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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 SEP -8 PM 1:30

CITY OF MARLBOROUGH
City Council Agenda

Monday, September 12, 2022
8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **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, August 22, 2022.
2. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 18-84) on Bolton Street beginning at a point approximately 15' west of the centerline of the intersection of Bolton & State Streets and install a new guy wire from P18 to P18-84, this is to relieve stress of P18 from cables going down State Street, Order No. 22-1008666.
 - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Bolton & State Streets.
3. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 2-5) on Broad Street beginning at a point approximately 240' northwest of the centerline at the intersection of Broad & West Main Streets, Order No. 22-1008667.
 - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Broad & West Main Streets.
4. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 2-5) on Simarano Drive beginning at a point approximately 450' north of the centerline at the intersection of Simarano Drive & Cedar Hill Street for new overhead equipment, Order No. 22-1008668.
 - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Simarano Drive & Cedar Hill Street.
5. PUBLIC HEARING on the Revised Application for a Special Permit from WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District, consisting of 140 units in 3 buildings to be located at 339 Boston Post Road East, (McGee Farm), per the Court Ordered Remand, Order No. 20/22-1007995R.
6. Communication from the Mayor, re: Informational Notice of appointments of Heath Karp and Amanda Mayo to the Cultural Council.
7. Communication from the Mayor, re: Informational Notice of appointment of Joshua Daigle as the state member of Community Development Authority.

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.

8. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 125 §6 “Salary Schedule” and a Proposed Job Description to create a new position of Substance Use Prevention Coordinator and Intervention Specialist within the Health Department.
9. Communication from City Solicitor, Jason Grossfield, on behalf of Councilor Ossing & Councilor Navin, re: Proposed Zoning Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.
10. Communication from Solicitor Jason Grossfield, re: Revised Application for a Special Permit from WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District, consisting of 140 units in 3 buildings to be located at 339 Boston Post Road East, (McGee Farm), per the Court Ordered Remand, in proper legal form, Order No. 20/22-1007995.
11. Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Vedi Naturals, LLC, d/b/a Kosa Dispensary, to amend condition #8 relative to the hours of operation for the adult use marijuana retail establishment located at 505 Boston Post Road West, Order No. 19/22-1007881H.
12. Application for Modification of Special Permit and Site Plan from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., to allow for a stand-alone Chipotle Restaurant with a drive through facility and eliminate the proposed bank and retail addition to the plaza located at 661 Boston Post Road East.
13. Minutes of Boards, Commissions and Committees:
 - a) Commission on Disabilities, May 3, 2022 & June 6, 2022.
 - b) Conservation Commission, July 21, 2022.
 - c) Cultural Council, July 13, 2022 & August 10, 2022.
 - d) Planning Board, June 27, 2022
 - e) Traffic Commission, May 25, 2022.
14. CLAIMS:
 - a) Joshua Irons, 4 Farmhouse Lane, #7, pothole or other road defect.
 - b) Jennifer Jordan-MacArthur, 11 Packard Street, Hudson, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

15. **Order No. 20/22-1007995R Deliberations and vote on the Revised Special Permit Application from WP Marlborough MA Owner, LLC to build a multifamily residential project in the Business District, consisting of 140 units in 3 buildings to be located at 339 Boston Post Road East, (McGee Farm), per the Court Ordered Remand.**

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 – Teona C. Brown
 Ward 5 – John J. Irish
 Ward 6 – Sean A. Navin
 Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, AUGUST 22, 2022**

The regular meeting of the City Council was held on Monday, August 22, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Councilors Absent: Wagner. Meeting adjourned at 8:32 PM.

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

ORDERED: That the Minutes of the City Council meeting, July 25, 2022, **FILE**; adopted.

Suspension of the Rules requested – Motion by Councilor Navin, seconded by the Chair to allow Assistant Chief Emanuelson & Gogan to speak – granted.

At this time Assistant Chief Emanuelson & Gogan introduced the newest members of the Fire Department for the City of Marlborough, they are:

Andrew Anderson
 Tucker Holt

Josiah David
 Roland Saucier

Robert Fadgen
 Jacob Thompson

That the PUBLIC HEARING on the Revised Application for a Special Permit from WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District, consisting of 140 units in 3 buildings to be located at 339 Boston Post Road East, (McGee Farm), per the Court Ordered Remand, Order No. 20/22-1007995Q is **CONTINUED UNTIL SEPTEMBER 12, 2022, AT 8:00 PM**, adopted.

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

Councilors Absent: Wagner.

That the PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install new Pole 78 to relieve the distance of new overhead lines from Pole 75 to Pole 79 on Farm Road, Order No. 22-1008651, all were heard who wish to be heard, hearing closed at 8:15 PM, adopted.

- a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Farm Road.

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

Councilors Absent: Wagner.

Suspension of the Rules requested – Motion by Councilor Landers, seconded by the Chair to remove from the Public Services Committee Order No. 22-1008651 – granted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Petition from Massachusetts Electric and Verizon New England, to install new Pole 78 to relieve the distance of new overhead lines from Pole 75 to Pole 79 on Farm Road, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. That as a condition of this new pole installation, the double poles on Farm Road near house number 499 (P56) and near house number 535 (P59) be eliminated as they have been in place for many years.
2. The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
3. Any necessary easements are to be obtained from affected property owners.
4. A street opening permit must be applied for by the proposed contractor performing the work.
5. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
6. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
7. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
8. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
9. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
10. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
11. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
12. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
13. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of Levon Gulbankian, re: Request to Withdraw without Prejudice the Application Special Permit for the Gulbankian Mobile Home Village to authorize a new building lot and replace one mobile home with a single-family home, Order No. 22-1008654A, **FILE**; adopted.

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

ORDERED: That the **WITHDRAWAL WITHOUT PREJUDICE** of the Application Special Permit by Levon Gulbankian, for the Gulbankian Mobile Home Village to authorize a new building lot and replace one mobile home with a single-family home, Order No. 22-1008654A, **APPROVED**; adopted.

That the PUBLIC HEARING on the Application for Modification of Special Permit from Attorney Brian Falk on behalf of Levon Gulbankian, to amend the Special Permit for the Gulbankian Mobile Home Village to authorize a new building lot and replace one mobile home with a single-family home, Order No. 22-1008654A, **CANCELLED**, adopted.

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

Councilors Absent: Wagner.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$39,154.36 from the Executive Office of Public Safety & Security, State 911 Department awarded to the Police Department to be used to offset personnel training costs in the Public Safety Dispatching Center; adopted.

Suspension of the Rules requested – Motion by Councilor Doucette, seconded by the Chair to allow City Engineer DiPersio to speak – granted.

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

ORDERED: That pursuant to Massachusetts General Laws Chapter 40, §3, the City of Marlborough grants a permanent utility easement to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “National Grid”), constituting a Grant of Easement relating to the installation of electric equipment for the public library located at 35 West Main Street, Marlborough, **APPROVED**; adopted.

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

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 §6 “Salary Schedule” to amend the salary for the Head Electrician as submitted by the Mayor, referred to the **FINANCE COMMITTEE** and **ORDERED ADVERTISED**; adopted.

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

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

HEAD ELECTRICIAN
(40 hours per week)

| STEP/LEVEL | HOURLY RATE | DAILY RATE | PERIOD SALARY | ANNUAL SALARY |
|-------------------|--------------------|-------------------|----------------------|----------------------|
| 00 | \$0 | \$0 | \$0 | \$0 |
| 01 | \$0 | \$0 | \$0 | \$0 |
| 02 | \$0 | \$0 | \$0 | \$0 |
| 03 | \$0 | \$0 | \$0 | \$0 |
| 04 | \$0 | \$0 | \$0 | \$0 |
| 05 | \$0 | \$0 | \$0 | \$0 |
| 06 | \$0 | \$0 | \$0 | \$0 |
| 07 | \$39.0788 | \$312.6299 | \$3,126.30 | \$81,283.77 |

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

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

ORDERED: That the Proposed Job Description (attached) pursuant to Chapter 125 entitled “Personnel” §5 “Preparation of Classification Descriptions” of the Code, relative to the position of Head Electrician, referred to the **FINANCE COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of Cheryl Soucy to the Disabilities Commission for a 3-year term to expire on October 21, 2024, and the Appointment of David LaBossiere to the Disabilities Commission for a 3-year term to expire from date of Council confirmation; referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of Brendan Downey to the Historical Commission for a 3-year term to expire on March 25, 2025, and the Appointments of Adrian Gilbert, Stephanie Ferrecchia and Kathleen Newton to the Historical Commission for 3-year terms respectively from date of Council confirmation; referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Appointment of Kathy Faddoul to the Council on Aging for a 4-year term to expire on May 2, 2026, and the Appointment of Judith Benedetto to the Council on Aging for a 4-year term to expire on May 5, 2025, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 12, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 18-84) on Bolton Street beginning at a point approximately 15' west of the centerline of the intersection of Bolton & State Streets and install a new guy wire from P18 to P18-84, this is to relieve stress of P18 from cables going down State Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 12, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 2-5) on Broad Street beginning at a point approximately 240' northwest of the centerline the intersection of Broad & West Main Streets, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 12, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 2-5) on Simarano Drive beginning at a point approximately 450' north of the centerline of the intersection of Simarano Drive & Cedar Hill Street for new overhead equipment, referred to the **PUBLIC SERVICES COMMITTEE, APPROVED**; adopted.

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

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

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

ORDERED: That the Communication from Arthur Skura, re: Opposition to the Proposed Revised Special Permit from WP Marlborough, 339 Boston Post Road East (McGee Farm), **FILE**; adopted.

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

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in August 2022, **FILE**; adopted.

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

ORDERED: That the Communication from National Grid, re: Notice of upcoming sideline vegetation management activities relative to their current Vegetation Management Plan, **FILE**; 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) Board of Assessors, March 25, 2022 & April 1, 2022.
- b) Conservation Commission, July 7, 2022.
- c) Council on Aging, February 8, 2022, March 8, 2022, April 12, 2022 & May 10, 2022.
- d) Planning Board, June 6, 2022.

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

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Renato Castro, 22 Bowstring Way, other property damage and/or personal injury.
- b) Erin Grocki, 53 Richard Road, pothole or other road defect.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

Motion by Councilor Dumais, 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 8:32 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 22, 2022

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 12, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 18-84) on Bolton Street beginning at a point approximately 15' west of the centerline of the intersection of Bolton & State Streets and install a new guy wire from P18 to P18-84, this is to relieve stress of P18 from cables going down State Street, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008666

Steven Kerrigan

From: City Council
Sent: Wednesday, September 7, 2022 9:51 AM
To: Steven Kerrigan; Wilson Chu
Cc: Karen Boule
Subject: From Engineer DiPersio: Petitions of MA Electric & Verizon, Order No. 22-1008666, Order No. 22-1008667, Order No. 22-1008668
Attachments: image001.jpg; ATT00001.htm; Standard Conditions for Utility Petitions.docx; ATT00002.htm

From: Thomas DiPersio
Date: September 7, 2022 at 9:35:10 AM EDT
To: City Council
Subject: Petitions of MA Electric & Verizon, Order No. 22-1008666, Order No. 22-1008667, Order No. 22-1008668

To the City Council:

Regarding the Petitions of Massachusetts Electric and Verizon New England, I offer the following for your consideration:

Petition to install new joint-owned Pole/anchor 18-84 on Bolton Street, to relieve stress on existing pole 18 from the wires on State Street-

- The new pole and anchor should be installed as close to the property line between numbers 138 and 140 Bolton Street as possible.
- The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
- The attached conditions will also apply to this request.

Petition to install new joint-owned Pole 2-5 on Broad Street, for the installation of new overhead equipment-

- The new pole should not be installed directly in front of the concrete steps leading to Academy Knoll.
- The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
- The attached conditions will also apply to this request.

Petition to install new joint-owned Pole 2.5 on Simarano Drive, for the installation of new overhead equipment-

- The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
- The attached conditions will also apply to this request.

Please contact me with any questions.

Thomas DiPersio, J., PE, PLS

IN CITY COUNCIL



Marlborough, Mass., AUGUST 22, 2022

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 12, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 2-5) on Broad Street beginning at a point approximately 240' northwest of the centerline the intersection of Broad & West Main Streets, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008667

Steven Kerrigan

From: City Council
Sent: Wednesday, September 7, 2022 9:51 AM
To: Steven Kerrigan; Wilson Chu
Cc: Karen Boule
Subject: From Engineer DiPersio: Petitions of MA Electric & Verizon, Order No. 22-1008666, Order No. 22-1008667, Order No. 22-1008668
Attachments: image001.jpg; ATT00001.htm; Standard Conditions for Utility Petitions.docx; ATT00002.htm

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Date: September 7, 2022 at 9:35:10 AM EDT
To: City Council
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To the City Council:

Regarding the Petitions of Massachusetts Electric and Verizon New England, I offer the following for your consideration:

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- The attached conditions will also apply to this request.

