearing for Raising Cane's Restaurant's, Order No. 21-1008307.
4. PUBLIC HEARING on the Proposed Amendment to Zoning Code, Chapter 650 by adding a new section to create the "Commercial Village Overlay District" (X 18-1007134B), Order No. 21-1008293.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$7,500.00 from the Massachusetts Cultural Council to assist the Marlborough Downtown Village Cultural District with the overall cost of the food truck festival and support the local artisans with interactive exhibits.
6. Communication from the Mayor, re: Notification of 60-Day Appointment of Patrick Jones as Interim Tax Collector, effective June 25, 2021 at 5:01 PM.
7. Communication from the Mayor, re: Appointment of William Fowler to the Planning Board for a 5-year term to expire on February 2, 2026.
8. Communication from the Mayor, re: Appointment of Marcia Waldman to the Cultural Council for a 3-year term from date of Council confirmation.
9. Communication from the Mayor, re: Reappointment of William Dunbar to the Conservation Commission for 3-year term to expire on February 2, 2024.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

10. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects, Order No. 20-1008274A.
11. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Flat Wall Sign (South Side), IC Federal Credit Union, 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
12. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Flat Wall Sign (North Side), IC Federal Credit Union, 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
13. Communication from the Massachusetts State Lottery Commission, re: Application for a Keno License, Ginger Garden, 200 Boston Post Road East.
14. Communication from the Massachusetts State Lottery Commission, re: Installation of a Keno To Go Monitor at two locations, Lakeside Shell, 413 Lakeside Avenue and Marlboro Shell, 431 Lincoln Street.
15. Communications from various residents re: Opposition to the Application for Site Plan Review of WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, Order No. 21-1008277
16. Communication from Central MA Mosquito Control Project re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in June & July 2021.
17. Communication from Attorney Brian Falk on behalf of Marlborough Industrial, LLC, re: Proposed Zoning Amendment to Chapter 650, Section 5 and Section 18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial District.
18. Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to Construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17.
19. Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to Construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18.
20. Minutes of Boards, Commissions and Committees:
 - a) Board of Assessors, April 20, 2021.
 - b) Library Trustees, May 4, 2021.
 - c) Planning Board, May 10, 2021 & May 24, 2021.
 - d) Zoning Board of Appeals, May 18, 2021.
21. CLAIMS:
 - a) Frederick O'Brien, 37 Turmaine Street, residential mailbox claim (2b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

22. **Order No. 21-1008303: Proposed Ordinance Amendment to Chapter 67 “Finance”, §26.1 “Departmental Revolving Funds” to establish a Water and Sewer Revolving Fund and to amend the spending purposes for the Public Safety Revolving Fund.**

Recommendation of the Finance Committee is to approve; Advertising requirement has been met. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

23. **Order No. 21-1008304A: That no more than Three Hundred Fifty Thousand (\$350,000.00) Dollars shall be expended from the Parks and Recreation Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

24. **Order No. 21-1008304B: That no more than One Hundred and Twenty Thousand (\$120,000.00) Dollars shall be expended from the Public Safety Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

25. **Order No. 21-1008304C: That no more than Seventy Thousand (\$70,000.00) Dollars shall be expended from the Council on Aging Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

26. **Order No. 21-1008304D: That no more than Five Hundred Thousand (\$500,000.00) Dollars shall be expended from the Water and Sewer Revolving Fund during FY 2022 unless otherwise authorized by the City Council and Mayor.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

27. **Order No. 21-1008305: Transfer Requests from the Department of Public Works and Auditor totaling \$2,411,912.77 to fund various accounts for the remainder of FY2021 as outlined in the transfer sheets.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

28. **Order No. 21-1008313: Transfer Request in the amount of \$546,738.00 which moves funds from Economic Development to MEDC to fund the FY 2022 operations of Marlborough Economic Development Corporation.**

Recommendation of the Finance Committee is to approve. Motion by Councilor Dumais, seconded by Chair, to recommend approval as requested. Vote 5-0.

From Personnel Committee

29. **Order No. 21-1008270: Appointment of Mary Jo Nawrocki to the License Board for a 6-year term from the date of Council confirmation.**

Recommendation of the Personnel Committee is to approve with a term to expire June 1, 2022. Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointment for an amended term to expire 6/1/22 per legal opinion from the City Solicitor. Vote 2-1 (Landers opposed).

30. **Order No. 21-1008271: Reappointments of Gregory Mitrakas and David Bouvier to the License Board for 6-year terms respectively from the date of Council confirmation and the designation of Gregory Mitrakas as Chair.**

Recommendation of the Personnel Committee is to approve the reappointment of Gregory Mitrakas with a term to expire June 1, 2024 and David Bouvier with a term to expire June 1, 2026. Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointments for terms as amended to expire per legal opinion from the City Solicitor:

Gregory Mitrakas for a term to expire 6/1/24 David Bouvier for a term to expire 6/1/26
Vote 2-1 (Landers opposed).

31. **Order No. 21-1008315: Reappointments to the Conservation Commission of Karin Paquin for a term to expire May 5, 2023, John Skarin for a term to expire March 7, 2022 and Allan White for a term to expire March 2, 2024.**

Recommendation of the Personnel Committee is to approve Motion made by Councilor Doucette, seconded by Chair, to recommend approval. Vote 3-0.

32. **Order No. 21-1008316: Reappointments to the Parks and 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.**

Recommendation of the Personnel Committee is to approve Motion made by Councilor Doucette, seconded by Chair, to recommend approval. Vote 3-0.

From City Council

33. **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. Action POSTPONED to the JUNE 21, 2021 City Council meeting; Advertising requirement has been met.

34. **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. Action POSTPONED to the JUNE 21, 2021 City Council meeting; Advertising requirement has been met.

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.

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Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, JUNE 14, 2021**

The regular meeting of the City Council was held on Monday, June 14, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:39 PM.

The Council President announced the following were recipients of the City Scholarship Awards.

Taylor Barber, Marlborough High School Brooke Bishop, Marlborough High School
 Amelia Carlman, Marlborough High School Allyson Trinh, Marlborough High School
 Makenna Nobel, Assabet Valley Regional Technical High School
 Ryan Fettig, Assabet Valley Regional Technical High School

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

ORDERED: That the Minutes of the City Council meeting, June 7, 2021, **FILE**; adopted.

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

ORDERED: That the Communication from Councilor Ossing and Councilor Tunnera, re: Municipal Aggregation – June 2021 Update, **FILE**, adopted.

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

ORDERED: That the 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”, referred to **FINANCE COMMITTEE**; adopted.

**CITY OF MARLBOROUGH
 BUDGET TRANSFERS –**

DEPT:		IT				FISCAL YEAR:		2021	
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$280,196.14</u>	<u>\$213,852.00</u>	<u>27000099</u>	<u>47750</u>	<u>Receipts Reserved-PEG Funds</u>	<u>\$213,852.00</u>	<u>19300006</u>	<u>58618</u>	<u>IT Equipment</u>	<u>\$0.00</u>
Reason:		<u>Use PEG funds for full-featured citizen services</u>							
	\$213,852.00	Total			\$213,852.00	Total			

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

ORDERED: That the 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, **MOVED TO ITEM 12** and **FILE**; adopted.

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

ORDERED: That the 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, **MOVED TO ITEM 14** and **FILE**; adopted.

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

ORDERED: That the Request for Approval of two (2) Flat Wall Signs, Local Roots, 910 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

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

ORDERED: That the 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, **FILE**; adopted.

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

ORDERED: That the Request for a Temporary Sign placement at the corner of Route 20 and Hagar Road for the 2021 Colonial Faire and Muster at the Wayside Inn by the Sudbury Companies of Minute and Militia, **APPROVED**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, JULY 19, 2021** as **DATE FOR PUBLIC HEARING**, on the 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, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

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

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

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

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

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

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
June 14, 2021**

The Finance Committee convened its virtual meeting at 6:30 PM.

Finance Committee voting members present in the Chamber were Chair Irish, Councilors Dumais, Perlman, Oram, and Tunnera. Other councilors present in the Chamber were Councilors Ossing, Navin, Doucette and Landers.

Also present in the Chamber were Mayor Vigeant, City Engineer DiPersio, DPW Commissioner Divoll, COA Director Pope, and City Auditor Smith; Participating remotely were DPW Asst. Commissioner LaFreniere; Finance Director Jones; MEDC Director of Operations Martins and Executive Director Harris; DPW Asst. Commissioner Scott and Mayoral Aide Bernard.

Order No. 21-1008303: Proposed City Code Amendment, Chapter 67, "Finance" §26.1 "Departmental Revolving Funds" to establish a Water and Sewer Revolving Fund and to amend the spending purposes for the Public Safety Revolving Fund — Advertisement Ordered.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304A: That no more than Three Hundred Fifty Thousand (\$350,000.00) Dollars shall be expended from the Parks and Recreation Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304B: That no more than One Hundred and Twenty Thousand (\$120,000.00) Dollars shall be expended from the Public Safety Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304C: That no more than Seventy Thousand (\$70,000.00) Dollars shall be expended from the Council on Aging Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304D: That no more than Five Hundred Thousand (\$500,000.00) Dollars shall be expended from the Proposed Water and Sewer Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008305: Communication from Mayor Vigeant requesting transfer from the Department of Public Works (\$2,356,437.77) and Auditor (\$55,475.00) totaling \$2,411,912.77 to fund various accounts for the remainder of FY2021 as outlined in the transfer sheets.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008313: MEDC FY22 Operating Budget in the amount of \$546,738.00.

Reports of Committee Continued:

Motion by Councilor Dumais, seconded by Chair, to recommend approval as requested. Vote 5-0.

Motion made and seconded to adjourn. Meeting adjourned at 7:18 PM

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Meeting
Report and Minutes
June 14, 2021**

The Personnel Committee convened its virtual meeting at 7:30 PM. Personnel Committee voting members present in the Chamber were Chair Dumais, Councilors Doucette and Councilor Landers.

Other councilors present in the Chamber were Councilors Ossing, Navin, Irish, Tunnera, Robey, Oram, Perlman and Wagner.

Mayor Vigeant was present in the Chamber.

The committee held continued review of the Mayor's appointment/reappointments to the License Board to seek a legal opinion from the City Solicitor regarding dates to stagger the appointments. The appointees were not required to attend.

Order No. 21-1008270: Appointment of Mary Jo Nawrocki to the License Board for a 6-year term from the date of Council confirmation.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointment for an amended term to expire 6/1/22 per legal opinion from the City Solicitor. Vote 2-1 (**Landers opposed**).

Order No. 21-1008271: Reappointments of Gregory Mitrakas and David Bouvier to the License Board for 6-year terms respectively from the date of Council confirmation and the designation of Gregory Mitrakas as Chair.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointments for terms as amended to expire per legal opinion from the City Solicitor:

Gregory Mitrakas for a term to expire 6/1/24 David Bouvier for a term to expire 6/1/26
Vote 2-1 (**Landers opposed**).

Order No. 21-1008315: Reappointments to the Conservation Commission of Karin Paquin for a term to expire May 5, 2023, John Skarin for a term to expire March 7, 2022 and Allan White for a term to expire March 2, 2024.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval. Vote 3-0

Order No. 21-1008316: Reappointments to the Parks and 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.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval.
Vote 3-0

Motion made and seconded to adjourn. Meeting adjourned at 7:54 PM.

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

ORDERED:

THAT, PURSUANT TO § 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 Use 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 Accessors' Map and Parcel Number) Included in Subdistrict 2	<ul style="list-style-type: none">• PID #100-19• PID #111-801• PID #111-1
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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.

Suspend First Reading; Adopt Second Reading; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

Passage to Enroll; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

Passage to Ordain; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

No objection to passage in one evening.

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

Suspension of the Rules requested to allow a late Communication from the Planning Board relative to the Proposed Rezoning of Land on Hudson Street – granted.

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

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed rezoning of land at 290 Hudson Street identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3, Order No. 21-1008266A, **FILE**; adopted.

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

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the Zoning Map established under Chapter 650, the City of Marlborough's Zoning Ordinance, in Article III, entitled "Establishment of Districts" is hereby amended in subsection 8 thereof, entitled "Boundaries Established; Zoning Map," by rezoning, from the Limited Industrial (LI) zoning district to the Residence A-3 (A-3) zoning district, the parcel shown on the Marlborough Assessors Map as Map 43, Parcel 38.

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

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

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.

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

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

POSTPONED TO THE JUNE 21, 2021 CITY COUNCIL MEETING; adopted.

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 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.

POSTPONED TO THE JUNE 21, 2021 CITY COUNCIL MEETING; adopted.

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 8:39 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., MAY 24, 2021

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 21, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane's Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, be and is herewith referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

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

Ninety days after public hearing is 09/19/21 which falls on a Sunday, therefore 09/20/21 would be considered the 90th day.

ADOPTED

ORDER NO. 21-1008307



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 JUN 11 P 3:26

June 7, 2021

VIA FIRST CLASS MAIL AND EMAIL

Marlborough City Council
c/o Steven Kerrigan, City Clerk
140 Main Street, 2nd Floor
Marlborough, MA 01752
skerrigan@marlborough-ma.gov

Re: *Raising Cane's Restaurants, LLC*
Application for Issuance of Special Permit
141 Boston Post Road West (Route 20), Marlborough, Massachusetts

Dear Councilors of the Marlborough City Council:

Raising Cane's Restaurants, LLC (the "Applicant") requests a continuance of the public hearing on its application for the issuance of a Special Permit from the City Council's June 21, 2021 hearing to the Council's July 19, 2021 hearing. The Applicant is engaged in discussions with representatives of the McDonald's restaurant on a neighboring site regarding some concerns and believe this continuance should give the Applicant sufficient time to address the concerns.

Thank you for your attention to this matter.

Very truly yours,

Michael E. Brangwynne
FLETCHERTILTON PC
12 Post Office Square, 6th Floor
Boston, MA 02109
P: 617-336-2281 | F: 617-336-4481
Email: mbrangwynne@fletcherilton.com



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 JUN 15 A 7:45

June 9, 2021

VIA FIRST CLASS MAIL AND EMAIL

Marlborough City Council
c/o Steven Kerrigan, City Clerk
140 Main Street, 2nd Floor
Marlborough, MA 01752
skerrigan@marlborough-ma.gov

Re: *Raising Cane's Restaurants, LLC*
Application for Issuance of Special Permit
141 Boston Post Road West (Route 20), Marlborough, Massachusetts

Dear Councilors of the Marlborough City Council:

This letter is to inform the Council that Raising Cane's Restaurants, LLC (the "Applicant") has sent notice via first class mail to all abutters within a 400-foot radius of the property that the Applicant has requested a continuance of the public hearing on its application for the issuance of a Special Permit from the City Council's June 21, 2021 hearing to the Council's July 19, 2021 hearing.

We have notified the abutters as a courtesy to avoid any abutters attending the Council's June 21 hearing expecting that this matter will be heard.

We look forward to presenting to the Council at its hearing on July 19, 2021. If there are any questions in the meantime, please do not hesitate to contact our office. Thank you for your attention to this matter.

Very truly yours,

Michael E. Brangwynne
FLETCHERTILTON PC
12 Post Office Square, 6th Floor
Boston, MA 02109
P: 617-336-2281 | F: 617-336-4481
Email: mbrangwynne@fletchertilton.com

FletcherTilton.com



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 10, 2021

ORDERED:

PAGE 1

That the Communication from Attorney Robert Buckley on behalf of Marlborough/Northborough Land Realty Trust re: Proposed Amendment to Zoning Code, Chapter 650 by adding a new section to create the "Commercial Village Overlay District", be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JUNE 21, 2021.**

Yea: 11 – Nay: 0

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

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

§650 – "COMMERCIAL VILLAGE HOUSING OVERLAY DISTRICT"

A. Purpose and Objectives

The Commercial Village Housing Overlay District (herein, also a "CV Housing Overlay") 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 zoning district(s). The establishment goals of the CV Housing Overlay are to enhance land use development and encourage desired residential growth patterns for the benefit of the public health, safety and welfare and to allow for the development of higher density housing with potential accessory uses and in close proximity to commercial uses consistent with the stated economic development objectives of the City.

The CV Housing Overlay shall be applicable to the property identified as Map 100, Parcels 24, 25, 26, and 15 (including the private way "Atkinson Drive") and Map 89, Parcels 80-99 City of Marlborough Assessor's map dated September 21, 2012 (formerly the property shown on Map 100, Parcels 14 and 15 as shown on City of Marlborough Assessor's Map in effect on May 2006) and as further described on Exhibit "A" annexed hereto. The CV Housing Overlay shall be superimposed on the other zoning districts existing at the time that any land in any said underlying district is also included in the CV Housing Overlay.



IN CITY COUNCIL

Marlborough, Mass., MAY 10, 2021

ORDERED:

PAGE 2

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for the Master Plan approval (defined below) and for any Special Permit to be issued in the CV Housing Overlay. In all instances, a development which proceeds under the CV Housing 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 any Special Permit approval in the CV Housing Overlay.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their 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 development and occupancy.

Special Permits within the CV Housing Overlay shall be approved by the City Council. Amendments to any Special Permits issued by the City Council shall be per the requirements of this Section (§650-35 et. seq.).

C. Master Plan

The property owner/developer of the CV Housing Overlay shall, prior to, or simultaneously with, the first application for approval of a site plan and/or special permit for the CV Housing Overlay, file the following with the City Council for approval:

- (1) A Master Plan, or preliminary project plan, inclusive of the following:
 - (a) A project narrative describing the proposed development including, without limitation, the number of units, format, restrictions, if any, of the proposed project.
 - (b) A Master Concept Plan ("Master Plan") which shall in a general manner show:
 - (i) The location and areas of proposed development and associated uses;
 - (ii) Proposed open space (usable and natural);
 - (iii) Proposed site access curb cuts off of public ways; and
 - (iv) Proposed building "envelope(s)" where construction is anticipated to occur.
 - (c) The following information for the proposed development:
 - (i) Total land area of each development area (building envelope area);
 - (ii) Total development limitations, if any, of uses in any developable area;
 - (iii) Total maximum development (number of units; square footage/use limitations); and
 - (iv) A report/memorandum discussing site circulation and traffic impacts.



IN CITY COUNCIL

Marlborough, Mass., MAY 10, 2021

ORDERED:

PAGE 3

The Master Plan shall be approved by a majority vote of the City Council in order to proceed with the proposed development and, if approved, shall thereafter become the general development plan governing development at the CV Housing Overlay. The Master Plan may be amended from time to time by a majority vote 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. The Development Agreement shall be approved by a majority vote of the City Council prior to the issuances of the first permit/site plan approval for development within the CV Housing Overlay, which Development Agreement may contain, without limitation:
 - (a) Required mitigation (including any traffic demand management initiatives), if any, 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 CV Housing Overlay progresses.
 - (b) Restrictions on development areas and such other development limitations as may be agreed upon such as, but not limited to, age restrictions and provision for affordable housing units and/or contributions, if any.
 - (c) Proposed phasing of the development of the CV Housing Overlay, if any.
 - (d) Obligations with respect to pedestrian and vehicular interconnectivity within the CV Housing Overlay, if any, to facilitate pedestrian access and circulation efficiencies.
 - (e) The authority of the City Council to retain the necessary professionals to assist in their review of development applications, if needed.