Petition to install new joint-owned Pole 2-5 on Broad Street, for the installation of new overhead equipment-

- The new pole should not be installed directly in front of the concrete steps leading to Academy Knoll.
- The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
- The attached conditions will also apply to this request.

Petition to install new joint-owned Pole 2.5 on Simarano Drive, for the installation of new overhead equipment-

- The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
- The attached conditions will also apply to this request.

Please contact me with any questions.

Thomas DiPersio, J., PE, PLS

IN CITY COUNCIL

Marlborough, Mass., AUGUST 22, 2022

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 12, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 2-5) on Simarano Drive beginning at a point approximately 450' north of the centerline of the intersection of Simarano Drive & Cedar Hill Street for new overhead equipment, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008668

Steven Kerrigan

From: City Council
Sent: Wednesday, September 7, 2022 9:51 AM
To: Steven Kerrigan; Wilson Chu
Cc: Karen Boule
Subject: From Engineer DiPersio: Petitions of MA Electric & Verizon, Order No. 22-1008666, Order No. 22-1008667, Order No. 22-1008668
Attachments: image001.jpg; ATT00001.htm; Standard Conditions for Utility Petitions.docx; ATT00002.htm

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Date: September 7, 2022 at 9:35:10 AM EDT
To: City Council
Subject: Petitions of MA Electric & Verizon, Order No. 22-1008666, Order No. 22-1008667, Order No. 22-1008668

To the City Council:

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Petition to install new joint-owned Pole 2-5 on Broad Street, for the installation of new overhead equipment-

- The new pole should not be installed directly in front of the concrete steps leading to Academy Knoll.
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- The attached conditions will also apply to this request.

Petition to install new joint-owned Pole 2.5 on Simarano Drive, for the installation of new overhead equipment-

- The Engineering Division will issue a road opening permit for this work, which will include review and approval of exact pole and anchor locations prior to start of work.
- The attached conditions will also apply to this request.

Please contact me with any questions.

Thomas DiPersio, J., PE, PLS



IN CITY COUNCIL

Marlborough, Mass., AUGUST 22, 2022

ORDERED:

That the PUBLIC HEARING on the Revised Application for a Special Permit from WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District, consisting of 140 units in 3 buildings to be located at 339 Boston Post Road East, (McGee Farm), per the Court Ordered Remand, Order No. 20/22-1007995Q be and is herewith **CONTINUED UNTIL SEPTEMBER 12, 2022, AT 8:00 PM.**

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

Councilors Absent: Wagner.

The hearing was continued with no testimony from the public being heard.

ADOPTED

ORDER NO. 20/22-1007995R



City of Marlborough Office of the Mayor

RECEIVED
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CITY OF MARLBOROUGH
2022 SEP -8 AM 11:31

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Candace McGrath
EXECUTIVE ADMINISTRATOR

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

September 8, 2022

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

RE: Recent Cultural Council Appointments

Honorable President Ossing and Councilors:

For informational purposes, I have recently appointed two residents to our Cultural Council.

Heath Karp is a 20-year resident of Marlborough and has a passion for art and culture who previously volunteered at the Community Cupboard and would like to continue to serve.

Amanda Mayo is a longstanding resident and self-employed artist and jewelry maker who has been participating in the local farmers' market this season.

Each of these community members have expressed a strong interest in serving and will be able to assist the Cultural Council in dispersing our grant funds.

Sincerely,

Arthur G. Vigeant
Mayor



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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

Candace McGrath
EXECUTIVE ADMINISTRATOR

September 8, 2022

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

RE: Marlborough Community Development Authority state appointed seat

Honorable President Ossing and Councilors:

For informational purposes, I'm happy to inform you that Josh Daigle has been appointed to the state seat for the Marlborough Community Development Authority. He did resign from his former position prior to being appointed as the state designee.

Mr. Daigle started his affiliation with the City as a public service intern in our building department quite some time ago. He has served on the CDA for over five years, and I'd like to take this opportunity to thank him for his continued dedication and support.

Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

August 19, 2022

Mr. Chad T. Carter
Interim Executive Director
Marlborough Community Development Authority
240 Main Street
Marlborough, MA 01752

Dear Mr. Carter:

I am pleased to inform you that Joshua A. Daigle has been appointed to the state seat on the Marlborough Community Development Authority's Board for the term of office which will expire August 13, 2026.

Please join me in wishing Mr. Daigle success with his endeavors on the board.

Sincerely,

Jennifer D. Maddox
Jennifer D. Maddox
Undersecretary



City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH
2022 SEP -8 AM 11:31

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Candace McGrath
EXECUTIVE ADMINISTRATOR

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

September 8, 2022

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

RE: Proposed new Substance Use Prevention Coordinator and Intervention Specialist position

Honorable President Ossing and Councilors:

I am submitting for your approval a request to create a new position: Substance Use Prevention Coordinator and Intervention Specialist, to work collaboratively with the School Department, Police Department, and the Marlborough Alliance for Prevention (MAP). This position will be a benefited, 35 hour per week position supervised by the Director of Public Health. The position will be located in the health department and also will be required to handle outreach in the schools and general public.

Enclosed is a job description and ordinance amendment with salary table for your review.

The funding for this position will derive from the marijuana impact fees combined with the national opioid settlement funds. The salary table was derived by researching similar size communities. A future transfer will be submitted upon City Council approval.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH

BOARD OF HEALTH

140 Main Street, Lower Level
Marlborough, Massachusetts 01752
Facsimile (508) 460-3625 TDD (508) 460-3610

Jim Griffin, Chairman
Joseph Tennyson, MD, Vice Chair
Tel (508) 460-3751

September 6, 2022

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

RE: Request for City Council to Review, Approve, and Fund the Substance Use Prevention Coordinator and Intervention Specialist Job Position

Dear Mayor Vigeant,

On behalf of the Board of Health, at your convenience please submit to the City Council for review, approval and funding of the Substance Use Prevention Coordinator and Intervention Specialist position. A draft job description is attached for your review, as well as a salary survey of currently open similar positions in the state. This position would allow for the development and coordination of a city-wide program to reduce substance abuse through prevention programs, education, interventions and counseling. This position would be primarily funded by the Opioid Settlement Funds to Municipalities (Distributor and Johnson & Johnson).

Thank you for your consideration.

Sincerely,

John R. Garside MS, RS, CHO
Director of Public Health

Attachment: job description, salary survey

ORDERED:

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

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

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 |
|--|-------------|---------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
| | Start | 6 months of service | 1 year of service | 2 years of service | 3 years of service | 4 years of service | 5 years of service |
| Substance Use Prevention Coordinator and Intervention Specialist (35 hours per week) | \$58,000.00 | \$59,160.00 | \$60,343.20 | \$61,550.06 | \$62,781.07 | \$64,036.69 | \$65,317.42 |

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

ADOPTED
 In City Council
 Order No. 22-XXX
 Adopted

Approved by Mayor
 Arthur G. Vigeant
 Date:

A TRUE COPY
 ATTEST:

CITY OF MARLBOROUGH
BOARD OF HEALTH
SUBSTANCE USE PREVENTION COORDINATOR AND INTERVENTION SPECIALIST

POSITION PURPOSE

The Substance Use Prevention Coordinator and Intervention Specialist will oversee and implement citywide programs to reduce substance use amongst all Marlborough populations through education, prevention programs, direct interventions and counseling as well as collaborate with and be actively involved with all Marlborough Alliance for Prevention (MAP) activities.

ESSENTIAL JOB FUNCTIONS

(The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

- Coordinates a city-wide program to reduce substance abuse through education, prevention programs, direct interventions, and counseling;
- Compiles and evaluates data on youth substance risk issues including but not limited to MetroWest Adolescent Youth survey; uses data to plan and implement substance abuse prevention plans;
- Collaborates with school personnel in the implementation of alcohol, tobacco and other prevention curricula and violence prevention curricula;
- Collaborates with school administration and employees to develop and update school policies and procedures concerning tobacco, substance abuse and violence related issues for students;
- Plans and facilitates the utilization of speakers, presentations, assemblies, and other community education;
- Plans and implements workshops utilizing evidence-based data empowering youth and families to make healthy decisions and avoid substances, alcohol, tobacco, drugs;
- Engages with youth and other community members in prevention through the use of social media;
- Consults with individuals, families and groups to achieve behavioral adjustments in regards to social, school or family situations;
- Promotes substance abuse programs to families and individuals; develops and maintains relationships with other professionals, schools, institutions, and agencies in order to make the proper referrals for the intervention of drug and other family crisis scenarios;
- Provides assessments, consultations, intervention referrals and individual group and family counseling to youths, their families, and serves as a resource for school employees for substance abuse issues;
- Provides support to Marlborough's Post Overdose Response team as needed;
- Represents City of Marlborough in MassCALL grant initiative meetings;
- Engages new partners to ensure local coalitions are inclusive, culturally competent and reflect the populations they serve;
- Performs all other duties as required.

SUPERVISION RECEIVED

Under the direction of the Director of Public Health, the employee plans and prioritizes the majority of work independently, in accordance with state statutes and professional standards. The Employee is expected to solve most problems of detail or unusual situations by adapting methods or interpreting instructions accordingly. Instructions for new assignments or special projects usually consist of statements

of desired objectives, deadlines and priorities. Technical and policy problems or changes in procedures are discussed with supervisor.

ACCOUNTABILITY

The nature of the work means that errors in administrative work are not easily detected. Consequences of errors, including inaccurate information, could impact other departments and result in monetary loss, interruption of service and poor internal or external customer service.

JUDGMENT

The work requires examining, analyzing, and evaluating facts and circumstances surrounding individual problems, situations or transactions, and determining actions to be taken within the limits of standard or accepted practices. Guidelines include a large body of policies, practices and precedents which may be complex or conflicting, at times. Judgment is used in analyzing specific situations to determine appropriate actions. Employee is expected to weigh efficiency and relative priorities in conjunction with procedural concerns in decision making. Requires understanding, interpreting, and applying federal, state and local regulations.

COMPLEXITY

The work consists of the practical application of a variety of concepts, practices and specialized techniques relating to a professional or technical field. Assignments typically involve evaluation and interpretation of factors, conditions or unusual circumstances; inspecting, testing or evaluating compliance with established standards or criteria; gathering, analyzing and evaluating facts or data using specialized fact-finding techniques; or determining the methods to accomplish the work.

NATURE AND PURPOSE OF CONTACTS

Relationships are constantly with co-workers, the public, youth, their families, community organizations, case workers, doctors, regional and state agencies, and human service providers, groups and/or individuals such as peers from other organizations, and representatives of professional organizations. The employee serves as a spokesperson or recognized authority of the organization in matters of substance or considerable importance, including departmental practices, procedures, regulations, or guidelines. May be required to discuss controversial matters where tact is required to avoid friction and obtain cooperation.

CONFIDENTIALITY

Employee has access to limited sensitive and confidential information in the performance of their duties

WORK ENVIRONMENT

The work is performed in an office environment. Noise or physical surroundings may be distracting.

EDUCATION AND EXPERIENCE

Bachelor's degree in Public Health, behavioral science, or a related field, with at least two (2) years of experience in public health or related field required, or any equivalent combination of education and experience. Certification as an addiction counselor preferred. Experience in social work preferred. Experience with individual/family and behavioral rehabilitation counseling. Experienced in working with youth (6-18 years old). Grant fiscal management experience and experience working with community coalitions. Driver's License Required.

KNOWLEDGE, ABILITY, AND SKILLS

Knowledge: Knowledge of public health, federal, state, and local laws. Practical knowledge of the customer service best practices and general computer applications.

Abilities: Ability to communicate effectively with people, young and old, from diverse backgrounds as well as a range of other organizational personnel in a courteous and professional manner. Ability to work independently. Ability to communicate effectively in written and oral form. Ability to assess individual and public health needs and issues. Ability to establish and maintain harmonious relationships with City officials, public health officials and the general public; ability to manage multiple tasks in a detailed and timely manner. Ability to effectively handle problems in the field and during emergencies.

Skills: Skills in conducting field inspections and communicating effectively in writing and orally, including public speaking. Skills and experience in writing reports, grant applications, and related documents preferred. Intermediate or higher-level skills in Microsoft Office applications.

PHYSICAL, MOTOR, AND VISUAL SKILLS

Physical Skills: Administrative work is performed in an office setting requiring sitting, standing, walking. When in the field, may require some agility and physical strength, such as moving in or about construction sites or over rough terrain, or standing or walking most of the work period. Occasionally, work may require lifting heavy objects and carrying them (up to 50 lbs.). There may be need to stretch and reach to retrieve materials.