The Development Agreement shall govern the implementation of the Master Plan and development at the CV Housing Overlay.

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 Authority, if applicable. This Section (§650-35 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the CV Housing Overlay and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District). In the event of any conflict between the provisions of this Section (§650-35 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-35 et. seq.) shall govern and control.



IN CITY COUNCIL

Marlborough, Mass., MAY 10, 2021

ORDERED:

PAGE 4

E. Eligible Uses

Except as specifically set forth below, all uses permitted in Residence Districts (RR, A-1, A-2, A-3, RB, RC, and RCR) either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the CV Housing Overlay. 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 CV Housing Overlay:
 - (a) Multi-family dwelling – up to 120 dwelling units within the entire CV Housing Overlay Zoning if said units are age restricted or age targeted (by design) dwelling units
 - (b) Consumer service and retail establishments accessory and complimentary to the other principal uses at the property
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the CV Housing Overlay:
 - (a) Multi-family dwelling within the entire CV Housing Overlay Zoning District including, without limitation, age restricted/ age targeted dwelling units in excess of 120 units
- (3) Single family detached residential use is prohibited in the CV Housing Overlay.

F. Dimensional Requirements

The CV Housing Overlay shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The CV Housing Overlay may consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the CV Housing Overlay so long as a CV Housing Overlay district shall be no less than 10 contiguous acres.
- (2) Minimum Lot Frontage measurement shall be no less than twenty (20) feet for any lot wholly located within the boundaries of the CV Housing Overlay.
- (3) Minimum Front Yard measurement shall be no less than twenty (20) feet for any lot wholly located within boundaries of a CV Housing Overlay.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more structures within the CV Housing Overlay, even if on separate lots. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 10, 2021

ORDERED:

PAGE 5

- (5) Maximum building height in CV Housing Overlay shall not exceed 60 feet; a structure located within 50 feet from the property line of a directly abutting parcel in a residentially zoned district shall not exceed 40 feet in height.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the CV Housing Overlay and not on an individual lot basis, and shall not exceed 65% percent of the total area of the CV Housing Overlay.

G. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the CV Housing Overlay 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.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit. Where feasible, sharing of parking shall be encouraged among the various uses in the CV Housing Overlay.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the CV Housing Overlay.

H. Signage

Except as otherwise provided in this CV Housing Overlay, signage shall conform with the provisions of Chapter 526 of the Marlborough City Code – the Sign Ordinance.

- (1) 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 CV Housing Overlay.



IN CITY COUNCIL

Marlborough, Mass., MAY 10, 2021

ORDERED:

PAGE 6

I. Application

An application for a Special Permit for a development in the CV Housing Overlay shall comply with the requirements of §650-59 et. seq. of the Zoning Ordinance. In the matter of a Site Plan Approval, the application shall comply with the requirements of the City Code, Article II, Permits and Approvals, §270-2 et. seq.

The City Council in connection with a Special Permit application shall review such applications with respect to the following design criteria:

- (i) Compliance of sidewalks with Americans with Disabilities Act (ADA) Design Standards;
- (ii) Street façade and exterior walls visible from public ways;
- (iii) Public space;
- (iv) Scale of buildings; and
- (v) External Lighting

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 building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for Roadways and Drainage

- (1) Roadways – Internal CV Housing Overlay roadways shall be private ways and shall be maintained by the owners/developers of the CV Housing Overlay and portions thereof. Private ways within the CV Housing Overlay, 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 or material 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) Storm Water Management System - The CV Housing Overlay shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended. This system shall be privately maintained.



IN CITY COUNCIL

Marlborough, Mass., MAY 10, 2021

ORDERED:

PAGE 7

K. Amendments

After approval, the owner/developer may seek amendments to the approved permits. Minor amendments to a Special Permit may be made with approval by the City Code Enforcement Officer. A major amendment, consisting of any changes not approved as a minor amendment, shall be approved by a majority vote of the City Council at a public hearing. If amendments are referred to the City Council by the Code Enforcement Officer, 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 minor or major amendment. In general, a minor modification shall not produce more than an immaterial increase in the scale of a project nor produce more than an immaterial 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 Section 650-59 of the Zoning Ordinance, an application for a amended 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 Section 650-59.

Exhibit "A"

- A) Lots 1-23 as shown on a plan entitled a Definitive Subdivision Plan "Commonwealth Heights in Marlborough, MA. Endorsed by the City of Marlborough Planning Board on April 9, 2007 and recorded with the Middlesex South Registry of Deeds as Plan 549 of 2007; and
- B) The property on Forrest Avenue shown on the above referenced plan as being owned by "N/F David E. Silva"

ADOPTED

ORDER NO. 21-1008293
X 18-1007134B



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

2021 JUN 17 A 9:23

Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

June 17, 2021

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

RE: Downtown Village Cultural District Grant Acceptance

Honorable President Ossing and Councilors:

I am pleased to submit for your acceptance a grant in the amount of \$7,500.00 from the Mass Cultural Council for the Marlborough Downtown Village Cultural District.

The Marlborough Economic Development Corp has plans to host a food truck and artisan festival in September. These funds will assist with the overall cost of the food truck festival and support the local artisans with interactive exhibits.

I'd like to thank the Mass Cultural Council for their continued support.

Meredith Harris and I are available if you have any questions.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosure

CITY OF MARLBOROUGH NOTICE OF GRANT AWARD

DEPARTMENT: Marlborough Economic Development DATE: 6/17/2021

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Meredith Harris

NAME OF GRANT: Cultural District Initiative

GRANTOR: Mass Cultural Council

GRANT AMOUNT: \$7,500.00

GRANT PERIOD: 7/1/20- 6/30/21

SCOPE OF GRANT/
ITEMS FUNDED Downtown Village Cultural District to promote local artists
Food truck festival and showcasing local artists

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?

No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 6/21/21 (Needs to be expended by 6/30/21)

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT



June 2, 2021

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

Dear Mr. Vigeant:

We are pleased to inform you that Marlborough Downtown Village Cultural District has been approved for an FY21 grant of \$7,500 (Grant #FY21-DI-CDI-4755) from the Cultural District Initiative of the Mass Cultural Council.

Enclosed is the contract package. Please review these materials, sign the contract and the last page of the Scope of Services and return all materials to the MCC's Contracts Department no later than Monday, June 21, 2021. Let us know immediately if this deadline is problematic. The award must be spent by June 30, 2021, the end of MCC's fiscal year.

For guidance about publicizing news of this grant award, please contact MCC's Communications Officer, Carmen Plazas:
Carmen.Plazas@art.state.ma.us.

We are delighted to be able to support your cultural district and look forward to working with you in the year ahead.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Nina Fialkow'.

Nina Fialkow
Chair

A handwritten signature in dark ink, appearing to read 'Michael J. Bobbitt'.

Michael J. Bobbitt
Executive Director

Enclosures

cc: Robert Kane, President, Marlborough Downtown Village Cultural District

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



5-4

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

CONTRACTOR LEGAL NAME: City of Marlborough for Marlborough Downtown (and d/b/a): Village Cultural District Legal Address: (W-9, W-4): City Hall, 140 Main Street, Marlborough MA 01752-3871		COMMONWEALTH DEPARTMENT NAME: Mass Cultural Council MMARS Department Code: ART	
Contract Manager: Arthur Vigeant		Business Mailing Address: 10 St. James Ave 3rd Floor, Boston, MA 02116	
Phone: 508/460-3770		Billing Address (if different):	
E-Mail:		Contract Manager: Cynthia E. Gaviglio	
Contractor Vendor Code: VC6000192111		Phone: 617/858-2711	
Vendor Code Address ID (e.g. "AD001"): AD 001 (Note: The Address ID must be set up for EFT payments.)		E-Mail: Cyndy.Gaviglio@art.state.ma.us	
MMARS Doc ID(s): FY21-DI-CDI-4755		Fax:	
RFR/Procurement or Other ID Number:			
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ <u>7,500</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___ % PPD; Payment issued within 15 days ___ % PPD; Payment issued within 20 days ___ % PPD; Payment issued within 30 days ___ % PPD. If PPD percentages are left blank, identify reason: ___ agree to standard 45 day cycle ___ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) This is a grant of financial assistance to promote local artists and offer a setting for them to perform and showcase their art.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: ___ 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. ___ 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input checked="" type="checkbox"/> 3. were incurred as of <u>07/01, 2020</u> , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>06/30, 2021</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur G. Vigeant</u> Date: <u>6/16/21</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David T. Slatery</u> Print Title: <u>Deputy Director</u>	

(Updated 6/30/20)

ATTACHMENT A - SCOPE OF SERVICES AND ADDITIONAL TERMS & CONDITIONS

CONTRACTOR NAME: City of Marlborough for Marlborough Downtown Village Cultural District

ADDRESS: City Hall
140 Main Street
Marlborough, MA 01752-3871
508/460-3770

BRIEF DESCRIPTION OF CONTRACT SERVICES (make any necessary changes if your project has changed significantly from the information below; initial and date):

APPLICATION #: FY21-DI-CDI-4755

Marlborough Downtown Village Cultural District: to promote local artists and offer a setting for them to perform and showcase their art.

TOTAL MAXIMUM OBLIGATION OF CONTRACT: \$7,500

DATES OF PROJECT: July 1, 2020 - June 30, 2021

CONTRACT START DATE: July 1, 2020

CONTRACT TERMINATION DATE: June 30, 2021

Contract must be signed and returned to the offices of the Mass Cultural Council no later than as soon as possible and no later than June 21, 2021.

DATE FINAL REPORT IS DUE: July 15, 2021

Cultural Districts Initiative Scope of Services and Terms & Conditions

1. SCOPE OF AGREEMENT

The Contractor agrees to perform the services set forth in the original Application for funding and Narrative Report filed by the Contractor with the Council (the "Application") in accordance with the terms and conditions of the Agreement (the "Agreement"). The Application and Narrative Report documents are incorporated into the Agreement by reference; the terms of the Application and Narrative Report are binding on the Contractor unless amended by a subsequent written agreement signed by both the Council and the Contractor. The Contractor represents that it is qualified to perform, and has obtained all necessary licenses and permits required to perform the services under this Agreement.

2. PAYMENT

(a) Unless otherwise agreed upon by the Council and Contractor, the Contractor will be reimbursed for expenses approved by the Council included in the budget submitted to the Council.

(b) The Contractor will be reimbursed one hundred percent (100%) of the grant amount upon receipt of a signed Agreement. The Council shall make reasonable efforts to process payments promptly. The Council shall not be liable for any interest or penalty charges for late reimbursement.

3. INTELLECTUAL PROPERTY RIGHTS, PUBLICITY, PUBLICATION, REPRODUCTION, AND USE OF AGREEMENT MATERIALS

(a) The Council defines "deliverables" for this Agreement as being the Final Report. The Final Report will be owned by the Council at the termination of this Agreement.

4. NON-DISCRIMINATION AND ACCESS FOR PEOPLE WITH DISABILITIES

The contractor agrees to abide by state and federal regulations which bar discrimination on the basis of race, gender, religious creed, color, national origin, ancestry, disability, age, gender identity or sexual orientation, and which require accessibility for persons with disabilities. The MCC expects the contractor to be in compliance with:

- The Americans with Disabilities Act of 1990 (ADA)
- Section 504 of the Rehabilitation Act of 1973 (Section 504)
- Title VI of the Civil Rights Act of 1964
- Other applicable state and local laws

(a) If a complaint or claim alleging violation by the Contractor of any statute, order, rule, or regulation with which the Contractor is obligated to comply is presented to the Massachusetts Commission Against Discrimination ("MCAD"), the Contractor agrees to cooperate with MCAD in the investigation and disposition of such complaint or claim and to assume all legal fees incurred by the Contractor in connection with the defense of such claim.

(b) In the event of the Contractor's non-compliance with the provisions of this Section 4, the Council shall impose such sanctions as it deems appropriate, including but not limited to: (i) withholding of payments due the Contractor under the Contract until the Contractor complies; and (ii) termination or suspension of the Contract.

5. CULTURAL DISTRICT PARTNERSHIP

At any point in the life of this grant, the partnership configuration must meet the eligibility requirements specified in the Cultural District Initiative guidelines.

Organizations that are official partners with the primary Contractor must comply with the terms of this Agreement, including the following credit and publicity requirements. The Contractor is responsible for informing said partners of this policy and seeing that they fulfill these obligations.

6. CREDIT

5-7

(a) Life of Cultural District Requirement: It is expected that the Contractor follow the below stated credit policy for the lifetime of the project.

(b) MCC Credit Logo: The Council must be credited for the support it provides by using the agency's current credit logo (downloadable on the MCC's web-site at:

http://www.massculturalcouncil.org/contracts/logos_step1.asp. The logo must be reproduced as a unit without alteration. Various styles are supplied for different uses as indicated on the web-site.

(c) Promotional Materials: Credit must be given by the Contractor to the Council regarding all activities to which Council funds contribute **by using the credit logo** in: 1) printed materials, especially season and subscription brochures, newsletters, press releases, and announcements; 2) films/video tapes; and 3) electronic transmissions, including Internet sites.

(d) Promotional Appearances and Newspaper Interviews: On television and radio appearances by representatives of the Contractor, verbal credit must be given at least once during a broadcast to acknowledge the support the Contractor received from the Council toward its overall operation. Also, the Contractor must acknowledge the Council's support in any newspaper interviews about the Contractor's programs.

(e) Programs/Playbills: 1) Credit must be given on the title page of all programs printed by a Contractor in a type size not smaller than 7 point. The statement is as follows: *This project is funded in part by the Mass Cultural Council, a state agency.* 2) The Council's logo credit must appear within the first 10 pages of the program booklet. 3) The Council must be listed in the donor category that is most appropriate to the level of financial support that the organization is receiving from the Council.

(f) Exhibition Signage: For any exhibition presented with funding from the Council, the wall text must include the Council listed with other major public, private, and corporate sponsors, in proportional order of the size of contribution. If there is no sponsor list in the wall text, a placard must be placed at the entrance to the exhibit crediting the Council. Non-written announcements apply to such situations as radio broadcasts and audio descriptions for people who are hearing impaired.

(g) Online Materials: Use the credit line and credit logo prominently in online materials (including web sites, listservs, electronically distributed releases, intranets, etc.) regarding all activities to which your grant contributes. The electronic logo should also link to the MCC web site, www.massculturalcouncil.org.

(h) Educational Materials: Credit must be given to the Council in all educational materials distributed in association with any Council-funded program/exhibition, such as brochures, pamphlets, flyers, etc.

(i) Verbal Credit: When written credit is not applicable, such as there being no printed program, verbal credit shall be given prior to each performance. If an announcement is not feasible, a sign must be placed in the lobby crediting the Council.

(j) Advertising: Credit must be given to the Council in all print advertising by a grantee that is 10 column inches or larger. Billboard advertising must also include a Council credit. Any advertising (regardless of size or length) placed by a grantee that credits an annual funding source must also credit the Council.

(k) Donor Recognition: Any wall plaques or advertisements that acknowledge the Contractor's annual or ongoing support from corporations and/or foundations must also acknowledge the Council.

(l) Co-sponsorship: Those programs that are "co-sponsored" will have additional, specific publicity requirements, dependent on the program at the time of negotiation. Under no circumstances may a Contractor state or imply that its programs and/or activities are "sponsored", "co-sponsored", or "presented" by the Council without expressed, written consent from the Council.

7. ADDITIONAL REQUIREMENTS

5-8

The Council reserves the right to negotiate additional requirements regarding credit and publicity on a case by case basis.

8. EVALUATION AND ANALYSIS OF SERVICES

(a) The Contractor agrees to provide the Council with a written evaluation (in the form of a Financial and Narrative report provided by the Council) and analysis of the services provided under the Agreement by **July 15, 2021**. Failure to comply with the requirements of this Section 8 will result in the ineligibility of the Contractor to receive further funds from the Council.

(b) Reinstatement of the Contractor's eligibility is pending until submission of said reports are reviewed and approved by Council staff.

City of Marlborough

Print the Town or Organization Name

Arthur G. Vigeant

Print the Town Official or Executive Director's Name

Signature of Town Official or Executive Director

Date _____

6/17/21

Signature of Town Official or Executive Director

Meredith Harris

*Print the name of Person Responsible for Contractor's
Publicity and Publications*

Date _____

Signature of Person Responsible for Contractor's
Publicity and Publications

Date _____

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004

5-9



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

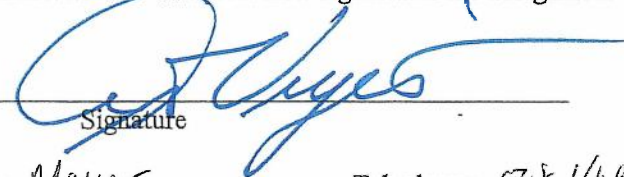
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In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

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

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

AUTHORIZED SIGNATORY NAME	TITLE
Arthur L. Vigeant	Mayor

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


Signature

Date: 6/17/21

Title: Mayor

Telephone: 508 460 3770

Fax:

Email: Mayor@Marlborough-Ma.gov

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

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

Patricia Bernard

From: Lindsey Jaworek
Sent: Wednesday, June 16, 2021 11:58 AM
To: Patricia Bernard
Subject: FW: Cultural District Grant

Hi Trish,
 I received the following confirmation from Luis of the Cultural Council.
 Please let me know if I can gather anymore information.
 Thank you,
 Lindsey

From: Cotto, Luis (ART)
Sent: Wednesday, June 16, 2021 11:43 AM
To: Lindsey Jaworek
Subject: RE: Cultural District Grant

Hello Lindsey,

Yes, the language is there because all of our grants are fiscal year grants with that requirement. But you are allowed to encumber the funds for future use. Your food truck festival is an allowable use and I'm aware of that date. You will report that in the Annual report, of which you will receive a link to that later today.

Feel free to share my contact if anyone has any questions with this.

Culturally yours,

Luis

From: Lindsey Jaworek
Sent: Wednesday, June 16, 2021 11:19 AM
To: Cotto, Luis (ART)
Subject: Cultural District Grant

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Luis,
 I hope you had a great time in Vermont!
 We are looking over the contract for the grant & want to clarify a couple of things for our presentation to City Council.
 This grant was specific to covid-relief efforts of the district, correct?
 Also, it says that the award needs to be spent by June 30th – would the City transferring the funds to our organization to disperse them for the September event meet that requirement?
 Thank you for your help with this!
 Sincerely,
 Lindsey



City of Marlborough
Office of the Mayor

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

RECEIVED
CITY OF MARLBOROUGH
MAYOR
Arthur G. Vigeant

2021 JUN 17 A 10:25
Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

June 16, 2021

Patrick Jones, Finance Director
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Temporary Appointment of Pursuant to M.G.L. c. 41 § 61A

Dear Mr. Jones:

In accordance with the authority vested in me under M.G.L. c. 41 § 61A, I appoint you as temporary officer for the position of Tax Collector because said office is vacant. Under this appointment, you shall hold and exercise the powers and perform the duties of Tax Collector for not more than sixty days (60), from time to time, for so long as the position remains vacant.

This appointment will become effective on June 25, 2021 at 5:01pm.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 41 . OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

**TEMPORARY AUDITOR, TREASURER, COLLECTOR OF TAXES, ACCOUNTANT AND CLERK OF A TOWN AND
TEMPORARY HEADS OF CITY DEPARTMENTS**

Chapter 41: Section 61A. Appointment; tenure; bond; removal; powers and duties

Section 61 A. If the office of city auditor, city treasurer, city collector of taxes or other officer having charge of a city department is vacant, or if any such officer, because of disability or absence, is unable to perform his duties, the mayor, without confirmation by the city council, any provision of a city charter to the contrary notwithstanding, shall appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed and has qualified according to law, or the officer who was disabled or incapacitated resumes his duties; but no such temporary officer shall be appointed under this section for a period longer than sixty days. Any such temporary officer shall be sworn and give bond for the faithful performance of his duties in accordance with the provisions of law applying to the officer whose place he fills, and if he fails so to do within ten days after his appointment the mayor shall rescind the appointment and appoint another.



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN 17 A 9:23

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

June 17, 2021

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

RE: Appointment of William Fowler to the Planning Board

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of William Fowler to the Planning Board for a five-year term to expire on February 2, 2026.

Mr. Fowler is new to the City of Marlborough but not new to municipal government. He currently volunteers at the Marlborough Community Cupboard and recently took the Mayor's Local Municipal Government Academy and expressed an interest in service.

He is a retired Somerville Firefighter of 32 years and former Waltham City Councilor where he served for three consecutive terms as Ward Councilor. Mr. Fowler has served on numerous boards and committees during his time in Waltham and the understands the Planning Board's responsibility and the importance of their role in our City.

Enclosed is his resume for your review.

Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosure

William Fowler
80 Mildon Ave
Marlborough MA 01752

Professional Experience

City Councillor, City of Waltham MA | January 2014- January 2020

While a member of the City Council, I served on the following committees: Economic and Community Development (chair 2 years), Public Works/ Public Safety, Rules and Ordinances, Finance. I was also the council representative on the Ambulance Service review committee.

Firefighter, City of Somerville MA | October 1977- January 2010

From January of 2006 until retirement, I was assigned to the Fire Prevention Bureau. I was responsible for the quarterly inspections of all state licensed facilities (schools, hospitals, group homes, shelters, etc.) to assess their relative fire safety and compliance with all applicable codes.

Emergency Medical Technician

Armstrong Ambulance
 January 2001-December 2007

Atlantic Ambulance
 February 2000-December 2000

Treat and transport patients to various hospitals and health care facilities throughout New England.

Past Professional Memberships

Treasurer, Somerville Firefighters Relief Association
 Member, Somerville Firefighters Local 76, AFL-CIO
 Member, Professional Firefighters of MA

Awards

Somerville Firefighters Local 76 Meritorious Service Award, April 27, 2007
 Thomas Chetham Award, Somerville Firefighter of the Year, November 10, 2007

Community Activities

Waltham Democratic City Committee	
Waltham Land Trust	Ambulance Review Committee 2/08-12/13
Waltham Health Care Committee (2005)	Recreation Board 4/08- 2013
Waltham Lions Club	Recreation Board rep to CPC 2011-2013
Piety Corner Club	Capital Campaign Committee
Friends of the Waltham Library	Waltham Community Day Center
WATCH, Board of Directors 6 years	Waltham Family School, Advisory Board

Education

East Coast Area Technical School (grad- 1970)
 Middlesex Community College
 Bunker Hill Community College



City of Marlborough
Office of the Mayor

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

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

2021 JUN 17 A 9:23

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

June 17, 2021

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

RE: Appointment of Marcia Waldman to the Cultural Council

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Marcia Waldman to the Cultural Council for a three-year term from her date of approval.

Ms. Waldman taught art in the Northborough school system for 23 years and recently retired. She has been the recipient of past grants from the Mass Cultural Council used to promote and teach art to the youth.

Ms. Waldman has expressed an interest to serve in her community and looks forward to sharing her ideas and working with the Cultural Council members. Enclosed is her resume for your review.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

MARCIA L. WALDMAN
 805 Applebriar Lane
 Marlborough, MA 01752

EDUCATION

Massachusetts College of Art, Boston, MA (1982)
 BFA, Dual Major, Art Education and Fiberarts,
 Albert H. Munsel Award for Excellence

EMPLOYMENT

Marguerite E. Peaslee Elementary School, Northborough, MA (1997-2020)
 Art Specialist, Grades K-5
Please see attached job description.

Marguerite E. Peaslee Elementary School, Northborough, MA (1994-1998)
 FLASH (Fun and Learning After School Hours)
 Recruited and supervised instructors. Responsible for advertising, scheduling, registration, budget, course development and instruction.

Pine Manor College, Brookline, MA (1986-1991)
 Curator, Textiles and Costumes
 Collections management, exhibits, supervision of student interns, Instructor: History of Textile Design.

Museum of Fine Arts, Boston (1982-1985)
 Secretary, Department of Textiles and Costumes
 Assistant to all curatorial and conservation staff. Assisted in all aspects of collections management, exhibitions, publication, supervised study room.

PUBLISHED

- *School Arts Magazine "Jack's Story" about a work world I created in the art room for a student with Autism Spectrum Disorder (2006)
- *Who's Who Among American Teachers (2005)
- *Art in Bloom article, Museum of Fine Arts, Boston "Robes for Noh Theater" (1985)
- *Fiberarts Design Book II: "Lemonade Dream" woven wall hanging (1983)

GRANTS FOR SCHOOL PROGRAMS

- *Northborough Cultural Council 5th grade trip to Worcester Art Museum
- *Crocodile River Music Drumming classes and African art
- *All School permanent Mosaic Project "Four Seasons" with artist Cynthia Fisher

PAGE 2

MARCIA L. WALDMAN

When I began my job at Peaslee, I was left with discarded scissors, glue sticks, old markers, used paint trays and a lot of paper. I taught art on the cart for 5 years and when I was given a room to use, I ordered everything including tables, chairs, storage shelves and equipment. I built up an inventory of interesting purchased and recycled supplies as well as teacher manuals, how to draw books and fine art posters. I designed the entire curriculum, creating all unit themes and lessons. I taught myself how to take inventory, write a budget and do report cards.

For many years I held an all school art exhibit. With a devoted group of parent volunteers that I would recruit each year, we mounted art throughout the building. I designed labels for each grade, wrote a brochure and hosted opening events. Some themes included Around the World in 180 Days, Outer Space, Art From Recycled Materials, Contemporary Art, Enchanted Forest, and many more. The last exhibit, The Art of Mexico, drew in more than 300 people to the opening event.

Every year I created a special project for 5th grade students. In 2017 when sculptor and installation artist Nick Cave had an exhibit at MASS MoCA in North Adams I designed a long-term project based on his art. From “found materials” that I collected students created wearable “Soundsluits” and also collaborative Maker Space projects focusing on social justice issues. I also had a 5th grade art club and trained students how to hang exhibits and prepare class materials. In 2019 we studied Monet and I received a Northborough Cultural Council grant to take 5th grade to the Worcester Art Museum to see an exhibit of his work.

When the music teachers put on a production of Lion King, I designed and prepared supplies for puppets, props, and a rolling flip chart of changeable scenery and helped with costumes. Again devoted parent volunteers and students worked with me.

In 2006, over the course of a week, I turned the art room into a mosaic studio with Cynthia Fisher, mosaic artist. Based on student drawings of animals in New England we created four permanent works of art: The Four Seasons, which hang in the front lobby of the school.

In 2016 Northborough celebrated it's 250th anniversary and Peaslee School held an open house. I researched and put up a display on the life and times of Marguerite E. Peaslee including photos and interviews with relatives. The Historical Society and Library requested a copy.

Finally, I was a fix-it person repairing everything from broken eyeglasses, to earrings, shoes, and window blinds. Sometimes I had to flip the circuit breaker or notify the office of plumbing problems in the bathrooms near the art room.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JUN 17 A 9:23

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

June 17, 2021

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

RE: Re-appointment of William Dunbar to the Conservation Commission

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the re-appointment of William Dunbar to the Conservation Commission for a three-year term to expire on February 2, 2024.

Mr. Dunbar has served for the last several years and is a valuable asset to this Commission.

I'd like to take this opportunity to thank Mr. Dunbar and all of the committee members for their continued dedication and hard work.

Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough
Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JUN 11 P 1:50

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

June 9, 2021

Mr. Arthur Vigeant, Mayor
Marlborough City Council
140 Main St.
Marlborough, MA 01752


RE: Council Order #21-1008274, Proposed Zoning Amendment to Chapter 650 to add a new Section 61
Temporary Moratorium for Multi-Family Housing Projects

Honorable Mayor Vigeant and Members:

At its regularly scheduled (remote) meeting on June 7, 2021, the Planning Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council on the proposed order No. 21-1008274. Yea: Elder, Fay, Hodge, LaVenture, Fenby.
Nay: 0 Motion carried 5-0.

Sincerely,

Barbara L. Fenby 

Barbara L. Fenby
Chairperson

cc: City Clerk

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH



2021 JUN 15 A 10:00

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

City Council Sign Approval Form

6/14/2021

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 160 Apex Drive

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

Address of Location seeking approval 160 Apex Drive.

BP-2021-000909 Flat Wall Sign

Zoning District:

HRMUOD Hospitality and Recreation

Meets Current Sign Code:

YES

Planning Board Variance:

NO

Code Enforcement Officer Ethan Lippitt

CC File
 City Council
 Commissioner Htway
 Planning Board



CITY OF MARLBOROUGH

 Building Department
 (508) 460-3776

**BUILDING
PERMIT**
JOB WEATHER CARD

PERMIT NO

BP-2021-000909

ISSUE DATE

06/09/2021

APPLICANT

SIGN EFFECTS, INC.

PERMIT TO

Flat Wall Sign

AT (LOCATION)

160 APEX DR, MARLBOROUGH, MA 01752

ZONING DISTRICT

B

Bldg. Type:

Commercial

SUBDIVISION MAP BLOCK LOT

78-12-160-

BUILDING IS TO BE:

CONST TYPE

USE GROUP

B

WORK DESCRIPTION

Installation of a Flat Wall Sign for "IC Federal Credit Union", Length 153", Width 47", Area 49.99 SQFT, South.

CONTRACTOR

LICENSE

0000

Construction Supervisor

SIGN EFFECTS, INC.

 29 HIGH STREET
 NORTH BILLERICA, MA 01862

AREA (SQ FT)

EST COST(\$)

5000.00

PERMIT FEE (\$)

50.00

OWNER

WALKER REALTY LLC

BUILDING DEPT BY

ADDRESS

C/O RYAN DEVELOPMENT LLC

WESTFORD

MA

01886

PHONE

9786630787

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.



78-12 (B)

City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



Date: 5-27-2021 Permit No. BP-2021-000709

Address/Location of Sign 160A Apex Dr. - Front of Bldg.

Name of Business IC Federal Credit Union

Name of Owner of Business Walker Realty LLC Telephone _____

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 153" Width 47" Height (Free Standing) _____ Area 49.99 Sq. Ft

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

Dimensions Façade:

Length 18' ± Width 20' ± Area 360 sq. Ft

[Signature] _____
Signature of Responsible Party Telephone

Installer Company Sign Effects, Inc. Telephone 978-663-0787

David@SignEffects.com
Email

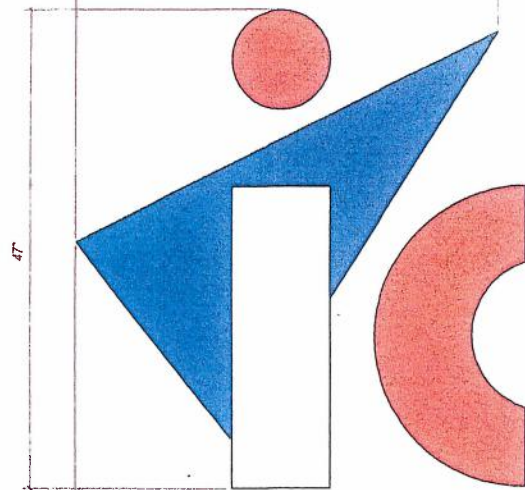
I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of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

[Signature] _____
Signature Date 5-27-2021

Cost of Sign(s) \$5,000.00 Permit Fee \$ 50.00

BACK -160A, APEX DR, MARLBOROUGH, MA

41 5/8"



99 7/8"

Federal

credit union

19 1/4"

153"

LARGE 3D ILLUMINATED SIGN

FRONT



VECTORTIVE
118 Riverwood
Marlborough, MA
01462
978.368.2997 fax

PROJECT NAME:

MARLBOROUGH, MA

CLIENT:

FC FEDERAL

CREDIT UNION

PROJECT TYPE:

SIGN EFFECTS

MILWAUKEE, WI

REVISIONS:

1

2

3

4

5

6

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28

29

30



Project Name:
1 Set of LED Channel
Letters w/Raceway

Designed exclusively for:

Address:

Date:
05-18-21

Phone:

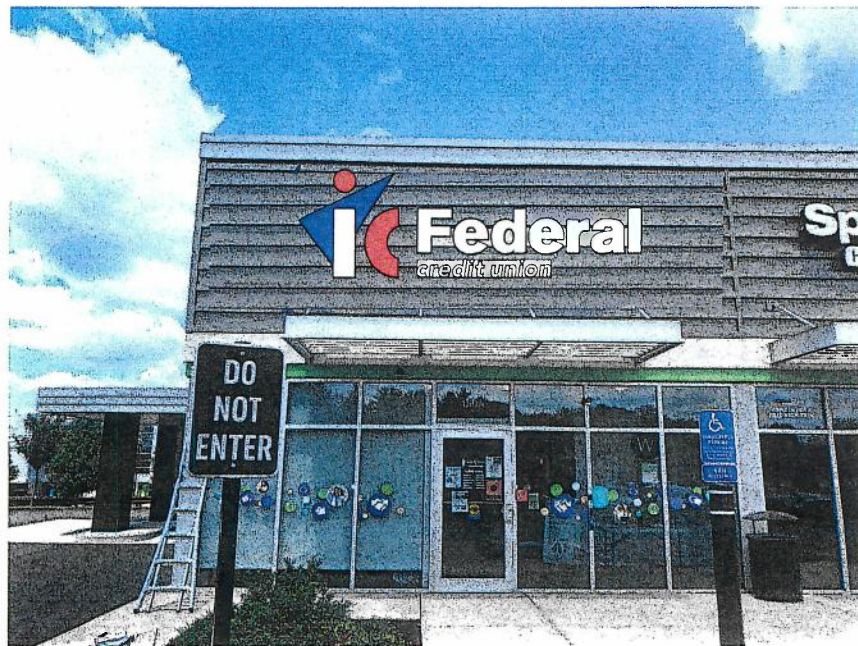
The prices, specifications and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature

Date

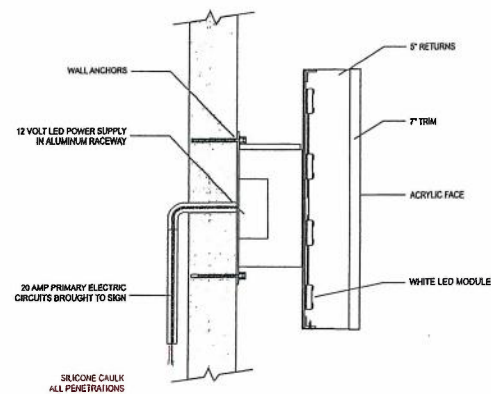
50% DEPOSIT REQUIRED ON ALL
WORK. BALANCE DUE ON
COMPLETION.

This design is property of the designer, and may not
be reproduced in any manner without written permission.



FRONT

CHANNEL LETTERS DETAIL VIEW
Scale: Not to Scale



ELECTRICAL NOTES
Sign Company DOES NOT provide primary electrical to sign.
Power to the sign must be done by a licensed electrical contractor or licensed electrician.
Each sign must have: 1. A minimum of one dedicated 120V 20A circuit.
2. Junction box installed within 6 feet of sign. 3. Three wires: Line, Ground, Neutral



34H STREET, BILLERICA, MA
978-663-0787

Owner Authorization Notice

(To be completed when Owner's Agent or Contractor applies for a Building Permit.)

I, Danny Gomes, as Owner of the subject Property located at
21 Apex Drive, Marlborough MA, hereby authorize Sign Effects, Inc. to act on my
behalf on all matters relative to work authorized by the building permit application.

Signature of Owner

Date

5/28/21

City of Marlborough
Commonwealth of Massachusetts



RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

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

City Council Sign Approval Form

6/14/2021

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 160 Apex Drive

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

Address of Location seeking approval 160 Apex Drive.

BP-2021-000910 Flat Wall Sign

Zoning District:

HRMUOD Hospitality and Recreation

Meets Current Sign Code:

YES

Planning Board Variance:

NO

Code Enforcement Officer Ethan Lippitt

CC File
 City Council
 Commissioner Htway
 Planning Board



CITY OF MARLBOROUGH

Building Department
(508) 460-3776

BUILDING 12-2

PERMIT

JOB WEATHER CARD

PERMIT NO

BP-2021-000910

ISSUE DATE

06/09/2021

APPLICANT

SIGN EFFECTS, INC.

PERMIT TO

Flat Wall Sign

AT (LOCATION) 160 APEX DR, MARLBOROUGH, MA 01752 ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 78-12-160- BUILDING IS TO BE: CONST TYPE USE GROUP B

WORK DESCRIPTION

Installation of a Flat Wall Sign for "IC Federal Credit Union", Length 108", Width 33.1/8", Area 24.8 SQFT, North.

CONTRACTOR

LICENSE

0000

Construction Supervisor

SIGN EFFECTS, INC.