Motor Skills: Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, using office equipment, including but not limited to telephones, personal computers, handheld technology, and other office equipment.

Visual Skills: Visual demands require routinely reading documents for general understanding and analytical purposes.



City of Marlborough

Legal Department

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

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

JASON D. GROSSFIELD
 CITY SOLICITOR

2022 SEP -8 AM 11:00

JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR

SUSAN A. CORREIA
 PARALEGAL

September 8, 2022

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

Re: Proposed Zoning Ordinance Amendment re: Attached Roofs for Entryway/Porch

Dear Honorable President Ossing and Councilors:

At the request of Councilors Ossing and Navin, in conjunction with Building Commissioner Tin Htway, enclosed please find a proposed zoning ordinance amendment relative to the ability to construct an attached roof covering an entryway or porch which projects into a portion of the required yard setback, for single and two-family dwellings.

I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
 City Solicitor

Enclosure

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

ORDERED:

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

I. By amending Chapter 650 (Zoning), Section 650-40 (Location and Height of Buildings), Subsection F(5) to read as follows (new text shown as underlined):

(5) (a) Nothing herein shall prevent the projection of cornices or eaves not exceeding 18 inches in width or of uncovered steps, unroofed porches or window sills into a required yard or other open space.

(b) For single-family and two-family dwellings, in all zoning districts: An attached roof covering an entryway or porch may project into the required yard setback, subject to compliance with all of the following requirements:

[1] Attached roof is permitted to project up to sixty (60) inches into the required yard setback;

[2] Attached roof shall not exceed forty (40) square feet;

[3] Attached roof shall not exceed allowable height per §650-41, Table of Lot Area, Yards and Height of Structures;

[4] Entryway or porch may not be enclosed nor living space or balconies erected above, excepting required elements such as railings;

[5] Space beneath the porch may not be occupied; and

[6] Minimum setback from any street or way for an attached roof authorized under this subsection shall be five (5) feet.

II. The effective date of these amendments shall be the date of passage.

ADOPTED
In City Council
Order No. 22-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Legal Department

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

JASON D. GROSSFIELD
CITY SOLICITOR

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

2022 SEP -8 AM 11:00

JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

SUSAN A. CORREIA
PARALEGAL

September 8, 2022

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

Re: WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21 MISC 000451): Revised Special Permit Application on Remand Order

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter to certify that the proposed decision as submitted on July 1, 2022 by WP Marlborough MA Owner, LLC ("WP") to the City Council in accordance with the Land Court's Order on Joint Motion for Remand ("Remand Order") is in proper legal form. For convenience, a copy of the decision is enclosed.

In accordance with the Remand Order, the City Council is to deliberate and vote on the revised special permit application. As part of the process, the City Council first conducts a public hearing "for the purpose of considering [WP's] revised special permit application". At the September 12, 2022 continued public hearing, I recommend that the City Council acknowledge entry of the following items for the record:

1. Land Court's Remand Order dated May 31, 2022;
2. Settlement Agreement by WP and City Council dated May 17, 2022;
3. WP's Revised Special Permit Application by letter dated July 1, 2022;
4. Letter from City Solicitor to City Council dated July 18, 2022 with Reference Table: Settlement Agreement and Special Permit Decision in Revised Application; and
5. All materials and testimony previously submitted as part of the public hearing on the initial special permit application for the project, which are incorporated by reference.


Following the close of the public hearing, and the City Council's deliberation and vote, the City Council is required to file a written decision on remand. Should the City Council vote to grant the special permit as submitted, this office and the City Clerk can update the referenced dates of the public hearing/vote, as necessary.

As previously opined by letter to the City Council dated August 17, 2021, I have reviewed the quantum of vote necessary for the grant of this special permit under the recent

amendments to MGL c. 40A, and in my opinion, the vote remains a two-thirds (2/3) vote for the same reasons set forth therein.

I will be available to assist as necessary in regards to the continued remand hearing and decision process. Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

_____, 2022

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. # 20-1007995B

Application of:
WP Marlborough MA Owner, LLC (Waypoint Residential)

Locus:
339 Boston Post Road East, Marlborough, MA
Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of WP Marlborough MA Owner, LLC, with a mailing address of 9 West Broad Street, Suite 800, Stamford, CT, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2022

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2022.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
WP Marlborough MA Owner, LLC (Waypoint Residential)

Locus:
339 Boston Post Road East, Marlborough, MA
Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73

**DECISION ON A SPECIAL PERMIT
ORDER NO. 20-1007995B**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to WP Marlborough MA Owner, LLC (the "Applicant") to build and operate a 140-unit multifamily dwelling residential project at 339 Boston Post Road East, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, WP Marlborough MA Owner, LLC, is a Connecticut limited liability company with an address of 9 West Broad Street, Suite 800, Stamford, CT 06902.
2. The Applicant is the prospective owner of the property located at 339 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73 (the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18(4), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes to build and operate a 140-unit multifamily dwelling residential project at the Site, in three buildings, with 280 on-site parking spaces, open areas, walking paths, and residential amenities (the "Use" or "Project").
4. The Site is located in the Business and Residence A-2 Zoning Districts.
5. The Site has an area of 25.7 acres +/- as shown on the Plans referenced in paragraph 7 below.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a Fiscal Impact Analysis dated January 3, 2019 by Fougere Planning & Development, Inc., a Transportation Impact Assessment dated January 12, 2019 by Vanasse & Associates, Inc., and the following plans: a detailed site plan entitled “Preliminary Site Development Plans for Walcott Heritage Farms” by Allen & Major Associates, Inc., comprised of Sheets 1 through 6 with the last revision date of December 16, 2020 (the “Plans”), attached hereto as **“Attachment A.”**

8. By Notice of Decision dated August 23, 2021, and filed in the Office of the City Clerk of Marlborough on August 24, 2021, the Marlborough City Council denied the Applicant’s Application.

9. On September 10, 2021, the Applicant filed an appeal of the Decision of the Marlborough City Council denying the Application in the action entitled *WP Marlborough MA Owner, LLC v. Marlborough City Council, et al.* (Land Court No. 21 MISC 000451) (the “Appeal”). During the Appeal, a settlement was reached between the Applicant and the Marlborough City Council which agreed upon a remand for the purposes of considering the Application subject to certain changes agreed upon between the Applicant and the Marlborough City Council, and pursuant to that Settlement Agreement, the Applicant and the Marlborough City Council filed a Joint Motion to Remand in the Appeal on or about May 26, 2022.

10. In the Appeal, the Massachusetts Land Court entered a certain Order on Joint Motion for Remand dated May 31, 2022 which remanded to the Marlborough City Council the matter which ordered the Marlborough City Council to conduct a public hearing for the purpose of considering the Applicant’s revised special permit application (the “Remand Order”).

11. Pursuant to the Remand Order, the Applicant submitted to the Marlborough City Council a request on July 1, 2022 that the Marlborough City Council grant the Application, as amended, consistent with the Settlement Agreement reached between the Applicant and the Marlborough City Council (collectively, the “Revised Application”).

12. The Remand Order required the Marlborough City Council to hold the public hearing on the revised special permit application by August 30, 2022. The Remand Order required that the remanded public hearing process be for the limited purposes of considering the changes to the previously contemplated draft decision to grant a special permit for the Project.

13. During the remanded public hearing process, the Appeal has been stayed by the Remand Order.

14. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

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

16. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Revised Application on August 22, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. In accordance with the Remand Order, the public hearing incorporated by reference all materials and testimony previously submitted to the Marlborough City Council during the prior July 20, 2020 public hearing relating to the Application. The hearing was closed on August 22, 2022.

17. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic, pursuant to the Remand Order.

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

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

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

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a 140-unit multifamily dwelling residential project as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

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

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

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

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of the Revised Application, the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The final architectural design of the Site shall be reasonably consistent with the Plans submitted by the Applicant. The final exterior features of the Site, including landscaping, shall be maintained in good condition and shall be reasonably consistent with the Plans submitted and representations made to the City Council.

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

6. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.

7. Affordable Units. Twenty percent (20%) of the dwelling units at the Site shall be made available as rental units at affordable prices to renters (whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development) in perpetuity or the longest period allowed by law (the "Affordable Housing Units"), in accordance with the provisions of Section 650-26 of the Zoning Ordinance and this condition. The Affordable Housing Units shall comply with all requirements for inclusion in the Subsidized Housing Inventory ("SHI") of the Commonwealth of Mass. Department of Housing and Community Development ("DHCD"). Prior to obtaining a certificate of occupancy for any unit within the Use, the Applicant, its

successors and/or assigns, in coordination with the City and its Community Development Authority, shall file all required submissions to DHCD for inclusion of the Affordable Housing Units on the SHI and shall diligently take all actions necessary to include the Affordable Housing Units on the SHI, including without limitation, preparing and executing a regulatory agreement and declaration of restrictive covenants and/or any other restrictive instrument necessary to ensure compliance with said Zoning Ordinance and this condition, a marketing plan, and all other required documentation. All costs associated with complying with this condition, including but not limited to, the DHCD process, recording of all documents with the registry of deeds, and the marketing plan for the Affordable Units shall be borne by the Applicant, its successors and/or assigns.

8. Site Access and Roadway Improvements.

- a. The Use shall access Route 20 with a single driveway entrance located directly opposite Village Drive. The Applicant shall provide an emergency access driveway off of Route 20 on the western side of the Site, with an access or gating system approved during Site Plan Review.
- b. The Applicant, its successors and/or assigns, shall coordinate with the City and the Massachusetts Department of Transportation to ensure that development of the Use does not conflict with planned improvements to Route 20 in the vicinity of the Site. The final design and configuration of the Site's access driveways shall incorporate the latest design of the planned MassDOT improvements to Route 20 and shall be approved by both MassDOT and the Engineering Division of the Department of Public Works.
- c. In addition to the planned improvements to Route 20, the Applicant shall, in coordination with MassDOT and the Engineering Division of the Department of Public Works, make the following traffic calming improvements in the vicinity of the Site:
 - (i) A radar speed sign on the southern side of Route 20 to the west of Victoria Lane;
 - (ii) A radar speed sign on the northern side of Route 20 to the east of Village Drive; and
 - (iii) Rectangular rapid flashing beacons at the proposed crosswalks over Route 20 in the vicinity of the Site.
- d. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$200,000 to be used by the City Council or its designee towards the study, design, and construction of a traffic signal at the intersection Route 20, Village Drive, and the Site's main entrance; provided however, that if the Massachusetts Department of Transportation does not authorize said traffic signal within three (3) years

following the issuance of a final certificate of occupancy for the Use, then the funds may be used by the City Council or its designee for the study, design, and construction of comparable transportation safety improvements in the vicinity of the Site, for beautification improvements along Route 20 in the vicinity of the Site, or another project designed to improve transportation and aesthetics along Route 20 in the vicinity of the Site.

- e. Within six (6) months after the issuance of the final certificate of occupancy for the Project, the Applicant shall make a written request to MassDOT asking MassDOT to reconsider the traffic signal at the intersection of Route 20, Village Drive, and the Site's main entrance based upon traffic data reflecting the actual full occupancy of the Project.
 - f. Within six (6) months after the issuance of the final certificate of occupancy for the Project, the Applicant agrees to have its traffic engineer update its traffic analysis, and make and provide written recommendations to the Marlborough City Council as to the best use of the \$200,000 paid pursuant to Condition 8D above for traffic safety and improvements in the area of the Site and Village Drive, taking into consideration the full occupancy of the Project and ongoing improvements in the area made by MassDOT.
9. Transportation Alternatives.
- a. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$20,000 to be used by the City Council or its designee to study and/or fund shared transportation options, including but not limited to a shuttle service, to provide access between the Site and its neighboring residential properties and Downtown Marlborough.
 - b. Prior to applying for a building permit for the Use, the Applicant, its successors and/or assigns, shall submit a request to the MetroWest Regional Transit Authority to add a bus stop in the vicinity of the Site and its neighboring residential properties.
 - c. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a written summary of a program sponsored for the Site's residents to encourage shared trips and carpooling to reduce vehicle trips to and from the Site, and shall submit an annual report on this program to the Building Commissioner on or before January 30th during each year that the Use remains in operation.
10. Open Space.
- a. The Applicant, its successors and/or assigns, shall grant a conservation restriction to the City's Conservation Commission or its designee over areas of the Site identified as "CR Area 1", "CR Area 2", and "CR Area 3" (including any area

outlined in red) shown on the plan attached as "**Attachment B**" (the "Restricted Land"). The form of the conservation restriction over the Restricted Land shall be approved by the City Solicitor and the City Conservation Officer prior to the issuance of a building permit. The Conservation Restriction must be approved by the Conservation Commission, the City Council, and finally signed by the Mayor before being approved by the State Secretary of Energy and Environmental Affairs. The conservation restriction must be granted and recorded prior to the issuance of a certificate of occupancy for any unit within the Use, or at a later time agreed to in writing by the City Conservation Officer. The Conservation Restriction will allow for the mowing and management of portions of CR Area 1 to enhance wildlife habitat and meadows as approved by the Conservation Commission, and shall allow for the passive recreational use of CR Area 1 by the Site's residents.