29 HIGH STREET

NORTH BILLERICA, MA 01862

AREA (SQ FT)

EST COST(\$)

4000.00

PERMIT FEE (\$)

50.00

OWNER

WALKER REALTY LLC

BUILDING DEPT BY

ADDRESS

C/O RYAN DEVELOPMENT LLC

WESTFORD

MA

01886

PHONE

9786630787

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

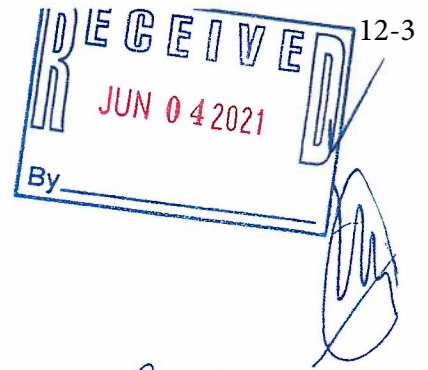
PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

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



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



Date: 5-27-2021

Permit No. BP-2021-000910

Address/Location of Sign 160A Apex Drive - Back of Bldg

Name of Business IC Federal Credit Union

Name of Owner of Business Walker Realty LLC Telephone _____

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 10'8" Width 33 1/8" Height (Free Standing) _____ Area 24.8 Sq-ft

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

Dimensions Façade:

Length 18' ± Width 20' ± Area 360 Sq-ft

Signature of Responsible Party [Signature] Telephone 978-663-0787

Installer Company Sign Effects, Inc. Telephone 978-663-0787

Email Dauid@signeffects.com

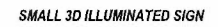
I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of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

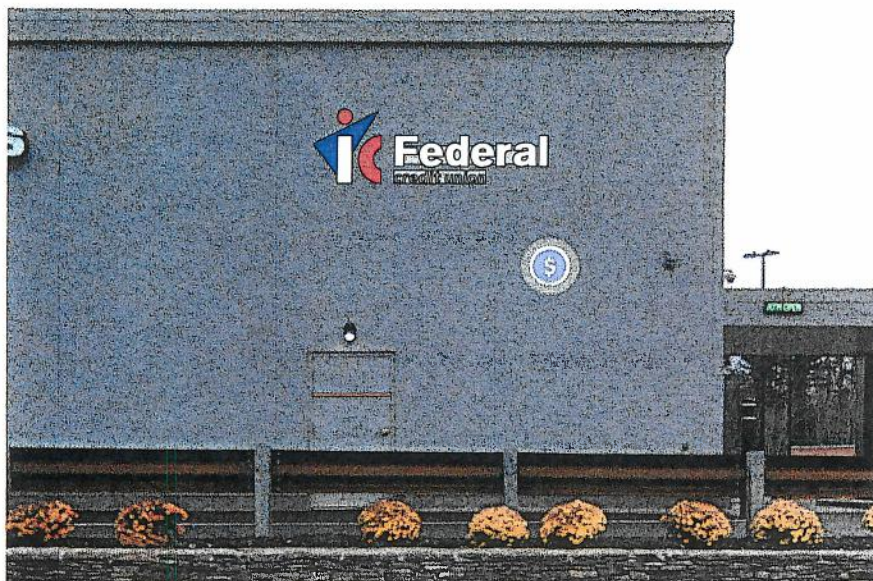
Signature [Signature]

Date 5-27-2021

Cost of Sign(s) \$4,000.00

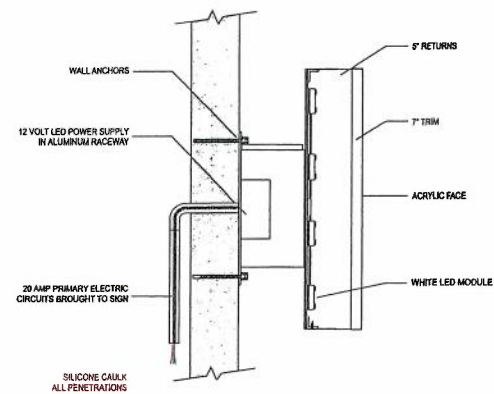
Permit Fee \$ 50.00

A photograph of the exterior of a Federal credit union building. The building has a grey, textured concrete facade. Mounted on the wall is the Federal credit union logo, which consists of a stylized 'f' and 'c' in blue and red, followed by the word 'Federal' in large white letters and 'credit union' in smaller white letters below it. The sky is visible in the background, and a small black object, possibly a light fixture, is visible on the wall below the logo.



REAR

CHANNEL LETTERS DETAIL VIEW
Scale: Not to Scale



ELECTRICAL NOTES

Sign Company DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have: 1. A minimum of one dedicated 120V 20A circuit. 2. Junction box installed within 6 feet of sign. 3. Three wires: Line, Ground, Neutral.



Project Name: 1 Set of LED Channel Letters w/Raceway
Designed exclusively for:
Address:
Date: 05-18-21
Phone:
<p>The prices, specifications and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.</p>
Signature
Date
<p>50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.</p> <p>This design is property of the designer, and may not be reproduced in any manner without written permission.</p>



311 STREET, BILLERICA, MA
978-663-0787

Owner Authorization Notice

(To be completed when Owner's Agent or Contractor applies for a Building Permit.)

I, Danny Gomes, as Owner of the subject Property located at
21 Apex Drive, Marlborough MA, hereby authorize Sign Effects, Inc. to act on my
behalf on all matters relative to work authorized by the building permit application.

Signature of Owner

Date

5/25/21



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY
Executive Director

2021 JUN 15 A 7:45

June 8, 2021

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

In accordance with Massachusetts General Laws, chapter 10, section 27A, (as amended on 5/20/96), you are hereby notified that an application for a KENO license has been received by the Massachusetts State Lottery Commission, (MSLC) from:

GINGER GARDEN
200 BOSTON POST ROAD EAST
MARLBOROUGH, MA

If the city/town objects to the issuance of the KENO license, it must claim its right to a Hearing before the MSLC within twenty-one (21) days of receipt of this notice.

In accordance with section 27A(b), the objection of the city/town must be "as a result of an official action" taken by said city or town regarding the KENO applicant. In order to be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the Hearing at the MSLC.

Please address your written objection to, Gregory Polin, General Counsel, Legal Department, Massachusetts State Lottery Commission, 150 Mt. Vernon St., Dorchester, MA 02125

Very truly yours,

MSLC Licensing Department
USPS Certified Article Number: 7001 2510 0004 1227 5427
GINGER GARDEN



Supporting the 351 Cities and Towns of Massachusetts

From: "Kassis, Jackie"

To: "City Council"

Cc: "Licensing"

Subject: KENO to GO Expansion to Full KENO Monitor - KENO to GO Expansion to Full KENO Monitor - Marlborough City Council

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN 16 P 3:45

June 10, 2019

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agent/s in your city/town, to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following location/s in your community:

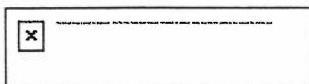
Lakeside Shell
413 Lakeside Ave.
Marlboro, MA

Marlboro Shell
431 Lincoln Street
Marlboro, MA

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Gregory Polin, General Counsel, Legal Department, Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester MA 02125. Should you have any questions regarding this program or

any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,



Michael R. Sweeney
Executive Director



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY
Executive Director

2021 JUN 16 P 3:45

June 10, 2019

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agent/s in your city/town, to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following location/s in your community:

Marlboro Shell
431 Lincoln Street

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Gregory Polin, General Counsel, Legal Department, Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester MA 02125. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney
Executive Director

citycouncil@marlborough-ma.gov
atlarge_@marlborough-ma.gov



Supporting the 351 Cities and Towns of Massachusetts



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY
Executive Director

June 10, 2019

2021 JUN 16 A 11:35

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agent/s in your city/town, to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following location/s in your community:

Lakeside Shell
413 Lakeside Ave.
Marlboro, MA

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Gregory Polin, General Counsel, Legal Department, Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester MA 02125. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney
Executive Director

citycouncil@marlborough-ma.gov
atlarge_@marlborough-ma.gov



Supporting the 351 Cities and Towns of Massachusetts

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 5:46 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Goble; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Janice Downey: 28 Bolton Street

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2021 JUN 16 AM 4:36

Sent: Tuesday, June 15, 2021 4:20 PM
To: City Council
Subject: 28 Bolton Street

Hello,

I just wanted to take the opportunity to share my thoughts on the building proposed for 28 Bolton Street. The building doesn't belong there. In my opinion, it's far too large and ugly, it doesn't fit in with the surrounding areas and would be an eyesore.

The proposal calls for far less parking than will be required. The Rowe project, and E on Main, at 161-175 Main St, if that is still going through, will also require public parking as the amount of parking spaces being planned there are also very limited. On two occasions, I had to go to City Hall to get documents. On both occasions, I had to drive through the parking lots and garages multiple times before I found someone pulling out near Lost Shoe. This is only going to get worse. The additional parking lot recently added to Bolton street may help with the Rowe project, but isn't going to help the limited parking on our Main Street.

Much as I would like to support local businesses, I limit my time on Main Street specifically because of the parking. Even trying to get into Vin Bin or Vision Associates can be a challenge at times. I was lucky enough to get a parking space outside of Chin's the last time I had an eye appointment.. there was one space and I was lucky enough to get it.

Being an older, lifelong resident here, I've seen a lot of changes through the years, some great, some not so good, but this project would result in such a totally revolting change to our Main Street area, that I wanted to voice my opinion, a first for me. Not one person I have spoken to has anything but disgust at the thought of this proposal going forward.

Regards,

Janice Downey

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 7:27 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Melissa Walsh, 26 Ames Place: WoHo, 28 Bolton St

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2021 JUN 16 A 9:36

From: Melissa Walsh
Sent: Tuesday, June 15, 2021 7:22 PM
To: City Council

Subject: 28 Bolton St

Good evening,

We live extremely close to the 28 Bolton St. location. It is extremely disheartening to know that the potential building for this location will take over and stand out in a negative manner the beauty of downtown Marlboro. The lack of parking that currently exists and then to add a location like such will definitely congest the intersection at Granger even more than it is now. I have previously emailed the city about the crossing at that intersection and how it was a risk for pedestrians, a sign was put to watch for pedestrians before turning and still doesn't help. Adding more risks and vehicles to the area only increases potential for accidents. I am extremely concerned also because where are the individuals who move here supposed to park?

I really hope that a parties evaluate this project in all aspects, not just in a financial manner but for the safety of the current residents as well as the fit for the city.

Thank you for your time
 Melissa Walsh
 26 Ames Pl

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 2:08 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Bouk; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Turner; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Brenda Bourgeois: 28 South Bolton Street proposal

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2021 JUN 16 AM 8:39

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

From: Brenda Bourgeois
Sent: Tuesday, June 15, 2021 6:05 AM
To: City Council
Subject: 28 South Bolton Street proposal

I just wanted to voice my opinion to the new building proposal for 28 South Bolton St. I think this building would be a blight on the downtown area. It will not fit in with the aesthetics downtown and there is no need to cram additional buildings into such a congested area. How about some nice green space? I am not sure why there is such a need to fill every free area we have in this town with buildings when there are already so many empty spaces in this town. Please do not pass this proposal as I don't feel it is in the best interest of Marlborough.

Regards,
 Brenda Bourgeois

Sent from my iPad

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 2:10 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Bogle; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Turnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Melissa Peirce, 138 Roundtop Road: Upcoming vote on 28 South Bolton Street project

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

JUN 16 AM 1:33

Sent: Monday, June 14, 2021 10:20 PM

To: City Council

Subject: Upcoming vote on 28 South Bolton Street project

As a resident of our city I ask that you not approve this project. It is not in character with the existing structures, and would be a blight on our downtown area.

Respectfully,

Melissa Peirce
 138 Roundtop Road
 Ward 7

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 2:42 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Turnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Ellen Langelier Bonetti: So. Bolton Street Project

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 JUN 16 AM 7:33

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

From: Ellen Bonetti
Sent: Tuesday, June 15, 2021 2:40 PM
To: City Council
Subject: So. Bolton Street Project

I am not in favor of the latest rendering of the proposed building.

It is too large for that area and an eyesore when entering that intersection.

It does not fit in with our downtown district.

The parking is an issue.

There is not enough green space.

Please take these comments into consideration when voting.

Thank you,

Ellen Langelier Bonetti

Sent from my iPad

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 1:48 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From MK Matus, WOHO building opposition

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

07 JUN 16 A 1:35

From: MK Matus
Sent: Tuesday, June 15, 2021 8:49 AM
To: City Council
Subject: Urban Affairs Committee Meeting

Hi there,

My name is MK Matus and I'm a proud resident of Marlborough, Ma. I purchased my home on Commonwealth Avenue in 2018. I am just emailing in regards to the vote for the WoHo building proposal for the corner across from the Fish restaurant **This building would not be a good addition to our beautiful town.**

I feel as though it wouldn't fit into the landscape and would cause constant traffic backups down Maple Street -- a street that is already congested and undersized for the amount of traffic that travels through this area. This would also result in an increase in traffic down Church Street which is already dangerous enough.

Please vote NO to this proposal and ask that they come up with a building that both fits the aesthetic of our town and is appropriately sized for the space.

Best,

MK - a very concerned resident

MK Matus
 Operations Analyst

Steven Kerrigan

From: City Council
Sent: Tuesday, June 15, 2021 1:50 PM
To: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Damon Michaels: 28 South Bolton - WoHo - June 17 vote

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2021 JUN 15 AM 1:33

From: Damon Michaels
Sent: Tuesday, June 15, 2021 8:52 AM
To: City Council

Subject: 28 South Bolton - WoHo - June 17 vote

Hello everyone.

I would like to say that the building proposed does not in any way fit within the regulations for the Downtown Village regulations that I was involved in years ago. The idea was to fit into downtown. What we have here is a Brutalist Architecture, no green space, very limited parking, building that simply doesn't fit in anywhere.

Here I reference this document: <https://marlboroughedc.com/wp-content/uploads/2021/05/Marlborough-MA-Downtown-Village-District-Ordinance.pdf>

- A. Purpose and Vision The purpose of the Marlborough Village District is to implement smart growth principles with development that is compatible with the character of Downtown Marlborough. The Marlborough Village District is envisioned as the hub of community gathering places that reflects and celebrates the existing historic character and enhances the traditional village atmosphere. The vision is to build value and to support our employers with a Downtown that attracts visitors and helps to retain and recruit employees while creating new housing opportunities.

It does not blend in in any way shape or form.

- (a) Building Scale: [1] New buildings and/or substantial alterations shall be pedestrian-oriented and shall reflect the community preference for moderate-scale structures that are in harmony with the existing historic brick structures. Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and architectural details.

This in no way is in harmony with historic brick structures. It does not reduce the appearance of bulk or mass.

- (d) External Materials and Appearance: [1] Predominant wall materials shall be red brick, stone, or pre-cast concrete panels; wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. If painted, or coated, a non-metallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements such as turrets. Materials designed to "imitate" brick are not permitted.

Pre-cast concrete panels are ok, but that's all this is.

Heights of Structures: To encourage redevelopment and re-use of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 70 feet except for where a proposed structure is within 50 feet of a residential lot boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height may be increased to 80 feet. Height limits do not include roof mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-33 D (2) (b), shall be subject to Site Plan Review and Design Standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this ordinance.

This building is simply too high for the structures around it.

Thank you,

Damon Michaels
93 Chase Rd
Marlborough, MA, 01752-1045



THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**
111 Otis Street, Northborough, MA 01532 - 2414
Telephone (508) 393-3055 Fax (508) 393-8492
www.cmmcp.org



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

June 14, 2021

City of Marlboro
Health Department
Marlboro, MA 01752

Central Massachusetts Mosquito Control Project personnel will be in your community to respond to residents' concerns about mosquitoes in their area on the following dates in June/July:

June 30, July 8, 14, 21, 28

Any of the above dates are tentative, and all dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <http://www.cmmcp.org>, click the "2021 Spray Schedule" button on the right. Please pay attention to the week of July 5th, as this schedule has been modified to ensure all communities are scheduled for service that week due to the July 4th holiday.

Requests for service may be recorded by calling the CMMCP office at (508) 393-3055 between 7:00 AM - 3:30 PM, Monday through Friday, or logging on to <http://www.cmmcp.org>. Results of these requests may initiate an application of mosquito insecticides to defined, site-specific areas of town. Such an application may be accomplished by using truck mounted equipment depending on the extent of the application.

Per 333CMR13.03(1)(a): "Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." For more information please check: <http://www.cmmcp.org> and click the "No Spray Info" button on the right.

Please list this information in the local newspapers and on the local cable access channels if possible. Thank you for your assistance.

Sincerely,

Timothy D. Deschamps

Executive Director

cc: City/Town Clerk
Police Department

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN 17 A 11:23
Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

June 17, 2021

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Zoning Amendment: Hobby Vehicle Storage

Dear Councilor Ossing:

I represent Marlborough Industrial LLC (Capital Group), the owner of land located at 685 Farm Road, Assessors Map 73, Parcel 52, under development as the Airport Industrial Park. On behalf of Capital Group, I respectfully request that the City Council consider amending the Zoning Ordinance of the City of Marlborough by adding "hobby vehicle storage" as a warehousing use in the Limited Industrial District, as specified in the enclosed Proposed Order.

Capital Group has a buyer interested in using an Airport Industrial Park site for the indoor storage of its collection of rare automobiles. The current list of permissible warehousing uses in the Limited Industrial District does not accommodate this use. This new use category would not allow for vehicle repair beyond the maintenance of vehicles that are stored at the site as part of the collection, or the outdoor display of vehicles for sale. All storage would be indoors, out of public view.

Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Thank you for your time and attention to this matter.

Very truly yours,


 Brian R. Falk

BRF/

Encl.

cc: Client

PROPOSED CITY COUNCIL ORDER

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Zoning Ordinance of the City of Marlborough, Massachusetts as follows:

1. By amending Section 650-5, Definitions; word usage, to include the following new definition:

Hobby Vehicle Storage – the warehousing, maintenance, and repair of vehicles owned as part of a collection, provided that the vehicles shall be stored indoors in a building with a floor area not to exceed 17,000 square feet with an accessory building not to exceed a floor area of 3,000 square feet, the vehicles shall not be displayed outdoors for sale, and any maintenance or repair shall take place indoors and shall be limited to vehicles stored at the site.

2. By amending Section 650-18(36), Conditions for Uses, as follows (new text underlined):

“Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, hobby vehicle storage, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited.”

ADOPTED
In City Council
Order No. 21-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH
2021 JUN 17 A 11:23
Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

June 17, 2021

VIA EMAIL

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Dasilva Landscaping, Inc.; 685 Farm Road; East;
Special Permit Application for a Landscaper's Yard

Dear Councilor Ossing:

On behalf of my client Dasilva Landscaping, Inc., I respectfully submit the enclosed application for a special permit to construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17.

In addition to a special permit, the project will require an amendment to the Airport Industrial Park's Site Plan Approval from the Site Plan Committee.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/

Encl.

cc: Client

MIRICK O'CONNELL

ATTORNEYS AT LAW

100 Front Street
Worcester, MA 01608-1477People's United Bank
Worcester, MA 01608
53-261/113**224492**

Date

06/16/2021

Amount

*****500.00

Pay: Five Hundred and 00/100 Dollars

To the
Order of

City of Marlborough

⑈ 2 2 4 4 9 2 ⑈

City of Marlborough
Office of the City Clerk
140 Main St, Marlborough, MA 01752
(508) 460-3775Clerk: #14 6/17/2021 11:28AM
Transaction ID: #48409Permits - Special
-- Landscapers Yard, 685 Farm Road Chk-22
4492 \$500.00Permits - Special
-- Contractor's Yard, 685 Farm Road Chk-2
24491 \$500.00**Total: \$1,000.00**

VOID 6 MOS. FROM DATE OF ISSUE



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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Dasilva Landscaping, Inc. 110 Dartmouth Street, Marlborough, MA 01752

2. Specific Location of property including Assessor's Plate and Parcel Number.

685 Farm Road, Unit 17, Map 73, Parcel 52

3. Name and address of owner of land if other than Petitioner or Applicant:

Marlborough Industrial LLC 259 Turnpike Road, Suite 100, Southborough, MA 01772

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 650-17, 650-18(48) Section _____ Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:


Limited Industrial

7. Specific reason(s) for seeking Special Permit

The applicant seeks to operate a landscaper's yard at 685 Farm Road, Unit 17.

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.


Signature of Petitioner or Applicant
Brian Falk, Attorney for the Applicant

Address: Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477

Telephone No. 508.929.1678

Date: 6/16/2021

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

Dasilva Landscaping, Inc.

(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**

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Dasilva Landscaping, Inc. Address: 110 Dartmouth Street

Project Name: _____ Address: 685 Farm Road

1. PROPOSED USE: (describe) Landscaper's Yard

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 3,225 sq. ft. 1st floor 3,225 sq. ft. all floors 3,225 sq. ft.
buildings 1 # stories 1 lot area (s.f.) 818,282 sq. ft. (entire site)

4. LOT COVERAGE: 58.5 % Landscaped area: 41.5 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 5 Peak period: 10

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 3 Peak period: 10

(B) How many service vehicles will service the development and on what schedule?
Deliveries of materials as needed.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Downward facing lighting.

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.
Same.

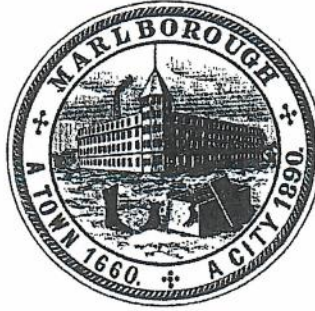
(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Loading and unloading of vehicles.

9. AIR: What sources of potential air pollution will exist at the development? Vehicle exhaust.

10. WATER AND SEWER: Describe any unusual generation of waste. None.

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? None.

***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: 6/15/2021

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Dasilva Landscaping, Inc.

Project Use Summary: Landscaper's Yard

Project Street Address: 685 Farm Road

Plate: 73 Parcel: 52

Applicant/Developer Name: Dasilva Landscaping, Inc.

Plan Date: 6-24-19 Revision Date: 9-23-19

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,

Tin Htway
 Acting Director of Planning

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

\$500

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Steven W. Kerrigan
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	<u>✓</u>
1 SET	FIRE CHIEF	<u>✓</u>
1 SET	CITY ENGINEER	<u>✓</u>
1 SET	DIRECTOR OF PLANNING	<u>✓</u>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<u>✓</u>
1 SET	BUILDING COMMISSIONER	<u>✓</u>
12 SETS	OFFICE OF THE CITY COUNCIL	<u>✓</u>
3 SETS	OFFICE OF THE CITY CLERK	<u>✓</u> (MUST be Original & 2 Complete Sets)


 Signature

6/17/21
 Date

Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT****Steven W. Kerrigan
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

Dasilva Landscaping, Inc.

Owner Name/Officer Name of LLC or Corporation

Flavio J. DaSilva

Owner/Officer Complete Address and Telephone Number

110 Dartmouth Street

Marlborough, MA 01752

Signature of Applicant**Attorney on behalf of Applicant, if applicable**

Attorney Brian Falk

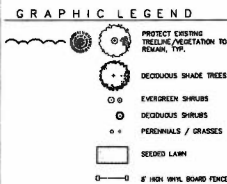
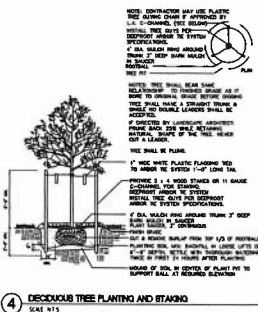
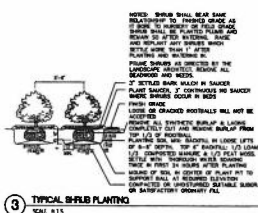
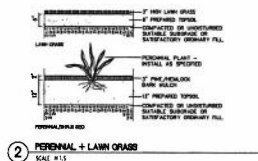
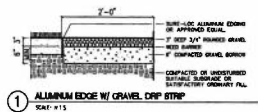
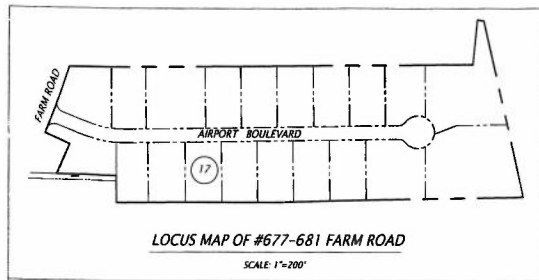
The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Bristol

Tax Collector

ABUTTERS - 685 FARM RD (73-53) AND FARM RD (73-52), MARLBOROUGH, MA - 300 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	Use Code
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LOT 17 PLANT MATERIAL LIST - 677-681 FARM ROAD, MARLBOROUGH, MA.						
SYM.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
DB	2	RED BUDGUM	RED BUDGUM	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING
DB	1	QUICKHILL T. L. 'SILVER'	QUICKHILL T. L. 'SILVER'	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING
SHRUB	1	RED BUDGUM	RED BUDGUM	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING
DB	1	RED BUDGUM 'COMPACT'	RED BUDGUM 'COMPACT'	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING
DB	1	QUICKHILL T. L. 'SILVER'	QUICKHILL T. L. 'SILVER'	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING
PERENNIALS	1	PERENNIALS	PERENNIALS	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING
DB	1	QUICKHILL T. L. 'SILVER'	QUICKHILL T. L. 'SILVER'	2 1/2" - 3"	BAR	1/2" HIGH BRANCHING

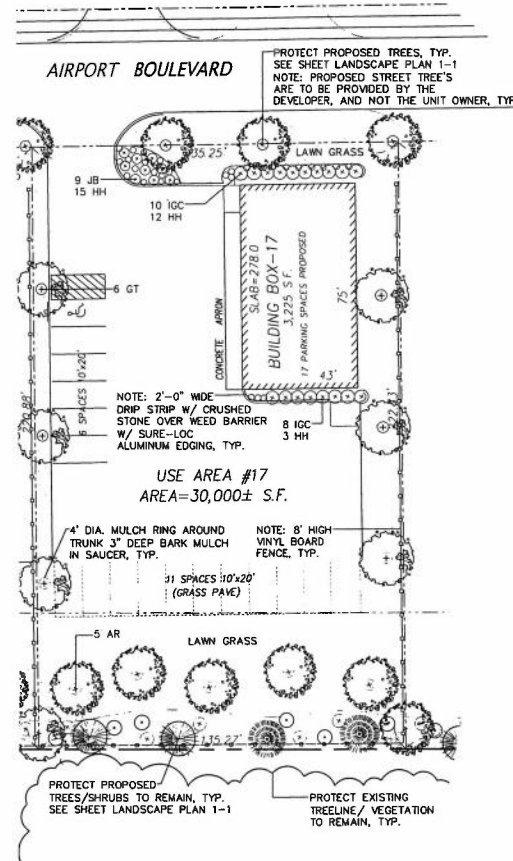
GENERAL NOTES:

- CONTRACTOR SHALL MAKE A SITE VISIT PRIOR TO BIDDING TO EXAMINE EXISTING CONDITIONS FOR THEMSELVES. CONTRACTOR TO FURNISH ALL NECESSARY MATERIALS AND LABOR FOR THE WORKS SHOWN ON THE DRAWINGS. CONTRACTOR SHALL NOTIFY / COORDINATE WITH THE CITY OF MARLBOROUGH PRIOR TO PLANT MATERIAL INSTALLATION.
- CONTRACTOR SHALL COORDINATE WITH THE CITY OF MARLBOROUGH.
- BEFORE TO THE PRE-CONSTRUCTION MEETING THE CONTRACTOR SHALL CONTACT THE CITY OF MARLBOROUGH TO HAVE THE EXISTING UTILITIES MARKED.
- ALL CONTRACTORS SHALL INSPECT SITE PRIOR TO BIDDING TO VERIFY EXISTING CONDITIONS FOR THEMSELVES.
- THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE DRAWINGS. SEE SPECIFICATION.
- ALL PLANT MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY AMERICANHORT 2014, AND AS AMENDED.
- ALL PLANTS TO BE BALLED IN BURLAP OR CONTAINER BROWN, NO PLASTIC BURLAP.
- ALL PLANTS TO BE APPROVED BY THE LANDSCAPE ARCHITECT.
- STAKE LOCATION OF ALL PROPOSED PLANT MATERIAL FOR APPROVAL OF LANDSCAPE ARCHITECT PRIOR TO COMMENCEMENT OF PLANTING.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF ACCEPTANCE.
- REPAIR ALL CONSTRUCTION SCARS WITH NATURALIZED GRASS, LAWN OR MULCH AS INDICATED BY DRAWINGS AND/OR AS DIRECTED BY LANDSCAPE ARCHITECT.
- "BEST PRACTICE" SHALL BE ADDED TO ALL NEW TREE PLANTING SITES. ALL NEW LAWN SHALL BE VERIFIED AND MAINTAINED AS STATED IN THE LAWN REPORT PROVIDED BY LAWN SUPPLIER.
- LANDSCAPE CONTRACTOR SHALL SUBMIT A WATERING SCHEDULE PROGRAM FOR THE 180 DAY MAINTENANCE PERIOD FOR REVIEW BY THE LANDSCAPE ARCHITECT & THE OWNER FOR ALL PROPOSED PLANT MATERIAL.
- PROTECT EXISTING PLANT MATERIAL WITHIN CONSTRUCTION LIMITS. PROVIDE WATERING PROGRAM FOR ALL PROPOSED / EXISTING PLANT MATERIAL DURING CONSTRUCTION.
- ALL TRANSPLANTED PLANT MATERIAL IS OWNED BY THE CONTRACTOR AND SHALL BE PREPARED FOR TRANSPLANTING FOR EACH SPECIES AT THE APPROPRIATE SEASON. THE CONTRACTOR SHALL REPLACE AND TRANSPLANTED PLANT MATERIAL THAT DIES WITH THE SAME SIZE AND SPECIES OF PLANT MATERIAL. THE NEW PLANT MATERIAL SHALL BE MAINTAINED & GUARANTEED AS NEW PLANT MATERIAL.

LANDSCAPE NOTES:

LAWN DEPTHS SHALL BE AS FOLLOWS:

- LAWN AREAS - 4" ROLLED THICKNESS
- LANDSCAPE / UTILITY MATERIAL FOR BURLAP/SHADE: ENCHANTED PERENNIAL, RYEGRASS, CREEPING PERENNIAL, BLUEGRASS, GOLDENROD, KENTUCKY BLUEGRASS
- PLANT BEDS - 1" - 4" LOAN DEPTH IN THE PLANTED AREA WITH 2" MULD.
- ISOLATED PLANTED PLANTS - 1" - 4" LOAN DEPTH
- NEW ENGLAND WINTER WETLAND (NEW ENGLAND) 4" ROLLED THICKNESS, MAX.



PREPARED FOR:
CAPITAL GROUP PROPERTIES
259 TURNPIKE ROAD, SUITE 100
SOUTHBOROUGH, MA

OWNER:
MARLBOROUGH INDUSTRIAL, LLC
259 TURNPIKE ROAD, SUITE 100
SOUTHBOROUGH, MA

MAP 73, PARCEL 50 & MAP 85, PARCELS 14&15
CONNORSTONE ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9222 FAX: 508-393-5242

WILLIAM P. FLECHNER ASSOCIATES
LANDSCAPE ARCHITECTURE
PLANNING

PROPOSED LANDSCAPE PLAN
OF
USE AREA #17
AIRPORT BOULEVARD
IN
MARLBOROUGH, MA

REVISIONS
DATE: MAY 25, 2021
SCALE: 1"=20' SHEET 1 OF 1



MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JUN 17 A 11:23
Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

June 17, 2021

VIA EMAIL

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Lourival Masonry Co., LLC; 685 Farm Road; East;
Special Permit Application for a Contractor's Yard

Dear Councilor Ossing:

On behalf of my client Lourival Masonry Co., LLC, I respectfully submit the enclosed application for a special permit to construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18.

In addition to a special permit, the project will require an amendment to the Airport Industrial Park's Site Plan Approval from the Site Plan Committee.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/

Encl.

cc: Client

MIRICK O'CONNELL

ATTORNEYS AT LAW

100 Front Street
Worcester, MA 01608-1477People's United Bank
Worcester, MA 01608
53-261/113**224491**

Date

06/16/2021

Amount

*****500.00

Pay: Five Hundred and 00/100 Dollars

To the
Order of City of Marlborough

⑈ 224491 ⑈

VOID 6 MOS FROM DATE OF ISSUE

City of Marlborough
Office of the City Clerk
140 Main St, Marlborough, MA 01752
(508) 460-3775Clerk: #14 6/17/2021 11:28AM
Transaction ID: #48409Permits - Special
-- Landscapers Yard, 685 Farm Road Chk-22
4492

\$500.00

Permits - Special
-- Contractor's Yard, 685 Farm Road Chk-2
24491

\$500.00

Total: \$1,000.00

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Lourival Masonry Co., LLC 24 Hager Street, Marlborough, MA 01752

2. Specific Location of property including Assessor's Plate and Parcel Number.

685 Farm Road, Unit 18, Map 73, Parcel 52

3. Name and address of owner of land if other than Petitioner or Applicant:

Marlborough Industrial LLC 259 Turnpike Road, Suite 100, Southborough, MA 01772

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 650-17, 650-18 (48) Section _____ Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:

Limited Industrial

7. Specific reason(s) for seeking Special Permit

The applicant seeks to operate a contractor's yard (masonry) at 685 Farm Road, Unit 18.

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.


Signature of Petitioner or Applicant
Brian Falk, Attorney for the Applicant

Address: Mirick O'Connell

100 Front Street

Worcester, MA 01608-1477

Telephone No. 508.929.1678

Date: 6/16/2021

T F NAMES AND ADDRESS OF ABUTTERS
A REQUE TED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Lourival Masonry Co., LLC

(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**

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Lourival Masonry Co., LLC Address: 24 Hager Street, Marlborough, MA 01752

Project Name: Contractor's Yard Address: 685 Farm Road

1. PROPOSED USE: (describe) Contractor's Yard (Masonry)
2. EXPANSION OR NEW: New
3. SIZE: floor area sq. ft. 4,000 sq. ft. 1st floor 4,000 sq. ft. all floors 4,000 sq. ft.
buildings 1 # stories 1 lot area (s.f.) 818,282 sq. ft. (entire site)
4. LOT COVERAGE: 58.5 % Landscaped area: 41.5 %
5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 3 Peak period: 10
6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: 5 Peak period: 8
(B) How many service vehicles will service the development and on what schedule?
Deliveries of materials as needed
7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Downward-facing lighting
8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
Same
(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Loading and unloading of vehicles.
9. AIR: What sources of potential air pollution will exist at the development? Vehicle exhaust.
10. WATER AND SEWER: Describe any unusual generation of waste. None.
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? None.