- b. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$20,000 to be used by the City Council or its designee to study and/or fund a recreational trail for pedestrians along the City-owned sewer land adjacent to the Site, to provide public access and connections between Route 20 and the Site's neighboring residential properties and Kane School.

11. Issuance of Building Permit. Construction of the project shall not begin until April 14, 2023. Issuance of a building permit shall be conditioned such that construction of the project may not begin until April 14, 2023.

12. Charging Station. The Applicant agrees to increase the number of charging stations at the Project from the original two (2) to four (4) charging stations.

13. Sewer Pump Station Improvements. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City for its Department of Public Works or its designee, not to exceed \$35,000, to be used by the City for the installation of an in-line sewage grinder at the Boston Post Road pump station in the vicinity of the Site.

14. Snow Removal. Snow removed from driveways, parking areas, and walkways at the Site may not be stored in a manner that creates a shortage of on-site parking for residents. If on-site snow storage creates a shortage of on-site parking for residents, the Applicant, its successors and/or assigns, shall have stockpiled snow removed from the Site.

15. Other Approvals. The Applicant, its successors and/or assigns, shall comply with an order of conditions from the City's Conservation Commission and a floodplain special permit from the City's Zoning Board of Appeals.

16. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with

no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. 20-1007995B

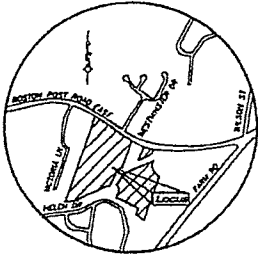
Adopted: _____ 2022

A TRUE COPY

ATTEST: _____ City Clerk
3253704.3

ATTACHMENT "A"

PRELIMINARY SITE DEVELOPMENT PLANS FOR WALCOTT HERITAGE FARMS 339 BOSTON POST ROAD EAST MARLBOROUGH, MA



LOCUS MAP
NOT TO SCALE

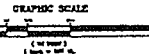
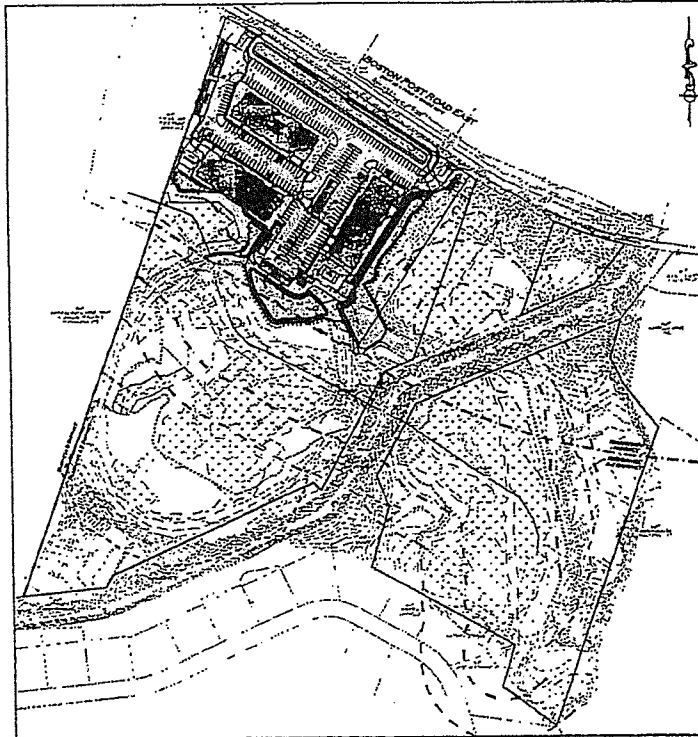
APPLICANT:
WP MARLBOROUGH MA OWNER, LLC
9 WEST BROAD STREET, SUITE 800
STAMFORD, CT 06902
203.210.2700

**LAND SURVEYOR, SITE ENGINEER
LANDSCAPE ARCHITECT:**
ALLEN & MAJOR ASSOCIATES, INC.
100 COMMERCE WAY, SUITE 5
WOBBURN, MA 01801
781.935.6889

ARCHITECT:
PHILLIPS ARCHITECTURE
5901 PEACHTREE DUNWOODY ROAD, SUITE A450
ATLANTA, GA 30328.
770.394.1616

**MECHANICAL, ELECTRICAL AND PLUMBING
CONSULTANT:**
ENGR3 CONSULTING ENGINEERS
100 NORTH POINT CENTER EAST, SUITE 200
ALPHARETTA, GA 30022

ENVIRONMENTAL CONSULTANT:
GODDARD CONSULTING, LLC
291 MAIN STREET SUITE #8
NORTHBOROUGH, MA 01532
508.393.3784



| LIST OF DRAWINGS | | | |
|----------------------------|-----------|------------|------------|
| DRAWING TITLE | SHEET NO. | ISSUED | REVISED |
| CIVIL DRAWINGS | | | |
| EXISTING CONDITIONS PLAN | V-401 | 04-14-2020 | 07-09-2020 |
| LOCUS PLAN | C-401 | 12-16-2020 | --- |
| PRELIMINARY SITE PLAN | C-201 | 12-16-2020 | --- |
| PRELIMINARY UTILITY PLAN | C-202 | 12-16-2020 | --- |
| PRELIMINARY LANDSCAPE PLAN | L-201 | 12-16-2020 | --- |
| LANDSCAPE DETAILS | L-202 | 12-16-2020 | --- |



**ALLEN & MAJOR
ASSOCIATES, INC.**
civil & structural engineering • land surveying
environmental consulting • landscape architecture
www.aandm.com

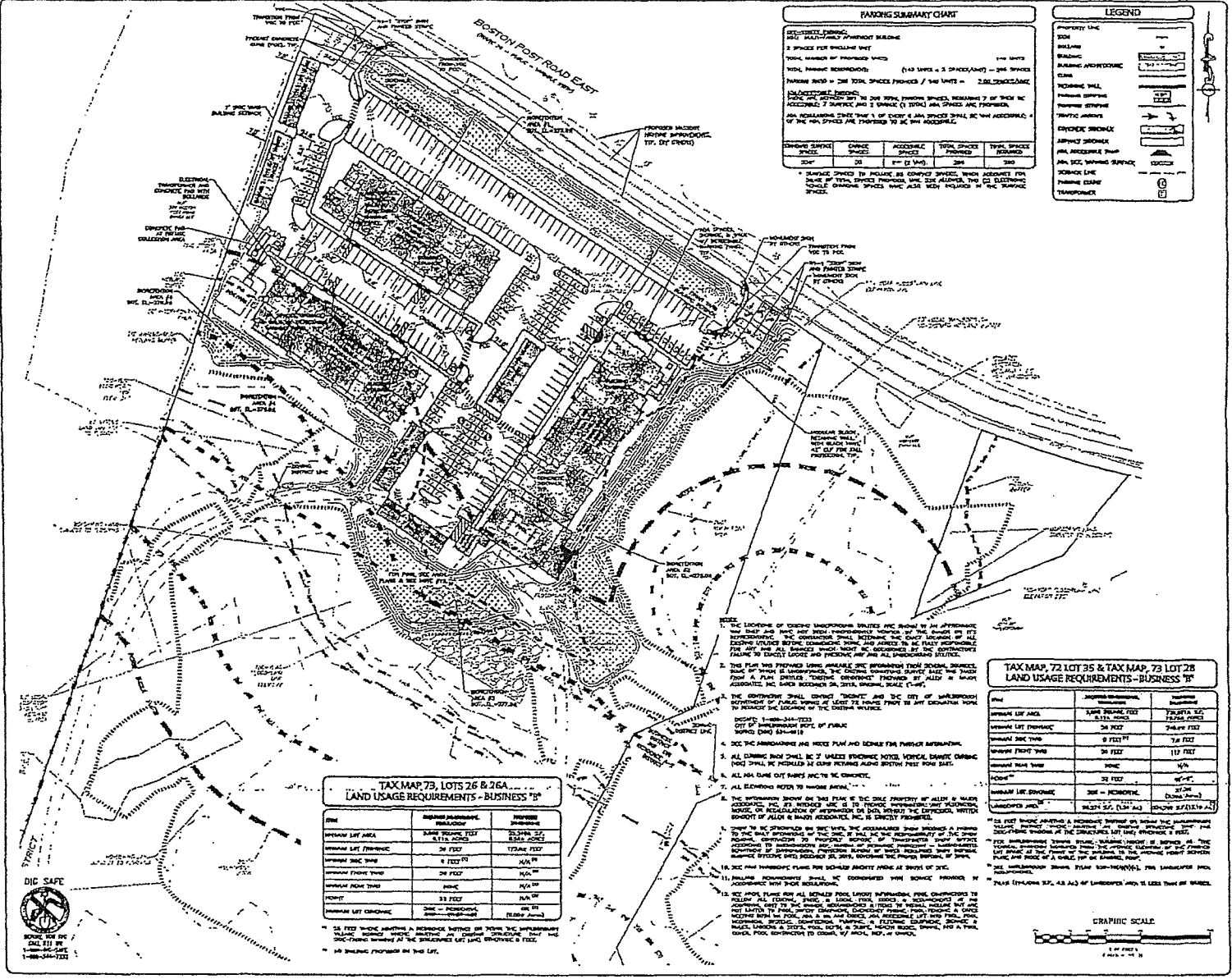
100 COMMERCE WAY
WOBBURN, MA 01801
SUITE 5
TEL: 781.935.6889
FAX: 781.935.6884

WOBURN, MA • LEXINGTON, MA • MANCHESTER, NH

ISSUED FOR LOCAL APPROVAL: DECEMBER 20, 2019
RESUBMISSION FOR LOCAL APPROVAL: JANUARY 31, 2020
VARIOUS REVISIONS: FEBRUARY 3, 2020
VARIOUS REVISIONS: FEBRUARY 23, 2020
REVISED PER CITY COMMENTS: MAY 14, 2020
REVISED PER CITY COMMENTS: JULY 8, 2020
ISSUED TO CONSERVATION: AUGUST 12, 2020
REVISED PER CONSERVATION: AUGUST 25, 2020
REVISED FOR SITE PLAN REVIEW COMMITTEE: SEPTEMBER 11, 2020

REVISED FOR URBAN AFFAIRS SUBMISSION: DECEMBER 16, 2020





PARKING SUMMARY CHART

DEVELOPER'S PROVISIONS:
 3 SPACES PER UNIT
 TOTAL NUMBER OF PROPOSED UNITS: 148 UNITS
 TOTAL NUMBER OF PROPOSED SPACES: (148 UNITS x 3 SPACES/UNIT) = 444 SPACES
 TOTAL NUMBER OF REQUIRED SPACES: (148 UNITS x 2.5 SPACES/UNIT) = 370 SPACES
 TOTAL NUMBER OF SPACES PROVIDED IN EXCESS OF THE REQUIRED SPACES: 444 - 370 = 74 SPACES

ACCESSIBLE SPACES:
 ONE (1) SPACE SHALL BE PROVIDED FOR EVERY (2) UNITS AND ONE (1) SPACE SHALL BE PROVIDED FOR EVERY (4) UNITS AND ONE (1) SPACE SHALL BE PROVIDED FOR EVERY (1) CARPORT.

| PROPOSED SPACES | REQUIRED SPACES | EXCESS SPACES | TOTAL SPACES PROVIDED | TOTAL SPACES REQUIRED |
|-----------------|-----------------|---------------|-----------------------|-----------------------|
| 444 | 370 | 74 | 444 | 370 |

* SPACES PROVIDED TO EXCEED THE REQUIRED SPACES SHALL BE PROVIDED FOR THE USE OF THE DEVELOPER'S EMPLOYEES AND VISITORS AND SHALL BE PROVIDED TO BE OPEN ACCESSIBLE TO ALL. THE DEVELOPER SHALL PROVIDE THE ACCESSIBLE SPACES TO BE PROVIDED TO EXCEED THE REQUIRED SPACES.