***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: 6/15/2021

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Lourival Masonry Co., LLC

Project Use Summary: Contractor's Yard (Masonry)

Project Street Address: 685 Farm Road

Plate: 73 Parcel: 52

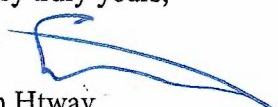
Applicant/Developer Name: Lourival Masonry Co., LLC

Plan Date: 6-24-19 Revision Date: 9-23-19

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,


 Tin Htway
 Acting Director of Planning

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

\$500

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Steven W. Kerrigan
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 <u>✓</u>
1 SET	FIRE CHIEF <u>✓</u>
1 SET	CITY ENGINEER <u>✓</u>
1 SET	DIRECTOR OF PLANNING <u>✓</u>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) <u>✓</u>
1 SET	BUILDING COMMISSIONER <u>✓</u>
12 SETS	OFFICE OF THE CITY COUNCIL <u>✓</u>
3 SETS	OFFICE OF THE CITY CLERK <u>✓</u> (MUST be Original & 2 Complete Sets)


 Signature

6/17/21
 Date

Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT****Steven W. Kerrigan
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

Lourival Masonry Co., LLC

Owner Name/Officer Name of LLC or Corporation

Santos Lourival

Owner/Officer Complete Address and Telephone Number

24 Hager Street

Marlborough, MA 01752

Signature of Applicant**Attorney on behalf of Applicant, if applicable**

Attorney Brian Falk

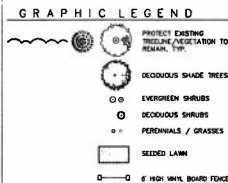
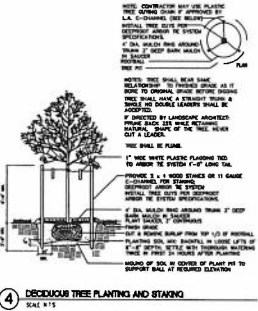
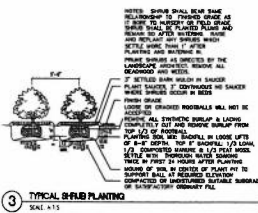
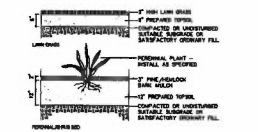
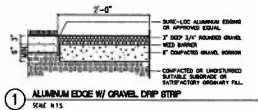
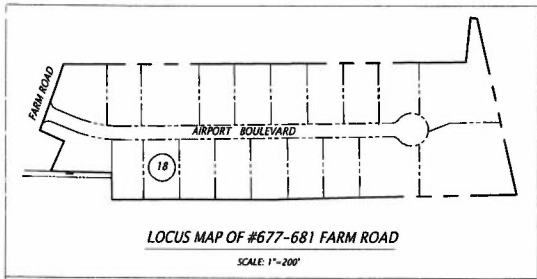
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Tax Collector

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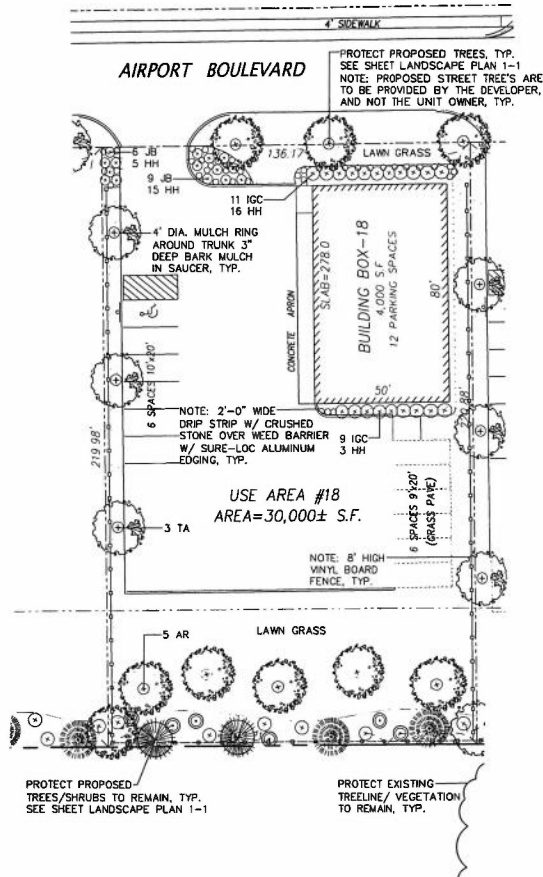
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1	RED BUD	RED BUD	3-4 1/2"	BAR	8" HIGH BRANCHES	

- GENERAL NOTES:
- CONTRACTOR SHALL HAVE A SITE VISIT PRIOR TO BEGINNING TO EXAMINE EXISTING CONDITIONS FOR THEMSELVES. CONTRACTOR TO FURNISH THEMSELVES W/ DESIGN DOCUMENTS NOTES & DETAILS AND THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, CURRENT EDITION.
 - CONTRACTOR SHALL NOTIFY / COORDINATE WITH THE CITY OF MARLBOROUGH, PRIOR TO PLANT MATERIAL INSTALLATION.
 - CONTRACTOR SHALL COORDINATE WITH THE CITY OF MARLBOROUGH.
 - PRIOR TO THE PRE-CONSTRUCTION MEETING THE CONTRACTOR SHALL CONTACT THE CITY OF MARLBOROUGH TO OBTAIN THE EXISTING UTILITIES MARKS.
 - ALL CONTRACTORS SHALL INSPECT SITE PRIOR TO BEGINNING TO VERIFY EXISTING CONDITIONS FOR THEMSELVES.
 - THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING WORK ON THE DRAWINGS, SEE SPECIFICATIONS.
 - ALL PLANT MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY AMERICAN SOCIETY OF HORTICULTURE.
 - ALL PLANTS TO BE BALLED IN BURLAP OR CONTAINERS GROWN, NO PLASTIC BURLAP.
 - ALL PLANTS TO BE APPROVED BY THE LANDSCAPE ARCHITECT.
 - STAKE LOCATION OF ALL PROPOSED PLANT MATERIAL FOR APPROVAL OF LANDSCAPE ARCHITECT PRIOR TO COMMENCEMENT OF PLANTING.
 - THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF ACCEPTANCE.
 - IF ANY PLANT MATERIAL SHALL BE DAMAGED OR KILLED BY ANY CAUSE, THE CONTRACTOR SHALL REPLACE THE SAME AT HIS OWN EXPENSE.
 - "TRY ROOTS" SHALL BE ADDED TO ALL NEW TREE PLANTING PITS. ALL NEW LAWN SHALL BE TESTED AND AMENDED AS STATED BY THE LAWN REPORT, PROVIDED BY LAWN SUPPLIER.
 - LANDSCAPE CONTRACTOR SHALL SUBMIT A WATERING SCHEDULE PROGRAM FOR THE (100) DAY MAINTENANCE PERIOD FOR REVIEW BY THE LANDSCAPE ARCHITECT & THE OWNER FOR ALL PROPOSED PLANT MATERIAL.
 - PROTECT EXISTING PLANT MATERIAL WITHIN CONSTRUCTION LIMITS. PROVIDE WATERING PROGRAM FOR ALL PROPOSED / EXISTING PLANT MATERIAL DURING CONSTRUCTION.
 - ALL TRANSPORTED PLANT MATERIAL IS OWNED BY THE CONTRACTOR AND SHALL BE PREPARED FOR TRANSPORTATION FOR EACH SPECIES AT THE APPROPRIATE SEASON. THE CONTRACTOR SHALL REPLACE ANY TRANSPORTED PLANT MATERIAL THAT DIES WITH THE SAME SIZE AND SPECIES OF PLANT MATERIAL. THE NEW PLANT MATERIAL SHALL BE MAINTAINED & GUARANTEED AS NEW PLANT MATERIAL.

- LANDSCAPE NOTES:
- LAWN DEPTHS SHALL BE AS FOLLOWS:
- LAWN AREAS - 6" ROLLED THICKNESS
 - LAWN GRASS
 - LAWN GRASS (VALLEY GREEN SEED, LTD. WILMINGTON, MA.)
 - LANDSCAPE/UTILITY MIXTURE FOR SUN/SHADE
 - ENHANCED PERENNIAL, PERENNIAL
 - ENHANCED RED FESCUE
 - ENHANCED KENTUCKY BLUEGRASS
 - PLANT BEDS - 1'-0" LAWN DEPTH IN THE PLANTED AREA WITH 2" BEDS.
 - ISOLATED PLANTED ISLANDS - 1'-0" LAWN DEPTH
 - NEW EXCHANGE MIXTURE (ENHANCED SEED MIX)
 - 6" ROLLED THICKNESS, MIN.



APPROVED
SITE PLAN REVIEW COMMITTEE

DATE:



PREPARED FOR:
CAPITAL GROUP PROPERTIES
259 TURNPIKE ROAD, SUITE 100
SOUTHBOROUGH, MA

OWNER:
MARLBOROUGH INDUSTRIAL, LLC
259 TURNPIKE ROAD, SUITE 100
SOUTHBOROUGH, MA

MAP 73, PARCELS 52 & MAP 86, PARCELS 18&19
CONNORSTONE
ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

REGISTERED PROFESSIONAL ENGINEER
LICENSED IN THE STATE OF MASSACHUSETTS
EXPIRATION DATE: 12/31/2021
PROJECT NO: 2021-001
DATE: 05/25/2021
DRAWN BY: JET CHECK BY: JT

PROPOSED LANDSCAPE PLAN
OF
USE AREA #18
AIRPORT BOULEVARD
IN
MARLBOROUGH, MA

REVISION DESCRIPTION
DATE: MAY 25, 2021
SCALE: 1"=20' SHEET 1 OF 1

CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: April 20, 2021

OPEN SESSION

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN 11 P 4:04

1. CALL TO ORDER: 10:02 a.m.
2. MEMBERS PRESENT: Ellen Silverstein (participating remotely), Jonathan Steinberg (participating remotely)

Also in attendance: Jonathan Frank, Regional Principal Assessor, Patricia Mespelli, Head Clerk, and John Burke, IT (monitoring virtual meeting)

3. MOTION TO ACCEPT: Minutes of the April 2, 2021, meeting
Mr. Steinberg; second Ms. Silverstein
Vote 2-0
4. APPROVE AND SIGN: MOTOR VEHICLE EXCISE TAX ABATEMENTS
Mr. Steinberg; second Ms. Silverstein
Vote 2-0
5. PUBLIC INPUT: (None)
6. EXECUTIVE SESSION: 10:05 a.m.
Motion to convene in Executive Session: Mr. Steinberg; second Ms. Silverstein
Vote 2-0

(Meeting adjourned directly from Executive Session)

MARLBOROUGH ASSESSORS

Ellen Silverstein
David Mayle

JUNE 9, 2021

Marlborough Public Library Board of Trustees

Meeting Minutes

May 4, 2021

Meeting Held at Walker Building and on Microsoft Teams

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CITY OF MARLBOROUGH

2021 JUN 17 A 8:39

Meeting called to order by Tom Abel at 7:01pm

Board Members Attending at the Walker Building: Tom Abel, Rustin Kyle, Bill Brewin, Fred Haas, Karen Bento, Robyn Ripley, Janice Merk, Nena Bloomquist

Board Member Attending on Microsoft Teams: Samantha Khosla

Also Attending: Margaret Cardello, Library Director; Marlborough high school students Ezra Rivera, Jordan Savitsky and Jacob Byron, and their parents.

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the April 6, 2021 meeting
3. Trust Fund/State Aid report for April 2021
4. Director's Report

Proceedings:

1. **Minutes:** *A motion (Haas/Ripley) to approve the minutes from the April 6, 2021 meeting was passed via a roll call vote.*
2. *A motion (Bloomquist/Ripley) to move the Scholarship Winner Presentations agenda item to the top of the agenda was passed via a roll call vote.* Three Marlborough students who are graduating from area high schools attended the meeting to formally be awarded the 2021 Trustees Scholarships. The board congratulated Ezra Rivera, Jordan Savitsky and Jacob Byron on their winning essays and wished them the best of luck in their future studies.
3. **Trust Fund Reports:** *A motion (Bloomquist/Brewin) to approve the trust fund reports for April 2021 was passed via a roll call vote.*
4. **Director's Report:**
 - Margaret updated the board on the following activities related to the library renovation and expansion project:
 - The move to the library's temporary location in the Walker Building began on April 12. Ted Scott, Assistant DPW Commissioner, was invaluable in determining the right locations for the 100,000+ piece collection based on the building's structural load capacities. The City's Facilities and IT departments were also involved in the move and have been extremely helpful and efficient.

- There are several items that have been on long term loan to the library that need to be returned to the original owners. Margaret is working on tracking down the owners. Bill Brewin and Karen Bento will assist her with two of the items.
- The architects, project managers and Margaret met with the Mayor on April 21 to review the project design. His feedback which will be incorporated into the plans.
- The project is expected to be put out to bid in May, and construction is expected to begin in towards the end of the summer.
- Margaret has been working on the plans to reopen the library to the public. In addition to ensuring the health and safety of patrons and staff, the plan needs to reflect some of the unique challenges of the physical space. For instance, much of the collection will be housed on the upper floor, which is not accessible to the public, so Pages are needed to continually retrieve requested items. In the public area, the collection is stored throughout multiple rooms so additional supervision will be needed.
- Teen Librarian Christine Amatrudo has resigned. Margaret praised her contributions during her tenure with the library in Teen programming and also taking the lead in other areas, including the library's social media activity.

5. Committee Reports:

- Marlborough Public Library Foundation:
 - MPLF Chair Nena Bloomquist informed the board that the Foundation's annual meeting would be held later in the month, with the final date TBD shortly. At that time, the Foundation will hold elections for officers. The new board will then chart the path forward with the Capital Campaign.
- Friends of the Marlborough Public Library:
 - The Friends group plans to remain inactive until the newly renovated library is opened, according to Margaret. They are planning to donate their remaining funds to the Foundation's Capital Campaign. Samantha Khosla requested a copy of the Friends' by-laws, which Margaret said she would provide.

6. Old Business:

- None.

7. New Business:

- None.

8. Adjournment: *A motion (Kyle/Haas) to adjourn was approved via roll call vote at 7:47pm.*

Minutes submitted by Janice Merk.

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MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

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 2021 JUN 16 P 2:43

May 10, 2021

Call to Order

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

1. Draft Meeting Minutes**A. April 5, 2021**

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the April 5, 2021 meeting minutes. Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried.

B. April 26, 2021

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the April 26, 2021 meeting minutes. Yea: Hodge, LaVenture, Russ, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried. Mr. Fay abstained from the vote.

2. Chair's Business**A. Referred from City Council, Order No. 21-1008266: Proposed Zoning Map Amendment, Section 650-8 – Land at 290 Hudson Street, Map 43, Parcel 38**

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

B. Referred from City Council, Order No. 21-1008274: Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects

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

City Councilor Kathleen Robey explained she believes City Councilor Mr. Irish would be presenting the Proposed Zoning Map Amendment, Section 650-8 – Land at 290 Hudson Street, and City Councilor Mr. Ossing or the Mayor Arthur Vigeant would be presenting the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects.

3. Approval Not Required

- | | |
|--|---|
| <p>A. Map 111 Parcel 1 – Applicant: BH GRP TCAM Owner, LLC
 Map 112 Parcel 10A – Applicant: IPG Photonics Corporation
 Surveyor: Bruce Saluk & Associates, Inc
 Recommendation letter from Engineering</p> | <p>Deed Reference: Book 70600, Page 451
 Deed Reference: Book 74877, Page 455</p> |
|--|---|

Mr. LaVenture read the May 3, 2021 letter from Assistant City Engineer Timothy Collins into record. The letter concludes, "Parcel A", as shown on the plan, contains 125,518 square feet, and "Parcel B", as shown on the plan, contains 122,668 square feet. The "land swap" would result in a change of area of 150 square feet (0.0034 acres). Both "Parcel A" and "Parcel B" do not have any frontage and it is correctly noted on the plan that these parcels "shall not be used as separate buildings lots, but only used together with adjacent lots having area and front age required by the Marlborough Zoning Code."

**MINUTES
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City Engineer Thomas DiPersio noted an error on the letter, the letter states:

- Map 111, Parcel 1, off Simarano Drive – owned by IPG Photonic Corporation, currently containing 12.34 acres.
- Map 112 Parcel 10A, off Campus Drive – owned by BH GRP TCAM Owner LLC, currently containing 97.28 acres.

Revised/Correct information is as follows:

- Map 111, Parcel 1, off Simarano Drive – owned by BH GRP TCAM Owner LLC, currently containing 97.28 acres.
- Map 112 Parcel 10A, off Campus Drive – owned by IPG Photonic Corporation, currently containing 12.34 acres.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the revised letter as indicated, and to endorse the plan. Yea: Hodge, LaVenture, Russ, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried. Mr. Fay abstained from the vote.

4. **Public Hearings (None)**
5. **Subdivision Progress Reports (None)**
6. **Preliminary/Open Space /Limited Development Subdivision (None)**
7. **Definitive Subdivision Submissions (None)**

8. Signs

- A. Sign Variance Application 191-237 Boston Post Road West, Marlborough, MA 01752
Representative: Michael Brangwynne, Fletcher Tilton PC – Continued from April 5, 2021
Correspondence from Mr. Brangwynne – Request to continue to June 7, 2021

Mr. LaVenture read the May 5, 2021 letter from Mr. Brangwynne into record.

The letter states, "RK Associates-Marlboro, Inc. requests a continuance of its Petition for Sign Variance at 191-237 Boston Post Road West to the Planning Board's June 7, 2021 hearing. Thank you for your attention on this matter."

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept, file, and put on the agenda for the June 7, 2021 Planning Board meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

Mr. Fay discussed his concerns regarding the current sign violations and code enforcement within the City. Councilor Ms. Robey assured the Board that Code Enforcement and the Mayor's office are working on many aspects of signage and code violations within the City. The Board decided to invite the Code Enforcement Officer to a future Planning Board meeting for further discussion and clarification.

**MINUTES
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9. Correspondence

- A. Request for Lot Release: 70 Robert Road, Marlborough, MA 01752
Release of Lot(s) Form – for Signature

Mr. LaVenture read the May 9, 2021 letter from Assistant City Engineer Timothy Collins into record.

The letter states, "Our office received a request from Pino Law Offices, regarding the release of a Covenant for Hayes Estates, specifically for #70 Robert Road. I have reviewed the subdivision file and offer the following:

- The Definitive Subdivision Plan contains registered land and unregistered land.
- The document attached to the original inquiry is related to registered land - LC Lot 15 (a portion of Lot 7 - #70 Robert Road). Specifically, the recorded Covenant - the attorney is looking for a Lot Releases from the Covenant.
- I have attached a copy of the Land Court Plan [LC Plan 6759G.pdf] and portions of the Definitive Subdivision Plan [Def. Subdivision Plan No 1576 of 1987.pdf] showing the Land Court sections (highlighted) of the Definitive Subdivision Lots.
- I could find no record of a Covenant having been recorded at the South Middlesex Registry of Deeds, other than for the Land Court section shown in the original attachment.
- The roadways were completed and became Public Ways on May 22, 2006 - Council Order 06100-1069A

I have drafted a Lot Release, which has been reviewed and approved as to form by the Legal Department, for your consideration."

City Engineer Mr. DiPersio explained the Lot releases on this subdivision didn't get formally recorded. This Lot involved both Land Court and Non-registered Land. He explained the Attorney was working on a conveyance for this Lot and found a covenant for the Land Court side, but it was missing the Lot Release for that covenant. Mr. DiPersio believes the Attorney did not find anything on the unregistered side. The Attorney requested the Planning Board to sign a release from the covenant for this Lot, so he can close out the title, and make sure his client on the conveyance has a clean title.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept, file and to allow the Chairperson to sign the document. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

10. Unfinished Business

- A. Working Group Discussion – Planning Board Rules and Regulations Continued

Mr. LaVenture thanked everyone for their time at the last meeting as the Planning Board presented the proposed changes to date as a complete document. He acknowledged the continued support of the Engineering and Legal Departments. Assistant City Solicitor Jason Piques is continuing to review other municipality's procedures and documents for comparison with the Planning Boards. In this meeting the Planning Board has a flowchart constructed by Assistant City Engineer Timothy Collins. As the Planning Board continues to discuss language to complete the proposed changes to A676-10 H and I, surety adjustment and release of performance guarantee, Mr. Collins fashioned the chart to guide the Planning Boards discussion.

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Mr. LaVenture provided an update explaining City Engineer Mr. DiPersio was the Planning Boards point person to receive responses or requests for meeting by the Mayor, City Council, Department Heads, and other interested parties. Both Mr. DiPersio and City Solicitor Mr. Piques indicated there had been no response to date. Responses were requested by May 5, 2021. He reminded the board this is budget season so, if there are any, they might be delayed a bit.

Mr. LaVenture explained City Solicitor Mr. Piques was the Planning Boards point person reaching out to MEDC/MAPC. Other than an initial email indicating the unlikelihood of a response by MAPC prior to this meeting, the Planning Board hadn't heard anything back yet.

Councilor Ms. Robey expressed her concerns regarding the request for comments and questioned if the Planning Boards Rules and Regulations would go to City Council as a zoning amendment. Mr. LaVenture explained based on his understanding from Legal, the Planning Board has the final deciding authority to implement the proposed changes. Councilor Ms. Robey concluded she would check in with Legal and encourage the councilors to read the minutes, and to provide questions or comments.

Dr. Fenby and Mr. LaVenture decided they would follow up with MEDC/MAPC.
Mr. LaVenture said he plans to keep everyone posted.

Mr. LaVenture reminded the Planning Board, should anyone have plans to, or think they might, miss a scheduled Planning Board meeting between now and completion of the public hearing please let Dr. Fenby know as soon as possible.

Mr. LaVenture explained the Working Group is working with Engineering and Legal on document templates for use such as Certificates of Vote, Covenants, and others. These will be presented after the public hearing on the Rules, likely in the Fall. They would not require a public hearing.

Mr. LaVenture reviewed and went over the flow chart displayed on the following page.

Mr. LaVenture reminded the Board that the H ¼ language, getting the deeds for right-of-way, and easement granted to the city upfront, had been approved by City Solicitor Mr. Piques.

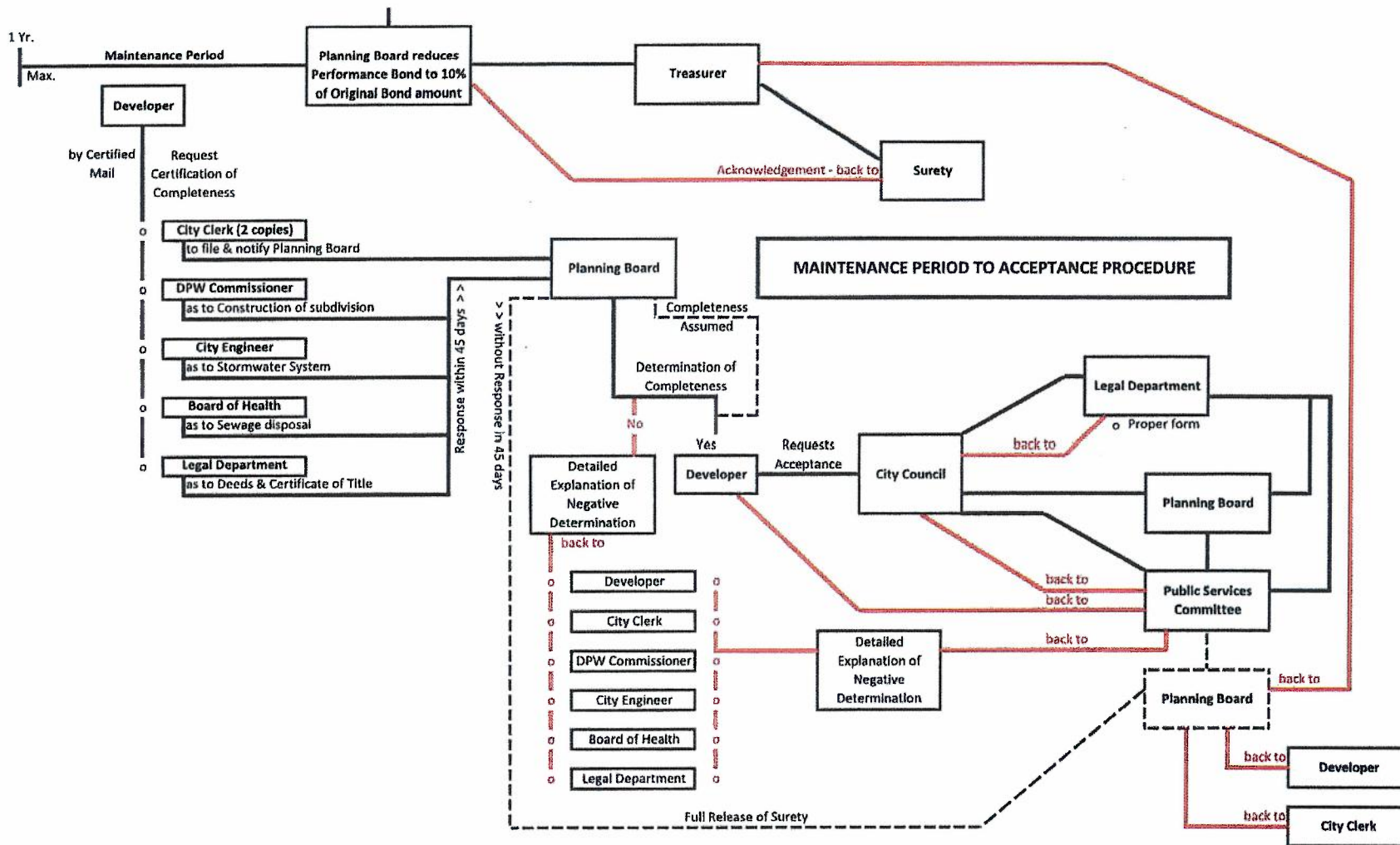
Mr. LaVenture explained in the past the Board has had issues with developers who didn't want to initiate the street acceptance process, leaving it to the Planning Board or the City Council. City Solicitor Mr. Piques has done research and determined that several Massachusetts Municipalities leave it to the developers to initiate this process.

Mr. LaVenture asked the Board if they had any questions or comments regarding the flow chart.

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20-9

10 A



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11. Calendar Updates (None)

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

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. LaVenture', written over the printed name.

George LaVenture/Clerk

/kmm

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MARLBOROUGH, MA 01752**

1B

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2021 JUN 16 P 2:43
May 24, 2021

Call to Order

The remote meeting of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matthew Elder, Phil Hodge, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members absent – Sean Fay.

1. Draft Meeting Minutes**A. May 10, 2021**

Mr. LaVenture asked the Board to table consideration of the draft minutes to the next meeting set for June 7, 2021. Dr. Fenby tabled.

2. Chair's Business**A. Referred from City Council: Proposed Zoning Amendment to Zoning Code, Chapter 650 by adding a new section to create the "Commercial Village Overlay District"**

- June 21, 2021, 7:00 pm was selected for the Planning Board's public hearing on the proposed zoning amendment.

3. Approval Not Required**A. 285 and 297 Concord Road – Applicant Estate of Paul D. May & Joseph F. and Sandra M. May**

Deed Reference: Book 19501 Page: 343

Deed Reference: Book 40720 Page: 293

Deed Reference: Book 30947 Page: 443

Surveyor: Hancock Associates (315 Elm Street, Marlborough, MA 01752)

Dan Bremser, Senior Project Manager of Hancock Associates spoke on behalf of his client Joseph May. Mr. Bremser explained Joseph and Sandra May live at 297 Concord Road, and Paul May lived at 285 Concord Road. The main purpose of this ANR is to reconfigure the 285 and 297 Lot lines. This reconfiguration would create a proposed "Parcel A".

Mr. Russ and City Engineer Thomas DiPersio discussed concerns on the wording of a note on the Plan. Mr. DiPersio assured the Board that Engineering would review the language during their review process.

Mr. Bremser explained this ANR plan would result in the descriptions below:

Proposed Lot 3:	Area: 25,616 S.F.	Frontage: 151 ft
Proposed Lot 1:	Area: 38,076 S.F.	Frontage: 154 ft
Proposed Parcel A:	Area: 44,806 S.F.	Frontage: 71.56 ft - Does not meet requirement (not a buildable Lot)

On a Motion by Mr. LaVenture to refer to Engineering, seconded by Mr. Russ. Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

4. Public Hearings (None)**5. Subdivision Progress Reports (None)****6. Preliminary/Open Space/Limited Development Subdivision (None)**

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7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group Discussion – Planning Board Rules and Regulations

Mr. LaVenture acknowledged the support from the Engineering and Legal Departments. Specifically Assistant City Engineer Timothy Collins, City Solicitor Jason Piques, City Engineering Thomas DiPersio, and Mr. Russ. All have contributed and continue to contribute tremendously to the Working Group's efforts.

Mr. LaVenture explained on display for the Board are a few pages from the full set of Rules and Regulations with proposed changes. The pages cover A676-10 H & I. Mr. LaVenture provided a description, Per A676-10 (G) an applicant may provide construction and services installation performance guarantees by one, or in part by one and in part by the other, of bonds or surety or covenant. (H) speaks to adjustment of any bond or surety that has been used to guarantee performance. (I) address the release of any performance guarantee after successfully completing construction and services installation.

Mr. LaVenture went over the proposed changes within the document displayed on the next four pages.

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

H. Adjustment of bond ~~or~~ surety. If the value of the work having been completed for construction of the subdivision is equal to or greater than 10% of the surety being held to complete the subdivision, the Developer may request that the ~~The~~ penal sum of any such bond or the amount of any deposit held under Subsection G(1) above may from time to time be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part to a minimum of 10% of the total costs to complete the required improvements specified in Article V. This 10% shall be held by the City for one year after completion of construction and installation of services or until the streets are accepted by the City, whichever comes first. See Appendix K and Form H for fee structure and application form.

Mr. Hodge addressed concerns on the placement of language, potentially resulting in confusion. Mr. LaVenture decided to review the placement of language at the next Working Group meeting.

Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G(~~1~~) above may be increased by the Planning Board.

Any reduction ~~of~~ ~~or~~ increase hereunder shall be authorized pursuant to a recalculation to be done by the DPW's Engineering Division, of the amount then remaining in the applicable bond or deposit, said recalculation to be done on an annual basis for the costs of the work within a subdivision remaining to be completed. Said costs shall be the costs necessary to complete the required improvements as determined by the ~~DPE's~~ DPW - Engineering Division at the time of each such recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should change, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.
(~~amended 5-1-15~~)

- H¼ Deeding of developer's legal interests to City. Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the ~~Cety~~ City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City. (~~amended 5-1-15~~)

- H½. Required remedial action after lapse of time. If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has ~~scheduled to pave~~ installed the top course., the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division, including but not limited to patching and crack sealing the pavement, or in more acute situations, reclaiming ~~and~~ re reconstructing the subdivision road. The cost of any such remedial action would be added to the annual recalculation, to be done by the DPW's

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Engineering Division pursuant to §A676- 10.0. If a developer fails to take remedial action required by the Board, the Board is authorized to rescind or modify the definitive subdivision approval. ~~(amended 5-1-15)~~

I. Release of performance guarantee upon completion of construction.

- (1) Upon the completion of all improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail, two copies to the City Clerk and one copy each to the DPW Commissioner, the City Engineer, the Board of Health, and the City Solicitor, a written statement in duplicate that the said construction ~~or~~ and installation of services in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Article V, ~~such~~ Such statement ~~to~~ must contain the address of the applicant, ~~and~~ the City Clerk shall forthwith furnish a copy of said statement to the Planning Board.

Within 15 days of receipt of such statement, the following shall respond regarding compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan and may also recommend the termination of the Maintenance Period:

- Ø) The Commissioner of Public Works shall respond as to the construction of all ways, the installation of water, sewer, drainage utilities, and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and lot drainage, and planting and whether the condition of the subdivision road(s) and subdivision infrastructure are acceptable.
- Ø) The City Engineer shall respond as to the construction of the Stormwater Management facilities.
- Ø) The Board of Health shall respond as to the installation of sewage disposal facilities, if applicable.
- Ø) The City Solicitor shall respond as to receipt of executed deeds for the roadway layout and municipal easements and as to the Developer's Certificate of Title.

(2) 2) After receiving favorable written statements of compliance from the DPW Commissioner, the City Engineer, the Board of Health and the City Solicitor, and, if the Planning Board determines that said construction and installation of services has been satisfactorily completed and the Maintenance Period may be terminated, it shall notify the:

- Ø) Developer that they should petition the City Council for Acceptance of the streets and the associated municipal easements.
- Ø) City Council, when requested, regarding its recommendation for Acceptance of the subdivision streets and the associated municipal easements including in such recommendation the expiration date of the developer's responsibility for maintenance of said way or portion thereof and that said way should be laid out as a public way with its maintenance the responsibility of the City.
- Ø) City Treasurer, Surety, the Developer, and the City Clerk~~If the Planning Board determines that said construction or installation has been completed, it shall notify the City Treasurer~~ in writing that it releases the interest of the City in such bond or deposit and that such bond or

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deposit shall be returned to the person or persons who furnished the same, or in the case of covenant, it shall issue a written release of the covenant suitable for recording.

~~However, 10% of the total costs to complete the required improvements specified in Article V shall be held by the City for one year after completion of construction or until the streets are accepted by the City, whichever comes first. The total costs shall be those costs necessary to complete the required improvements at the time release is applied for.~~

- (2) ~~Release of performance guarantee. The Planning Board shall request the Commissioner of Public Works, approximately 60 days before the expiration of the year, to make an inspection of said street or way or portion thereof to determine whether or not defects have developed therein, and to make his recommendation to the Board as to whether or not it should recommend same to the City Council for the laying out of said street or way or portion thereof as a public way. Such recommendation may be in the affirmative if the Commissioner has determined that:~~
- ~~a) the subdivision road(s) and subdivision infrastructure were built in full compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan; and~~
 - ~~b) the condition of the subdivision road(s) and subdivision infrastructure was acceptable at the end of the one year maintenance period.~~

~~If the recommendation is in the affirmative, the Board shall so recommend to the City Council forthwith, including in such recommendation, notification that the year for which the developer is responsible for the maintenance of said way or portion thereof will expire on a certain date and said way should be laid out as a public way and the maintenance of same to become the responsibility of the City. (amended 5-1-15)~~

- (3) ~~Upon the expiration of the year for which the developer is responsible for maintenance of said way, and said developer has complied with all the requirements of the Planning Board Rules and Regulations in accordance with an inspection report of said way from the Commissioner of Public Works, and the Board has recommended to the City Council that said way should be laid out as a public way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the developer.~~
- (4) ~~Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval or 15 days shall elapse after the request for said approval without action:~~
- ~~(a) From the Commissioner of Public Works as to construction of all ways and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and drainage, and planting and seeding.~~
 - ~~(b) From the Board of Health as to the installation of sewage disposal facilities, if applicable, and adequate lot drainage.~~
 - ~~(c) From the Commissioner of Public Works as to construction and installation of water and sewer facilities.~~
- (53) If the Planning Board determines that said construction or and installation of services has not been completed, or does not receive the above written statements of approval, compliance recommending approval, or the deeds for all land and easements required have not been given to

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the City, it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained under Article V within these Rules and Regulations.

(4) In the event~~Upon failure of~~ the Planning Board does not make a determination regarding the status of construction and installation of service to act on such application within 45 days after the receipt of the application by the City Clerk of the applicant's written statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- J. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant.
 - (1) The Planning Board may agree to an extension of the minimum time normally required for action following submission of a definitive plan and action thereon, upon the written request of the applicant.
 - (2) Approval of the definitive plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.
- K. Decision. After the public hearing, the Board in due course will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:
 - (1) Completeness and technical adequacy of all submissions;
 - (2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation;
 - (3) Conformity with the requirements of Article IV;
 - (4) Determination and selection of preferred plan, based upon alternatives presented in the comprehensive impact analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for;

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With no questions from the Board, Mr. LaVenture discussed street acceptance.

With no language to display Mr. LaVenture provided a high-level briefing of what the Working Group has been discussing. He explained their goal is two-fold, keeping an applicant engaged in the street acceptance process and protect the city in the rare event that a developer should, for whatever reason, be unavailable. Based on review of model subdivision regulations developed by the Pioneer Valley Planning Commission supporting Agawam, Belchertown, Easthampton, Ludlow, South Hadley, and Ware, and discussions Assistant City Solicitor Mr. Piques has had with the town of Taunton planners, the Working Group is discussing adding a new section L to A676-10 called Street Acceptance.

Mr. LaVenture explained the idea is to accomplish the following:

- require a Street Acceptance Deposit in the form of bonds/cash/securities or a buildable lot as part of the initial Definitive Plan submission [however it could be done prior to endorsement if that makes more sense].
- require the developer petition the City Council to accept the ways as public,
- require the Planning Board respond to the Council's request for its' recommendation, and
- require the developer to then request the release of their deposit to start that process

This will help protect the City in the event a developer should fail/fold or walk away from a project without conveying the land and easements required under A676-10 H-1/4.

Mr. LaVenture clarified the bond and covenant described below are separate from the performance guarantee sections of G, H and I, which are solely to ensure that the construction and the installation of services have been adequately and satisfactorily completed. Once that has been determined those bonds and covenants are released.

1. 100% Bond/cash or security deposit

The applicant would be required to submit a Street Acceptance Deposit of some amount tied to the value of a buildable lot in cash with their Definitive Plan submission.

Since all subdivisions are different, the Working Group is considering setting a minimum deposit amount but allowing the Planning Board to raise it depending on the circumstance.

2. 100% Covenant (Presumably called Supplemental Covenant)

Here the Planning Board would stipulate that one buildable lot will be held as the Street Acceptance Deposit.

3. Combination of Bond and Covenant

Requirements would be worked out on a case by case basis. This is an unlikely method.

Release of the deposit or last remaining buildable lot would occur after the applicant has petitioned the City Council for street acceptance, the Planning Board has responded to a City Council request regarding street acceptance, and the applicant has petitioned, in writing, the Board for release of the deposit or buildable lot.

With no questions from the Board, Mr. LaVenture provided an update, as of the last Working Group meeting on the 19th, the City Engineer Mr. DiPersio hadn't received feedback from any of the city departments regarding the proposed changes. Mr. LaVenture said City Solicitor Mr. Piques indicated he had briefly communicated with Meredith Harris at MEDC and that there is no timeline for a MAPC response yet.

The Board set a tentative date of September 13, 2021, for their public hearing to present the proposed changes to the Planning Board's Rules and Regulations.

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11. Calendar Updates (None)

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

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

Respectfully submitted,


George LaVenture/Clerk

/kmm

**City of Marlborough
Zoning Board of Appeals
Minutes
May 18, 2021**

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2021 JUN 10 P 3:00

Location: 880 Donald Lynch Blvd.

Zoning Board Case # 1473-2021

Applicant: Todd Wilson, 63 Atlantic Ave. Boston, MA 02110

Owner: Devki, LLC, 800 Donald Lunch Blvd., Marlborough, MA

Representative: Gareth Orsmond, of Pierce Atwood LLP, 100 Summer Street, Boston, MA 02110

Date of Appeal: January 19, 2021

Meeting Date: March 23, 2021, continuation dates of April 13, 2021 (received an Extension of Time) and May 18, 2021.

Zoning relief requested: To appeal the Building Commissioner's denial letter, dated December 21, 2020 to construct/add kitchenettes in each unit of the hotel at 880 Donald Lynch Blvd. Map 50, Parcel 4B of the Assessor's Maps. Chapter 650-58. Located in a Limited Industrial Zone (LI).

Roll call of members present in Memorial Hall: Ralph Loftin-Chairman, Paul Giunta, Robert Levine, Thomas Pope and Thomas Golden. Also present was Susan Brown-secretary.
Appearing virtually: Jason Piques-Assistant City Solicitor and Patrick Dahlgren-Assistant Building Commissioner.