LEGEND

PROPERTY LINE

SOIL

BUILDING

LANDSCAPING

LANDSCAPING WITH OR WITHOUT CURB

LANDSCAPING WITH CURB

LANDSCAPING WITH CURB AND LIGHT FIXTURE

LANDSCAPING WITH CURB AND LIGHT FIXTURE AND BIOMASS

LANDSCAPING WITH CURB AND LIGHT FIXTURE AND BIOMASS AND WATER FEATURE

LANDSCAPING WITH CURB AND LIGHT FIXTURE AND BIOMASS AND WATER FEATURE AND TREE

LANDSCAPING WITH CURB AND LIGHT FIXTURE AND BIOMASS AND WATER FEATURE AND TREE AND BIOMASS

LANDSCAPING WITH CURB AND LIGHT FIXTURE AND BIOMASS AND WATER FEATURE AND TREE AND BIOMASS AND TREE

LANDSCAPING WITH CURB AND LIGHT FIXTURE AND BIOMASS AND WATER FEATURE AND TREE AND BIOMASS AND TREE AND BIOMASS AND TREE

**TAX MAP 73, LOTS 26 & 26A
LAND USAGE REQUIREMENTS - BUSINESS 'B'**

| LINE | MINIMUM SETBACK | MINIMUM SETBACK | MINIMUM SETBACK |
|----------------------|---------------------|---------------------|---------------------|
| MINIMUM LOT AREA | MIN. 10,000 SQ. FT. | MIN. 10,000 SQ. FT. | MIN. 10,000 SQ. FT. |
| MINIMUM LOT FRONTAGE | 25 FEET | 25 FEET | 25 FEET |
| MINIMUM SETBACK | 5 FEET | 5 FEET | 5 FEET |
| MINIMUM FRONT YARD | 20 FEET | 20 FEET | 20 FEET |
| MINIMUM SIDE YARD | 5 FEET | 5 FEET | 5 FEET |
| MINIMUM REAR YARD | 5 FEET | 5 FEET | 5 FEET |
| MINIMUM LOT COVERAGE | 50% | 50% | 50% |

1. 25 FEET SIDE SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 2. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 3. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 4. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 5. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 6. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 7. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 8. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 9. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 10. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.
 11. 5 FEET SETBACK FROM THE STREET AND FROM THE ADJACENT PROPERTY LINES.

**TAX MAP 72 LOT 35 & TAX MAP 73 LOT 28
LAND USAGE REQUIREMENTS - BUSINESS 'B'**

| LINE | MINIMUM SETBACK | MINIMUM SETBACK |
|----------------------|---------------------|---------------------|
| MINIMUM LOT AREA | MIN. 10,000 SQ. FT. | MIN. 10,000 SQ. FT. |
| MINIMUM LOT FRONTAGE | 25 FEET | 25 FEET |
| MINIMUM SETBACK | 5 FEET | 5 FEET |
| MINIMUM FRONT YARD | 20 FEET | 20 FEET |
| MINIMUM SIDE YARD | 5 FEET | 5 FEET |
| MINIMUM REAR YARD | 5 FEET | 5 FEET |
| MINIMUM LOT COVERAGE | 50% | 50% |

GRAPHIC SCALE

0 10 20 30 40 50 FEET

ALLEN & MAJOR ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEER

PROFESSIONAL LICENSE NO. 70348

STATE OF MASSACHUSETTS

PROJECT NO. 339B18 DATE: 03/20/2018

SCALE: 1" = 40' DATE: 03/20/2018

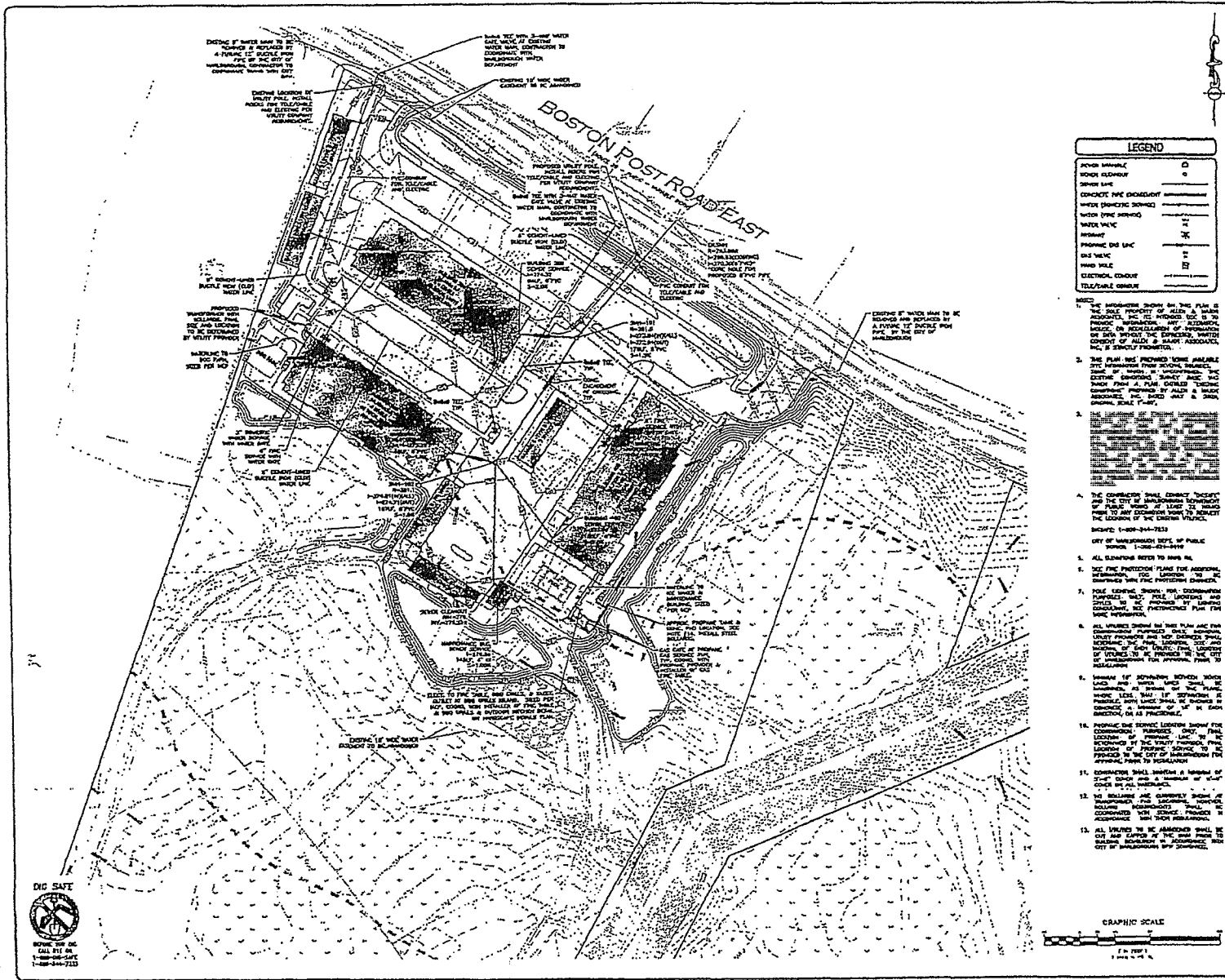
PROJECT: 339 BOSTON POST ROAD EAST, MARLBOROUGH, MA

DATE: 03/20/2018

PRELIMINARY SITE PLAN

G-101

PLAN SCALE: 1" = 40'
 DATE: 03/20/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]



PROFESSIONAL ENGINEER SEAL
ALLEN & MAJOR ASSOCIATES, INC.

| | | |
|-----|----------|----------------------------|
| NO. | DATE | DESCRIPTION |
| 1 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 2 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 3 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 4 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 5 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 6 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 7 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 8 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 9 | 10-17-17 | PRELIMINARY UTILITIES PLAN |
| 10 | 10-17-17 | PRELIMINARY UTILITIES PLAN |

339 BOSTON POST ROAD EAST
MAHARASHTRA, MA

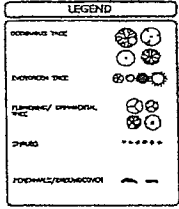
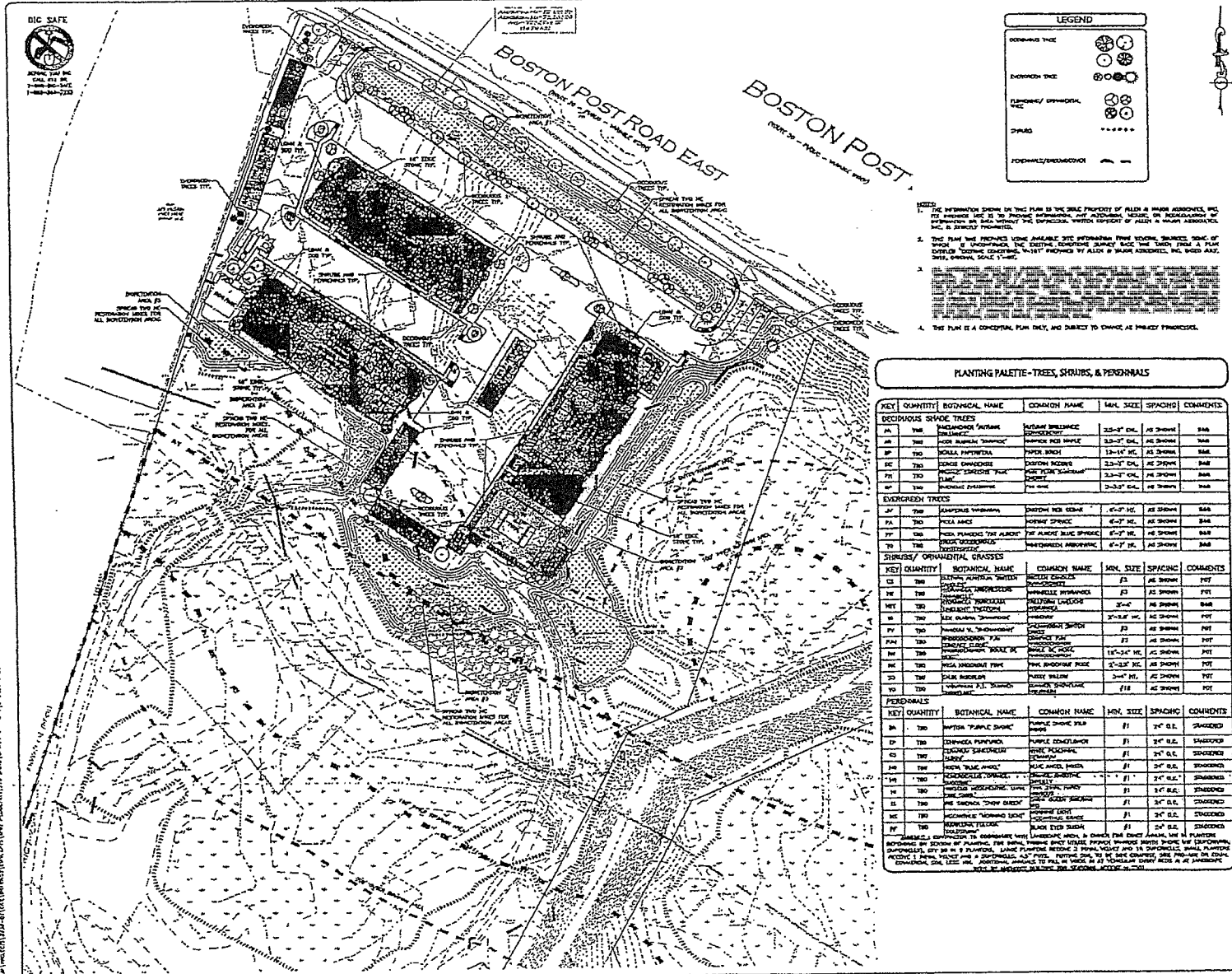
MULTI-FAMILY DEVELOPMENT
339 BOSTON POST ROAD EAST
MAHARASHTRA, MA

PROJECT NO. 17-17-17
DATE: 10-17-17
DRAWN BY: [Name]
CHECKED BY: [Name]



100 COMMERCIAL WAY, SUITE 200
MAHARASHTRA, MA 01948
TEL: 508-885-1111
FAX: 508-885-1112

ISSUED THIS: [Date]
PRELIMINARY UTILITIES PLAN
PAGE NO. C-102



1. THE INFORMATION SHOWN ON THIS PLAN IS THE SOLE PROPERTY OF ALLEN & MAJOR ASSOCIATES, INC. NO PART OF THIS PLAN IS TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE EXPRESS WRITTEN CONSENT OF ALLEN & MAJOR ASSOCIATES, INC. THIS NOTICE IS HEREBY FURNISHED TO THE USER.
2. THIS PLAN HAS BEEN PREPARED USING AVAILABLE SITE INFORMATION FROM YOURS, SUNDAY, BOSTON, MASS. OF WHICH IT IS UNIFORMED THE EXISTING CONDITIONS SURROUND THE LANDS FROM A PLAN COVERED THEORETICALLY, NOT PROVIDED BY ALLEN & MAJOR ASSOCIATES, INC. BOSTON, MASS. DATE: 08/14/07, SCALE: 1"=60'
3. THE INFORMATION SHOWN ON THIS PLAN IS THE SOLE PROPERTY OF ALLEN & MAJOR ASSOCIATES, INC. NO PART OF THIS PLAN IS TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE EXPRESS WRITTEN CONSENT OF ALLEN & MAJOR ASSOCIATES, INC. THIS NOTICE IS HEREBY FURNISHED TO THE USER.
4. THE PLAN IS A CONCEPTUAL PLAN ONLY, AND SUBJECT TO CHANGE AS REQUIRED FOR PROJECT PROGRESS.