The property in question is located in a Limited Industrial Zoning District, being Map 50 Parcel 4B, also known as 880 Donald Lynch Blvd.

Gareth Orsmond, the applicant's representative, stated he has filed with the City Council to modify their existing Special Permit issued in 1986. The modification is to construct/add kitchenettes in each of the units of the hotel.

Mr. Orsmond also filed with the Zoning Board of Appeals in order to preserve his client's right to appeal, in case they do not receive the requested modification of their existing Special Permit. They will withdraw their application before the Zoning Board of Appeals if they receive their modification.

There were a couple of continuation dates of the public hearing. At the May 18, 2021 meeting Mr. Orsmond sent a letter date April 29, 2021 requesting to withdraw their petition before the Zoning Board of Appeals, as the city council issued the Special Permit modification required by

the Building Commissioner, and the statutory deadline for anyone to appeal this Special Permit modification expired on April 27, 2021. (letter read into the file)

A motion was made by Paul Giunta to accept the applicant's withdrawal of their application, seconded by Thomas Golden. A roll call vote of 5-0 with all yeas to accept the applicant's request to **withdraw** their application.

A motion was made by Robert Levine to close the public hearing, seconded by Thomas Golden. A roll call vote of 5-0 with all yeas to close the public hearing.

Decision

The Board voted 5-0 to allow the applicant to withdraw their application before the Zoning Board of Appeals.

Location: **175 Lakeside Ave, Map 80 Parcel 8, Zoning District Business**

Zoning Board Case # 1478-2021

Applicant: St. Mary Thomas LLC, 8 Wixtead Ct., Douglas, MA 01516
Representative: Mina Makarios of Anderson & Kreiger, LLC
Date of Appeal: April 2, 2021
Meeting Date: May 18, 2021

Zoning relief requested: To reverse the decision of the Building Commissioner denying a commercial building permit to rebuild a gas station which was destroyed by fire at 175 Lakeside Ave based on his determination that the lawful nonconforming use had been abandoned or not-used for over two years. M.G.L. c. 40A, § 15, and Marlborough City Ordinances Chapter 650-12(B)(1), Chapter 650-24(E)(2)(d)

Roll call of members present in Memorial Hall: Ralph Loftin-Chairman, Paul Giunta, Robert Levine, Thomas Pope and Thomas Golden. Also present was Susan Brown-secretary.

Appearing virtually: Jason Piques - Assistant City Solicitor, Patrick Dahlgren - Assistant Building Commissioner, and Priscilla Ryder – Conservation Officer

Applicant's representative appearing virtually was their representative: Mina Makarios of Anderson & Kreiger LLC, 50 Milk St. 21st Floor, Boston, MA 02109

Documents Submitted by applicant in this Appeal:

- Application with filing fee, narrative and plans

- Denial letter dated March 3, 2021 RE: Construction Permit Application, 175 Lakeside Ave. Marlborough, MA BP-2021-000234

The property in question is located at 175 Lakeside Avenue (the “Property”), Map 80, Parcel 8. The property is located in the Business Zoning District. On the site is a commercial motor vehicle station and automotive repair garage which has suffered some damage by fire.

The property is located within the Business zoning district. The property is also located within the Zone A of the City’s Water Supply Protection District, being within 400 feet of Lake Williams.

The property abuts a Dunkin Donuts to the West and a business to the East of the property. Towards the rear the property abuts residential homes located in Zoning District A-3.

St. Mary Thomas, LLC (the applicant) is appealing the denial of a commercial building permit to rebuild the property. Their representative is Mina Makarious of Anderson & Kreiger, LLC.

Between 1969 and 2019, the property has been used as a gas station. In 1996 the City amended its zoning ordinance making motor vehicle service stations and automotive repair garages a prohibited use within Zone A.

The applicant has owned the property since 2015.

The property was partially destroyed by fire on January 24, 2019.

The Building Department issued a decision denying a commercial building permit to rebuild a gas station on March 3, 2021, stating in part: “The business has not been opened to serve any fuel or make any automotive repairs in the 2 years since that [the date of the fire] and there has been no attempt to legally make any improvements to restore the site.” A plot plan was provided with their packet entitled: Plot Plan located at 175 Lakeside Ave., dated 6/5/2017 Prepared by: Alpha Omega Engineering, Inc. The applicant also provided plans to show the exterior and main level of the property.

According to Mina Makarious’s narrative dated April 2, 2021:

- a. The applicant began working on rebuilding the site 2 days after the fire.
- b. The applicant has been working diligently to reconstruct the gas station and thus to begin using the property. Due to Covid 19 it was difficult to find contractors to do the work. There were also delays in obtaining permits due to backlogs within the Building Department during the pandemic.
- c. The most recent request from the applicant was for a Building Permit, exactly 2 weeks past the two-year anniversary of the fire.
- d. The Building Department denied the application for a building permit citing Chapter 650-12(B)(1) that the property had been abandoned and not used for over two years since the fire.
- e. Abandonment of use requires both an intent to abandon and voluntary conduct to carry the implication of abandonment.

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- f. Since the fire on Jan. 24, 2019, the applicant has been continuing efforts to rebuild and there is no intention to abandon. The effort to complete the reconstruction was largely out of the applicant's control, due to difficulties in securing contractors.
- g. The use is still lawfully non-conforming because although it is located within the city's Water Supply Protection District, it has not been abandoned or not used for two years, and therefore had not lost its protected status.
- h. The two-year deadline to restore or rebuild the nonconforming use without City Council approval under Chapter 650-12(B)(3)(b) had been tolled. At the outset of the pandemic, the Legislature tolled any "permit in effect or existence as of March 10, 2020 ... during the state of emergency."
- i. To have the site remain as a gas station will not cause any harm to the public good.
- j. This is a small family business; it would be a financial burden if they cannot re-open as a gas station.
- k. The applicant made attempts to rebuild, not directly with the building department, but through their contractors to obtain the proper permits.

Board Members, Paul Giunta and Thomas Golden asked about the condition of the underground tanks, whether the tanks are up to code and if the property is contaminated in any way. Answer: Applicant's attorney stated he was not aware of any issues with the tanks. Board member, Ralph Loftin stated that the issue before the Board this evening is to vote whether to uphold or overturn the Building Commissioner's denial letter.

Board Member, Paul Giunta, stated that until an investigation of the tanks and the site is done, he would have to vote to uphold the Building Commissioner's denial letter.

There was an e-mail dated May 17, 2021 from Whitney Shaw, 169 Lakeside Ave regarding not wanting a 24-hr. business in this location, requesting a survey of the property, and fencing. (this was read into the file) There was no one speaking in favor of or in opposition to the petition.

Patrick Dahlgren, Assistant Building Commissioner, stated the following:

- In accordance with his denial letter dated March 3, 2021, after the fire on Jan. 24, 2019 the property has not been used since that time. The business has not been opened to serve any fuel or make any automotive repairs in the last 2 years since that time and there has been no attempt to legally make any improvements to restore the site.
- Citing Chapter 650-24E(2)(d): Motor vehicle service station; automotive repair garages are prohibited in Zone A of the Water Supply Protection District.
- Citing Chapter 650-12(B)(1): Any nonconforming use or structure which has been abandoned or not used for a period of two years or more shall lose its protected status and be subject to this chapter.
- The Code Enforcement Officer issued the applicant a letter dated Jan. 30, 2019 stating that the Building Dept. will need to receive a monthly report on the progress of property following the fire. To date, the Building Dept. has not received any correspondence in the form of a monthly report. According to Chapter 485-17 Reporting Obligations – stating in part: "after a fire, a monthly report has to be

submitted to the Building Dept. with an update on the progress of the site.” No such report was given to the Building Dept. during the last 2 years.

- There were several code enforcement violations with fines for blight and working without a building permit

A motion was made by Paul Giunta and seconded by Robert Levine to close the public hearing. A roll call vote of 5-0 with all yeas, to close the public hearing.

Board Member, Robert Levine, stated that from the testimony of their attorney there appears to be all kinds of activity on the site since the fire. It appears an electrical permit was pulled back in June 17, 2020. He also stated there are difficulties in hiring contractor's even for a single-family home.

Board Member, Ralph Loftin, also felt that activity on the site has been on-going.

Jason Piques, Assistant City Solicitor, appeared virtually. He stated that he is aware the public hearing is closed. The issue before the Board this evening is to uphold or reverse the Building Commissioner's decision to deny the application for a building permit. The Board is not being asked to address other issues concerning the gas station at this meeting.

Board Member, Paul Giunta, agreed that his statements this evening about the condition of the tanks and soil do not relate to the issue before the Board this evening. Maybe at another time, the site may come back before the Board, then the Board will be able to add conditions.

Board Member, Paul Giunta made a motion to uphold the Building Commissioner's denial letter dated March 3, 2021. No second was made; the motion did not carry.

A motion was made by Robert Levine, seconded by Thomas Golden, to reverse the Building Commissioner's decision to deny the application for a building permit dated March 3, 2021. A roll call vote was taken with Robert Levine, Thomas Pope, Thomas Golden and Ralph Loftin voting to overturn the Building Commissioner's denial letter; Paul Giunta voting not to overturn the Building Commissioner's letter. Vote was 4-1 to overturn the Building Commissioner's denial letter dated March 3, 2021.

Findings

The Board makes the following findings:

1. The Board credits testimony that the Applicant made some efforts to hire a company to remediate the site 2 days after the fire.
2. The Board credits testimony that the Applicant, through its roofing contractor, applied for a building permit to reconstruct the roof of the service station on June 22, 2020 and completed work in January 2021.

3. The Board credits testimony that the Applicant, through an electrician applied for an electrical permit on June 17, 2020.
4. The Board did not find sufficient evidence indicating the applicant intended to abandon its nonconforming use at the site.
5. The Board did not find sufficient evidence that the property had been “not used” for a period of two years.
6. The Board makes no finding regarding any required approval by the City Council to restore or rebuilt a non-conforming use under Marlborough Zoning Ordinance 650-12(B)(3)(b). This matter was not a basis for denial by the building commissioner and is not within the purview of the Board.

Decision

By a roll call vote with all yeas were Robert Levine, Thomas Golden, Thomas Pope and Ralph Loftin voting to reverse the Building Commissioner’s decision to deny the application for a building permit dated March 3, 2021; Paul Giunta voting not to reverse.

Vote is 4-1 to reverse the Building Commissioner’s decision to deny the application for a building permit dated March 3, 2021.

Location: 74 Main Street (2 South Bolton St. the parcel in question)

Zoning Board Case # 1477-2021

Applicant: Johannah Realty Management Co. Inc.
 Representative: Atty. Brian Falk of Mirick O’Connell, 100 Front St. Worcester, MA 01608
 Date of Appeal: March 30, 2021
 Meeting Date: May 18, 2021

Relief requested: Pursuant to G.L. c. 40A § 10 and § 15, To approve a variance exempting the subject parcel from required minimum lot area of 5,000 square feet as required in the Marlborough Village Zoning District.

Roll call of members present in Memorial Hall: Ralph Loftin-Chairman, Paul Giunta, Robert Levine, Thomas Pope and Thomas Golden. Also present was Susan Brown-secretary.

Appearing virtually were:

- Jason Piques - Assistant City Solicitor;
- Patrick Dahlgren - Assistant Building Commissioner;
- Attorney Brian Falk on behalf of prospective buyer Johannah Realty Management Co., Inc.
- Attorney Thomas Farrey of Burns & Farrey located in Worcester, MA; and

- Attorney Sem Aykanian, as Seller and as Trustee of John Cotting Realty Trust.

Documents submitted by applicant in support of this Appeal:

- Application with filing fee, narrative and plans

Plans entitled:

- Plan of Land in Marlborough, MA Dated March 1, 1985; Approval under the Subdivision Control Law Not Required (ANR), signed and dated by the Planning Board.
- Plan entitled Plot Plan #2 South Bolton St., dated Feb. 21, 2021, prepared by Bruce Saluk & Associates, Inc.

Atty. Falk gave a brief history of 2 South Bolton St. (the Property):

Map 70, Parcel 218 contains 74 Main St. and 2 South Bolton St. according the city's assessor's maps. Applicant is seeking a dimensional variance to have the building on 2 South Bolton St. be considered a stand-alone building on its own separate lot. 2 South Bolton St. is recorded as a separate lot at the Registry of Deeds but is not a separate lot for zoning purposes.

There was a taking of land to realign South Bolton St. which altered the Property where the building at 2 South Bolton St. is currently located. 2 South Bolton St. (parcel 22B) was a left-over parcel containing approximately 3,675 square feet owned by the Marlborough Community Development Authority (CDA). The CDA conveyed as a vacant parcel in 1985 to Richard Wagner, Jr., former owner of 74 Main Street including a deed restriction stating "Parcel 22B shall be used to erect an accessory building or addition and 22B cannot be transferred as single parcel. Shortly after, the accessory office building was constructed. Said restriction has been released. (A copy of the Release of Restriction is in Board's file.)

Sem Aykanian, Trustee, purchased 74 Main St. on or about December 1, 1987. 2 South Bolton St. has merged with 74 Main St. for zoning purposes creating two structures on one lot. Map 70 Parcel 218. According to the ANR plan dated 3/18/1985, 2 South Bolton St. (aka as Parcel 22B containing 3,675 sq. ft.) is shown as a separate lot. The separation of 2 South Bolton St. from 74 Main St. would re-establish the property's boundaries as shown on the Original ANR Plan.

Johannah Realty Management Co., Inc. is under agreement to purchase 2 South Bolton St. as a separate lot. It is the intention of the applicant to use the site as the new location of their law firm, Burns and Farrey. They plan on having 20 employees.

To be treated as a separate lot with 3,675 sq. ft. in area vs. the required 5,000 sq. ft. requires a variance thru the Zoning Board of Appeals. The Property will conform to all other zoning requirements of the Marlborough Village District.

The re-introduction of the lot line as shown on the Original ANR plan would have zero impact on the neighborhood.

The applicant stated there will be a parking easement from 74 Main St. which will be recorded on their deed.

The deed shows two separate lots. The building at 2 South Bolton St. was built so close to the lot line because it was one large lot with an imaginary lot line between the structures.

A literal enforcement of the Zoning Ordinance with respect to lot area would present a substantial financial hardship in that the Property could never be sold separate from 74 Main St., thus depriving the owner of 74 Main St. of significant value. Without the requested variance, there would be less incentive to invest in 2 South Bolton St. if the building remains as a commercial rental property rather than being owner-occupied.

Granting a variance from the lot area requirement of the Zoning Ordinance to accommodate the lot separation would not cause a substantial detriment to the public good or a substantial derogation from the intent and purpose of the Zoning ordinance.

Thomas Farrey of the law firm Burns & Farrey stated he would like to purchase 2 South Bolton St. for the headquarters of a law firm which will be operated by his son. The exterior of the building will remain the same; only interior renovations are being proposed.

Board Member Ralph Loftin asked if the existing property line to the south of the property can be moved by acquiring land from CDA? Answer: No, CDA is not selling any land.

Mr. Loftin had concerns of creating undersized lots which may set a precedent in this Marlborough Village District (MV). Attorney Brian Falk replied it was his belief it would not set a precedent, because no other lots in this area have the same issues.

Board Member Robert Levine asked about the setback requirements for the Marlborough Village District. This appears to be a self-imposed hardship. Attorney Brian Falk replied it was his belief that these are two separate lots as shown on the ANR plan and that for zoning purposes, it is allowed to have two structures on one commercial lot, being Map 70 Parcel 218.

Attorney Sem Aykanian appeared virtually. He stated that originally, he thought he did not need permission to separate 2 South Bolton St. from 74 Main St. He thought it was a pre-existing non-conforming lot, but that is not the case. He went through the Mayor's office and the CDA to acquire a "Release of Restriction" imposed by the CDA. He is seeking the variance so that title can be clarified for the prospective buyers of the Property.

Jason Piques, Assistant City Solicitor stated that since the Release of Restriction has been lifted, the applicant would like to sell 2 South Bolton St. as a separate lot. He explained that the previously existing two lots merged under common ownership. The owner was allowed to build an accessory structure because the parcel was one large lot (this became 2 South Bolton St.) That is why 2 South Bolton St. was built so close to the lot line, because this was one single lot. He further noted that variances should be granted sparingly. Hardships, if any, should arise due to shape, soil, and topography of the lot.

Patrick Dahlgren, Assistant Building Inspector, attended virtually. He asked about the total area of Map 70, Parcel 218. Neither the applicant, nor the seller were aware of the total square footage of the merged lot.

Three letters of support from the following were read into the file:

- The Vin Bin dated May 5, 2021
- Rowe Law Office dated April 23, 2021
- Firehouse Management dated April 27, 2021

There was no one present virtually to speak in favor or in opposition to the petition.

Board Member Thomas Pope made a motion to close the public hearing, seconded by Thomas Golden. A roll call vote 5-0 with all yeas to close the public hearing.

Findings

The Board makes the following findings:

1. The subject property is located in the Marlborough Village District (MV) being Map 70 Parcel 215 of the Assessor's Map, also known as 2 South Bolton St. (the Property).
2. The subject property is a corner lot having two front setbacks and two side setbacks.
3. 2 South Bolton St. has been in existence since at least 1985.
4. Thru testimony by the applicant, 2 South Bolton St. may have been constructed as an accessory structure to 74 Main St. That is why the structure is built so close to the lot line.
5. Granting a variance from the lot area requirement of the Zoning Ordinance to accommodate the lot separation would not cause a substantial detriment to the public good or a substantial derogation from the intent and purpose of the Zoning ordinance.
6. Separation of 74 Main St. and 2 South Bolton St. will result in no noticeable difference to the neighborhood.
 - a. The buildings and lots would continue to function as they have for decades.
 - b. The Property would comply with all other dimensional requirements of the Marlborough Zoning Ordinance and would provide close to $\frac{3}{4}$ of the required lot area.
7. The Property is a roughly rectangular corner lot with no option to increase the lot area by expanding in any direction. The owner will be unable to use the property as zoned unless the variance is granted.

Decision

Board Member Thomas Golden made a motion to approve the variance request that 2 South Bolton St. containing 3,675 sq. ft. vs. the 5,000 sq. ft. required for the Marlborough Village District be considered as a separate lot. Paul Giunta seconded the motion. Vote taken by roll call vote 5-0 with all yeas to approve the variance request.

Conditions:

1. Record this variance and plan at the Registry of Deeds. Plan entitled: Plot Plan #2 South Bolton St. Marlborough, MA prepared by Bruce Saluk & Associates, Inc. Dated: February 21, 2021. Said recording will be provided to the Zoning Board of Appeals and the Building Dept. for their file.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ralph Loftin". To the right of the signature are two small, stylized initials "ss".

Ralph Loftin

Chairman

Zoning Board of Appeals