PLANTING PALETTE-TREES, SHRUBS, & PERENNIALS

| KEY | QUANTITY | BOTANICAL NAME | COMMON NAME | MIN. SIZE | SPACING | COMMENTS |
|------------------------------|----------|------------------------|-----------------------|-------------|-------------|----------|
| DECIDUOUS SHADE TREES | | | | | | |
| SA | 150 | BALANOPHOBIA SPINOSA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| AS | 150 | Q. BURKEANA 'SUNSHINE' | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| SC | 150 | QUERCUS SPINOSA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| TR | 150 | TRINIA SPINOSA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| EVERGREEN TREES | | | | | | |
| AV | 150 | ADONIS VIRGINICA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| PA | 150 | PRUNUS SPINOSA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| CH | 150 | CHONOPHOBIA SPINOSA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |
| TR | 150 | TRINIA SPINOSA | WAXY LEAF HONEYLOCUST | 22-27' DBH. | 15' SPACING | BAB |

| KEY | QUANTITY | BOTANICAL NAME | COMMON NAME | MIN. SIZE | SPACING | COMMENTS |
|-----|----------|---------------------|-----------------------|-----------|-------------|----------|
| CA | 150 | CALLUNA VULGARIS | HEATH | 2-3' | 15' SPACING | PTF |
| ME | 150 | MELISSA SPINOSA | WAXY LEAF HONEYLOCUST | 2-3' | 15' SPACING | PTF |
| TR | 150 | TRINIA SPINOSA | WAXY LEAF HONEYLOCUST | 2-3' | 15' SPACING | PTF |
| AV | 150 | ADONIS VIRGINICA | WAXY LEAF HONEYLOCUST | 2-3' | 15' SPACING | PTF |
| PA | 150 | PRUNUS SPINOSA | WAXY LEAF HONEYLOCUST | 2-3' | 15' SPACING | PTF |
| CH | 150 | CHONOPHOBIA SPINOSA | WAXY LEAF HONEYLOCUST | 2-3' | 15' SPACING | PTF |
| TR | 150 | TRINIA SPINOSA | WAXY LEAF HONEYLOCUST | 2-3' | 15' SPACING | PTF |

| KEY | QUANTITY | BOTANICAL NAME | COMMON NAME | MIN. SIZE | SPACING | COMMENTS |
|-----|----------|---------------------|-----------------------|-----------|-------------|-----------|
| SA | 150 | SALICARIA SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| EP | 150 | EUPHORBIA SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| SC | 150 | SCHISANDRA SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| TR | 150 | TRINIA SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| AV | 150 | ADONIS VIRGINICA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| PA | 150 | PRUNUS SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| CH | 150 | CHONOPHOBIA SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |
| TR | 150 | TRINIA SPINOSA | WAXY LEAF HONEYLOCUST | 1-2' | 15' SPACING | STAGGERED |



- PROFESSIONAL ENGINEER FOR LANDSCAPE ARCHITECTURE
1. 10-18
 2. 10-18
 3. 10-18
 4. 10-18
 5. 10-18
 6. 10-18
 7. 10-18
 8. 10-18
 9. 10-18
 10. 10-18

WV HARBOROUGH MA CHHARR, LLC
 9 WEST BROAD STREET, SUITE 300
 STAMFORD, CT 06307

MULTIFAMILY DEVELOPMENT
 339 BOSTON POST ROAD EAST
 HARTFORD, CT

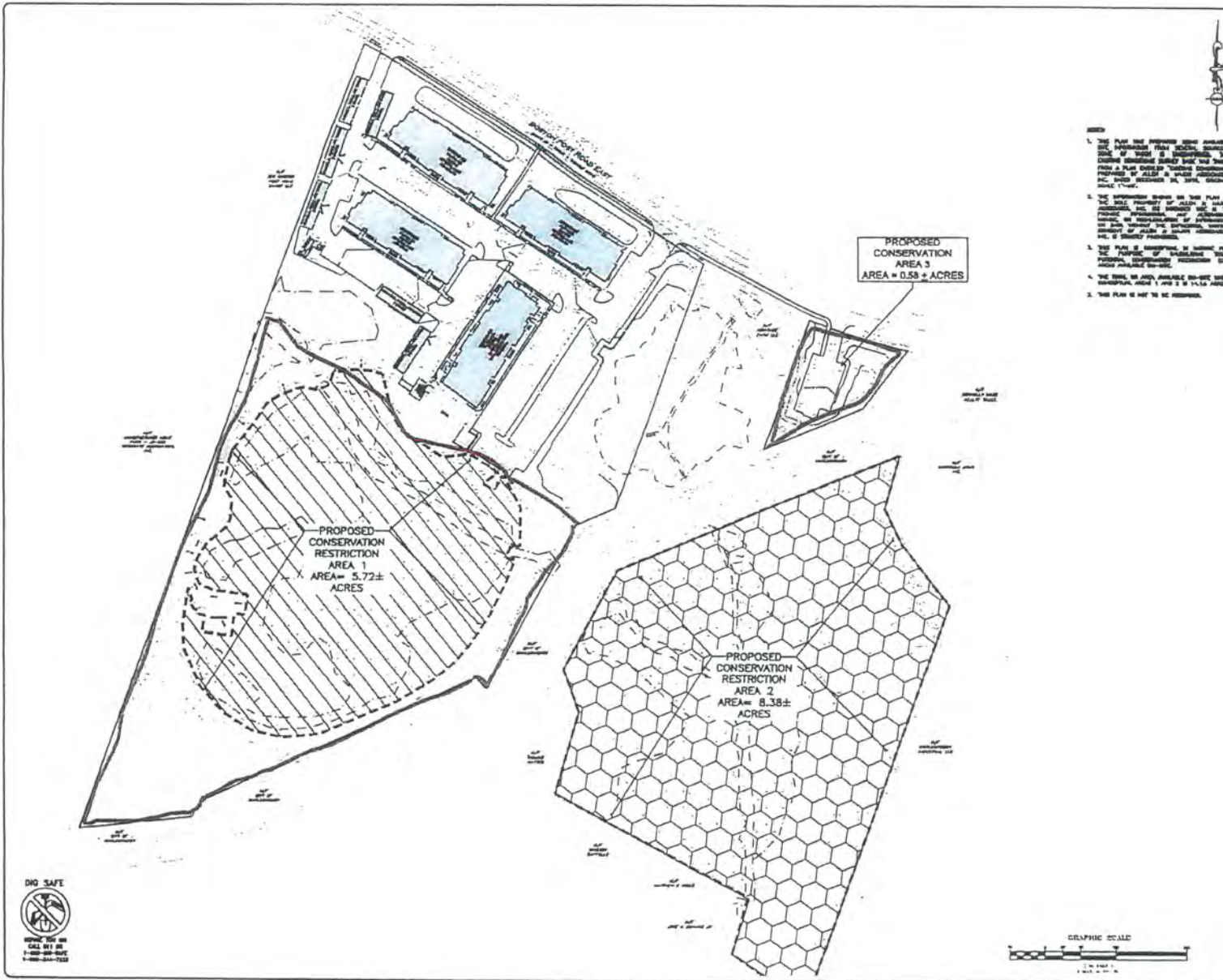
| | |
|--------------|-------|
| DESIGNED BY: | DATE: |
| DRAWN BY: | DATE: |



ALLEN & MAJOR ASSOCIATES, INC.
 339 BOSTON POST ROAD EAST
 HARTFORD, CT 06111

PRELIMINARY LANDSCAPE PLAN L-101

ATTACHMENT "B"



1. THE PLAN HAS BEEN PREPARED FROM AVAILABLE AND RECORDED PLAT RECORDS, SURVEYS, DATA OF RECORDS IN EXISTENCE, THE PROPOSED CONSERVATION RESTRICTION AREAS HAVE BEEN FIELD VERIFIED BY ALLEN & MAJOR ASSOCIATES, INC. ON OCTOBER 24, 2014, SUBJECT, DATE, 17-000.
2. THE CONSERVATION RESTRICTION ON THIS PLAN IS THE BEST PRACTICE OF ALLEN & MAJOR ASSOCIATES, INC. AND SHOULD NOT BE USED FOR FINANCIAL, TAXATION, OR OTHER PURPOSES. THE REPRESENTATION OF PROPERTY LINES AND BOUNDARIES IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OF TITLE OR SURVEY PERFORMANCE.
3. THIS PLAN IS INTENDED TO BE USED FOR THE PURPOSES OF REGULATING TRAIL, FOOTPATH, OR BIKEWAY USE ONLY. ALL OTHER USES ARE PROHIBITED UNLESS OTHERWISE SPECIFIED.
4. THE TOTAL AREA AVAILABLE FOR THESE CONSERVATION AREAS IS 14.68 ACRES.
5. THIS PLAN IS NOT TO BE REPRODUCED.

ISSUED FOR TEAM REVIEW

NOVEMBER 10, 2015

PROJECT: CONCEPTUAL CONSERVATION RESTRICTION PLAN FOR 339 BOSTON POST ROAD EAST, MANLOROUGH, MA

MANLOROUGH MA OWNER, LLC
 9 WEST BEACH STREET, SUITE 200
 STAMFORD, CT 06901

**MULTI-FAMILY DEVELOPMENT
 339 BOSTON POST ROAD EAST
 MANLOROUGH, MA**



CONCEPTUAL CONSERVATION RESTRICTION PLAN

DATE: 11/10/15

SCALE: AS SHOWN

PROJECT: 339 BOSTON POST ROAD EAST, MANLOROUGH, MA

CLIENT: MANLOROUGH MA OWNER, LLC

PROJECT NO: 15-000

DATE: 11/10/15

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MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Brian R. Falk

Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

2022 SEP -8 AM 9:47

September 8, 2022

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

Re: Vedi Naturals, LLC, d/b/a Kosa Dispensary;
Amendment to Special Permit on Hours of Operation

Dear Councilor Ossing:

On behalf of Vedi Naturals, LLC, d/b/a Kosa Dispensary, I respectfully submit the enclosed application to amend the existing special permit for Kosa's adult use marijuana retail establishment at 505 Boston Post Road West.

Kosa is looking to expand its hours of operation, which are set by Condition No. 8 of the existing special permit (Order No. 19/20-1007881F, copy enclosed). Kosa proposes a change in hours as follows:

Current Hours: Monday through Saturday, 10:00 a.m. to 8:00 p.m.;
Sunday, 10:00 a.m. to 5:00 p.m.

Proposed Hours: Monday through Thursday, 10:00 a.m. to 9:00 p.m.;
Friday and Saturday, 10:00 a.m. to 10:00 p.m.;
Sunday, 10:00 a.m. to 8:00 p.m.

The proposed hours are consistent with those allowed by the City for package stores and other retail marijuana establishments.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc: Client

**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:
Vedi Naturals LLC, d/b/a Kosa, 505 Boston Post Road West, Marlborough, MA 01752

2. Specific Location of property including Assessor's Plate and Parcel Number.
505 Boston Post Road West; Assessors Parcel 88-3

3. Name and address of owner of land if other than Petitioner or Applicant:
Sparte II Realty Trust, Dino Karalis, Trustee, 160 Edgell Road, Framingham, MA

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


5. Specific Zoning Ordinance under which the Special Permit is sought:
650-17, 650-18(46), 650-32
Article _____ Section _____ Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:
Business (B)

7. Specific reason(s) for seeking Special Permit
The Applicant seeks to amend Condition #8 of its existing special permit regarding the hours of operation for the adult use retail marijuana establishment, so that the new hours will be: Monday through Thursday, 10 a.m. to 9 p.m.; Friday and Saturday, 10 a.m. to 10 p.m.; and Sunday, 10 a.m. to 8 p.m. The new proposed hours are consistent with those allowed by the City for package stores and other retail marijuana establishments.

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, Esq.
Address: Mirick O'Connell
100 Front Street
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: 9/8/2022

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

Vedi Naturals LLC, d/b/a Kosa

(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**)

ABUTTERS - 505 BOSTON POST RD WEST, MARLBOROUGH, MA (88-3) - 400 FT

| Parcel Number | GIS Number | Cama Number | Property Address | Owner Name | Co-Owner Name | Owner Address | Owner Address 2 | Owner City | Owner State | Owner Zip | Use Code |
|---------------|---------------------|-------------|-----------------------------|-----------------------------------|--|----------------------------|------------------|--------------|-------------|-----------|----------|
| 88-1 | M_191432_898 470 | 88-1 | BOUNDARY ST | 50 BOUNDARY LLC | | PO BOX 28923 | | ST LOUIS | MO | 63132 | 1320 |
| 88-10 | M_191658_898 413 | 88-10 | 497 NORTHBORO RD WEST | OFLC PROPERTIES LLC | | 515 NORTHBORO RD WEST | | MARLBOROUGH | MA | 01752 | 1400 |
| 88-1A | M_191375_898 480 | 88-1A | BOUNDARY ST | ADVOCATES INC | | 1881 WORCESTER RD | | FRAMINGHAM | MA | 01701 | 9510 |
| 88-2 | M_191453_898 448 | 88-2 | 48 BOUNDARY ST | MONTEIRO JOHN B | MARIA ADELAIDE C MONTEIRO | 85 WASHINGTON ST | | HUDSON | MA | 01749 | 1010 |
| 88-24 | M_191502_898 292 | 88-24 | 506 BOSTON POST RD WEST | SEYMOUR LOIS A TR | 496 BOSTON POST RD WEST REALTY TRUST | 496 BOSTON POST RD WEST | | MARLBOROUGH | MA | 01752 | 1010 |
| 88-24A | M_191521_898 236 | 88-24A | 496 BOSTON POST RD WEST | SEYMOUR LOIS A TR | 496 BOSTON POST RD WEST REALTY TRUST | 496 BOSTON POST RD WEST | | MARLBOROUGH | MA | 01752 | 1010 |
| 88-25 | M_191460_898 274 | 88-25 | 520 BOSTON POST RD WEST | HESTER RICHARD M TR | HESTER INVESTMENT TRUST | PO BOX 53 | | MARLBOROUGH | MA | 01752 | 0332 |
| 88-25A | M_191470_898 196 | 88-25A | BOSTON POST RD WEST | SEYMOUR LOIS A TR | 496 BOSTON POST RD WEST REALTY TRUST | 496 BOSTON POST RD WEST | | MARLBOROUGH | MA | 01752 | 4420 |
| 88-35 | M_191569_898 122 | 88-35 | HAYES MEMORIAL DR | GUTIERREZ ARTURO J TR | JOHN A CATALDO TR | 200 WHEELER RD | | BURLINGTON | MA | 01803 | 4400 |
| 88-36 | M_191743_898 315 | 88-36 | 1000 NICKERSON RD | AG 1000 NICKERSON OWNER LLC | C/O ANGELO GORDON & CO LP | 245 AVENUE, 24TH FLOOR | | NEW YORK | NY | 10167 | 4400 |
| 88-3A | M_191531_898 378 | 88-3A | 493 BOSTON POST RD WEST | KARALIS DINO TR | SPARTE II REALTY TRUST | 160 EDGELL RD | | FRAMINGHAM | MA | 01701 | 3260 |
| 88-4 | M_191443_898 353 | 88-4 | BOSTON POST RD WEST | CLARK ANDREW M | CLARK AMY F | 493 MAIN ST | | NORTHBORO | MA | 01532 | 3920 |
| 88-5 | M_191488_898 615 | 88-5 | 1109 ELM ST | CITY OF MARLBOROUGH | | 140 MAIN ST | | MARLBOROUGH | MA | 01752 | 9300 |
| 88-6 | M_191567_898 471 | 88-6 | ELM ST | VALARIOTI JOSEPH A | | C/O DOMENIC VALARIOTI | 53 CENTRAL ST | MARLBOROUGH | MA | 01752 | 1320 |
| 88-7 | M_191541_898 484 | 88-7 | 33 BOUNDARY ST | OLESEN DANIEL M TR | | 33 BOUNDARY ST | | MARLBOROUGH | MA | 01752 | 1010 |
| 88-8 | M_191551_898 446 | 88-8 | 25 BOUNDARY ST | VALARIOTI DOMENIC J TR | RICHARD R VALARIOTI TR | C/O RICHARD VALARIOTI | 4 WHISTLER LN | SOUTHBOROUGH | MA | 01772 | 1010 |

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Vedi Naturals LLC Address: 505 Boston Post Road West

Project Name: Kosa Address: 505 Boston Post Road West

1. PROPOSED USE: (describe) Adult Use Marijuana Retail Establishment

2. EXPANSION OR NEW: Expansion of hours for an existing use.

3. SIZE: floor area sq. ft. 2,350 1st floor 2,350 all floors 2,350
 # buildings 1 # stories 1 lot area (s.f.) 87,555.6

4. LOT COVERAGE: preexisting %Landscaped area: preexisting %

5. POPULATION ON SITE: Number of people expected on site at anytime:
 Normal: 10 Peak period: 25

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 10 Peak period: 20

(B) How many service vehicles will service the development and on what schedule?

2 - 3 deliveries per week.

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

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.

Normal vehicle and customer noise during regular business hours.

9. AIR: What sources of potential air pollution will exist at the development? None

None

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

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

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: 8/29/2022

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Kosa

Project Use Summary: Adult Use Retail Marijuana Establishment

Project Street Address: 505 Boston Post Road West

Plate: 88 Parcel: 3

Applicant/Developer Name: Vedi Naturals LLC, d/b/a Kosa

Plan Date: December 2, 2019 Revision Date: September 7, 2020

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**

\$250

**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 ✓
- 1 SET FIRE CHIEF ✓
- 1 SET CITY ENGINEER ✓
- 1 SET DIRECTOR OF PLANNING ✓
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) ✓
- 1 SET BUILDING COMMISSIONER ✓
- 12 SETS OFFICE OF THE CITY COUNCIL ✓
- 3 SETS OFFICE OF THE CITY CLERK ✓ (**MUST be Original** & 2 Complete Sets)


Signature

9/8/2022
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

Sparte II Realty Trust

Owner Name/Officer Name of LLC or Corporation

Dino Karalis, Trustee

Owner/Officer Complete Address and Telephone Number

160 Edgell Road

Framingham, MA 01701

Signature of Applicant

Attorney on behalf of Applicant, if applicable

Brian R. Falk, Attorney for Applicant

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

Tax Collector

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

| | |
|--|----------------------|
| Document Number | : 171546 |
| Document Type | : DECIS |
| Recorded Date | : September 25, 2020 |
| Recorded Time | : 06:20:19 PM |
| Recorded Book and Page | : 75722 / 351 |
| Number of Pages(including cover sheet) | : 11 |
| Receipt Number | : 2526430 |
| Recording Fee | : \$105.00 |

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

IN CITY COUNCIL NOTICE OF DECISION GRANT OF SPECIAL PERMIT

*****Deed: Book 26271, Page 92

Special Permit Application of:
Vedi Naturals LLC
3 Craig Drive
Clinton, MA 01510
Order No. 19/20-1007881F

Locus:
505 Boston Post Road West
Marlborough, MA 01752
Assessors Map 88, Parcel 3

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Vedi Naturals LLC with mailing address of 3 Craig Drive, Clinton, MA 01510, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: August 24, 2020.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 1st day of September 2020.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 22ND day of September 2020.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST:


City Clerk



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 1

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT VEDI NATURALS LLC

DECISION ON A SPECIAL PERMIT ORDER NO. 19/20-1007881F

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to VEDI Naturals LLC (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 505 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing limited liability company having a business address of 3 Craig Drive, Clinton, MA 01510.
2. The Applicant is the prospective tenant of a commercial retail unit located at 505 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 88, Parcel 3 (the "Site"). The Site's owner is Sparte II Realty Trust, Eleni Karalis McGrail and Christofile Tsiantoulas, co-Trustees with a business address of 160 Edgell Road, Framingham, MA 01701.
3. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Business Zoning District with frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 87,555.6 +/- square feet.
6. The Use will occupy an existing retail unit at the Site with an area of 2,350 +/- square feet.
7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 2

ORDERED:

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior and interior of the unit associated with the Use (collectively the "Plans").
9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on January 27, 2020. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, one member of the public spoke in favor of the Use and one member of the public spoke in opposition to the Use.

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

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



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 3

ORDERED:

- C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road West) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center; in accordance with § 650-32.F and § 650-32.F.1 of the Zoning Ordinance.

- D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:
 - 1. Social, economic, or community needs which are served by the proposal:
 Finding: The Use will provide a safe and convenient location adults to obtain marijuana and marijuana-infused products.

 - 2. Traffic flow and safety, including parking and loading:
 Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

 - 3. Adequacy of utilities and other public services:
 Finding: The Site provides adequate utilities and public services for the Use.

 - 4. Neighborhood character and social structures:
 Finding: The Use is consistent with the established retail area in the vicinity of the Site.

 - 5. Impacts on the natural environment:
 Finding: The Use will have no greater impact than the established retail uses in the area.

 - 6. Potential fiscal impact, including impact on City services, tax base, and employment:
 Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 4

ORDERED:

7. Hours of operation:

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

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

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

9. Requiring payment of a community impact fee:

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

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 5

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

Finding: This requirement is specially conditioned below.

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

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

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

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



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 6

- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
 2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
 3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 5. Compliance with State Requirements. In accordance with §650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 7

ORDERED:

6. Security.
 - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby and waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
 - b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up/drop-off area for customers and products.
 - c. The Use shall have opaque exterior windows.
 - d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
 - e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.
7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.
9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to Massachusetts Cannabis Control Commission.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 8

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.
13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of licensure by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.
14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. Boundary Street Entrance/Exit. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the vegetation located north of the Boundary Street entrance/exit to the Site trimmed to improve sight distances for vehicles.
16. Parking Lot. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the Site's parking lot restriped and parking lot accessibility signage updated, in accordance with the Zoning Ordinance, the City Code, and state regulations. As part of the Site Plan Review process, the Applicant shall review options to convert the former child play area at the Site to additional parking spaces.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

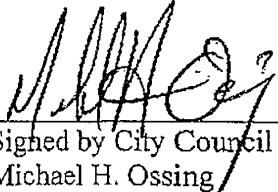
PAGE 9

ORDERED:

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

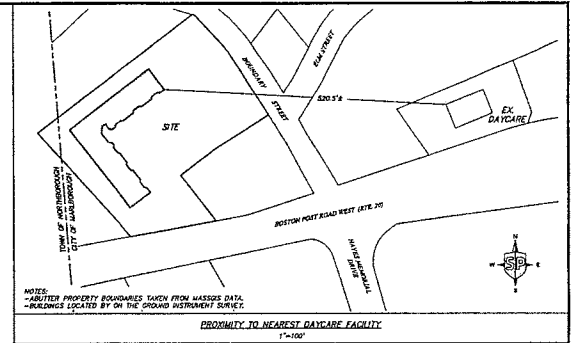
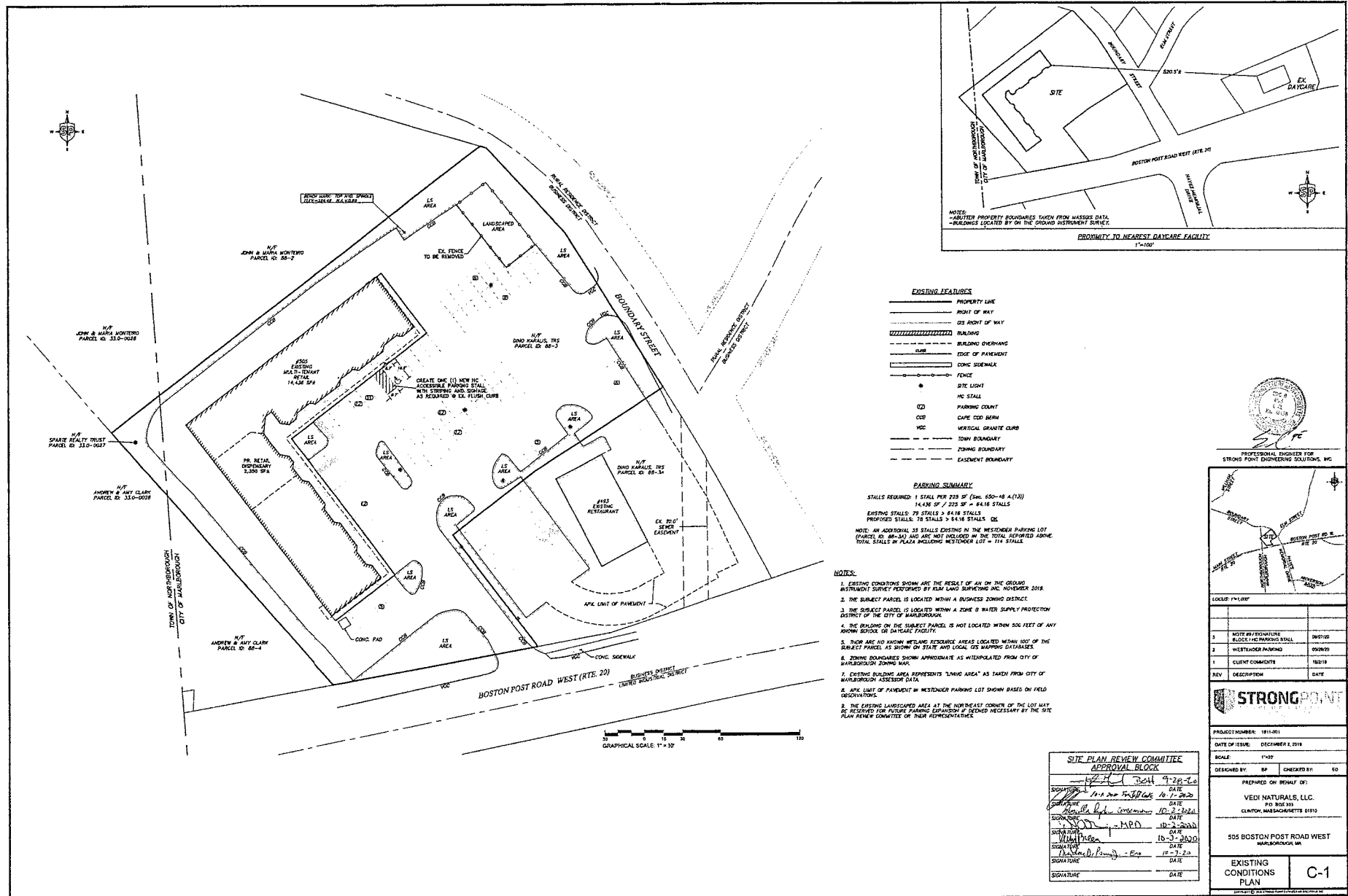
Yea: 11 – Nay: 0

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



Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
19/20-10078881F



- EXISTING FEATURES**
- PROPERTY LINE
 - - - - - FRONT OF WAY
 - - - - - GS FRONT OF WAY
 - ▨ BUILDING
 - - - - - BUILDING OVERHANG
 - ▤ CURB
 - - - - - EDGE OF PAVEMENT
 - ▬ CONC SIDEWALK
 - FENCE
 - * SITE LIGHT
 - HC STALL
 - PD PARKING CURB
 - CUB CURB CURB BURN
 - ▨ VERTICAL GRANITE CURB
 - - - - - TOWN BOUNDARY
 - - - - - ZONING BOUNDARY
 - - - - - EASEMENT BOUNDARY

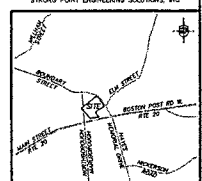
PARKING SUMMARY

STALLS REQUIRED: 1 STALL PER 225 SF (Sic. 650-18 A.133)
 14,126 SF / 225 SF = 62.8 STALLS

EXISTING STALLS: 79 STALLS > 62.8 STALLS
 PROPOSED STALLS: 79 STALLS > 62.8 STALLS OK

NOTE: AN ADDITIONAL 35 STALLS EXISTING IN THE WESTDORR PARKING LOT (PARCELS NO. 80-34) AND ARE NOT INCLUDED IN THE TOTAL REPORTED ABOVE. TOTAL STALLS IN AREA INCLUDING WESTDORR LOT = 114 STALLS.

- NOTES:**
- EXISTING CONDITIONS SHOWN ARE THE RESULT OF AN ON THE GROUND INSTRUMENT SURVEY PERFORMED BY PLUM LAND SURVEYING INC. NOVEMBER 2018.
 - THE SUBJECT PARCEL IS LOCATED WITHIN A BUSINESS ZONING DISTRICT.
 - THE SUBJECT PARCEL IS LOCATED WITHIN A ZONE B WATER SUPPLY PROTECTION DISTRICT OF THE CITY OF MARLBOROUGH.
 - THE BUILDING ON THE SUBJECT PARCEL IS NOT LOCATED WITHIN 500 FEET OF ANY ZONING SCHOOL OR DAYCARE FACILITY.
 - THERE ARE NO KNOWN WETLAND RESOURCE AREAS LOCATED WITHIN 100' OF THE SUBJECT PARCEL AS SHOWN ON STATE AND LOCAL GIS MAPPING DATABASES.
 - ZONING BOUNDARIES SHOWN APPROPRIATE AS INTERPOLATED FROM CITY OF MARLBOROUGH ZONING MAP.
 - EXISTING BUILDING AREA REPRESENTS "LIVING AREA" AS TAKEN FROM CITY OF MARLBOROUGH ASSESSOR DATA.
 - APR. LIMIT OF PAVEMENT IN WESTDORR PARKING LOT SHOWN BASED ON FIELD OBSERVATIONS.
 - THE EXISTING LANDSCAPED AREA AT THE NORTHEAST CORNER OF THE LOT MAY BE RESERVED FOR FUTURE PARKING EXPANSION IF DEEMED NECESSARY BY THE SITE PLAN REVIEW COMMITTEE OR THEIR REPRESENTATIVES.



| REV. | DESCRIPTION | DATE |
|------|--------------------|----------|
| 1 | NOTE #1/ SIGNATURE | 08/27/19 |
| 2 | WESTDORR PARKING | 09/09/19 |
| 3 | CLIENT COMMENTS | 10/19/19 |

STRONG POINT

PROJECT NUMBER: 1811-001
 DATE OF ISSUE: DECEMBER 2, 2019
 SCALE: 1"=30'
 DESIGNED BY: SP CHECKED BY: ED
 PREPARED ON BEHALF OF:
 VEDI NATURALIS, LLC
 PRO BOX 803
 CLINTON, MASSACHUSETTS 01510
 505 BOSTON POST ROAD WEST
 MARLBOROUGH MA

| SITE PLAN REVIEW COMMITTEE APPROVAL BLOCK | |
|---|------|
| SIGNATURE | DATE |
| SIGNATURE | DATE |
| SIGNATURE | DATE |
| SIGNATURE | DATE |
| SIGNATURE | DATE |
| SIGNATURE | DATE |
| SIGNATURE | DATE |

EXISTING CONDITIONS PLAN C-1

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGHBrian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256
2022 SEP -8 AM 9:52

September 8, 2022

VIA HAND DELIVERYCouncilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752Re: 661 Boston Post Road East; Amendments to Special Permit and Site Plan Approval

Dear Councilor Ossing:

On behalf of my client Aubuchon Realty Company, Inc., I respectfully submit applications to amend the Special Permit and Site Plan Approval for 661 Boston Post Road East, known as the Wayside Crossing plaza.

In 2021, the Council granted a special permit (copy enclosed) authorizing an expansion of the plaza to add a Starbucks with a drive-through facility, a bank with a drive-through facility, and additional retail space. The amended applications would leave the Starbucks area unchanged, but add a stand-alone Chipotle restaurant with a drive-through facility and eliminate the proposed bank and retail addition to the plaza.

Overall, these changes would reduce the total building area at the plaza. Other aspects of the project will remain the same. The plaza will have 66 parking spaces and site access will be from the Target driveway using two existing curb cuts and a new curb cut near the drive-through lanes. Landscaping and pedestrian/bicycle upgrades will be the same, and consistent with the requirements of the Wayside Zoning District. Preexisting uses at the site will remain unchanged.

Because this site is located in the Wayside District, the City Council is both the special permit granting authority and the site plan review authority.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/
Encl.
cc: Client

(Client Matter 31769/00001/A7984239.DOCX)

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

**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:
Aubuchon Realty Company, Inc., 73 Junction Square Drive, Concord, MA 01742

2. Specific Location of property including Assessor's Plate and Parcel Number.
661 Boston Post Road East, (Route 20) - Map 61, Lot 27A


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

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
5. Specific Zoning Ordinance under which the Special Permit is sought:
650-12.B, 650-14.B(2), 650-17, 650-18(31), 650-37
Article _____ Section _____ Paragraph _____ Sub-paragraph _____
6. Zoning District in which property in question is located:
Wayside District

7. Specific reason(s) for seeking Special Permit
The Applicant seeks to amend the special permit issued in 2021 for this site. The existing special permit authorized a new coffee shop restaurant building with a drive-through facility and a bank with a drive-through facility added to the existing retail building. The amended plans replace the bank and retail addition with a stand-alone restaurant with a drive-through facility. The new coffee shop restaurant building with a drive-through facility would remain the same, as would the preexisting uses at the site.

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 R. Falk, Attorney for the Applicant
Address: Mirick O'Connell
100 Front Street
Worcester, MA 01608

Telephone No. 508-929-1678

Date: 9/8/2022

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

Aubuchon Realty Company, 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**)

ABUTTERS - 661 BOSTON POST RD EAST, MARLBOROUGH, MA (61-27A) - 400 FT

| Parcel Number | GIS Number | Cama Number | Property Address | Owner Name | Co-Owner Name | Owner Address | Owner Address 2 | Owner City | Owner State | Owner Zip | Use Code |
|---------------|---------------------|--------------|-----------------------------------|-----------------------------------|------------------------|--------------------------------|--------------------|-------------|-------------|-----------|----------|
| 60-30 | M_199434_899 865 | 60-30-586-1 | 586 BOSTON POST RD EAST #1 | CHO CHONG | | 236 OLD LANCASTER RD | | SUDBURY | MA | 01776 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-10 | 586 BOSTON POST RD EAST #10 | LIBERATORE RICHARD H LI EST | | 586 BOSTON POST RD EAST #10 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-11 | 586 BOSTON POST RD EAST #11 | CRUZ FABIANA A | RODNEY A CRUZ | 586 BOSTON POST RD EAST #11 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-12 | 586 BOSTON POST RD EAST #12 | LAM PATRICK | JENNIFER LAM | 32 ADAMS RD | | SUDBURY | MA | 01776 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-2 | 586 BOSTON POST RD EAST #2 | SILVA MARINETE | | C/O MARINETE LUNA | 89 WILSON ST #1 | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-3 | 586 BOSTON POST RD EAST #3 | AZEREDO ELIANA F | ROBSON LUIZ PFEFFER | 586 BOSTON POST RD EAST #3 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-4 | 586 BOSTON POST RD EAST #4 | GONCALVES DUILIO | | 19 RUTH DR | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-5 | 586 BOSTON POST RD EAST #5 | PAULA RONNE | | 586 BOSTON POST RD EAST #5 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-6 | 586 BOSTON POST RD EAST #6 | DIDIO JACQUIE A | | 43 POPE ST | | HUDSON | MA | 01749 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-7 | 586 BOSTON POST RD EAST #7 | OLIVEIRA NELIO | TARCILLA D OLIVEIRA | 14 GATELY DR | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-8 | 586 BOSTON POST RD EAST #8 | SANDRI MARLENE | | 631 ELM ST | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-586-9 | 586 BOSTON POST RD EAST #9 | CHAMBERLAIN THOMAS E JR | | 586 BOSTON POST RD EAST #9 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-1 | 596 BOSTON POST RD EAST #1 | TAVARES FERNANDA | LUCIANO ALVES | 23 BALCOM RD | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-10 | 596 BOSTON POST RD EAST #10 | ALVES LUCIANO | FERNANDA TAVARES | 23 BALCOM RD | | MARLBOROUGH | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-596-11 | 596 BOSTON POST RD EAST #11 | BLEAKLEY JAMES R TR | ELENA T BLEAKLEY TR | 20 LIBERTY AVE | | LEXINGTON | MA | 02420-3445 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-12 | 596 BOSTON POST RD EAST #12 | OMALLEY SANDRA | | 15 MEETINGHOUSE LN | | SOUTH EASTON | MA | 02375 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-13 | 596 BOSTON POST RD EAST #13 | PRG LJS LLC | | 60 LEO BIRMINGHAM PKWY | | BRIGHTON | MA | 02135 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-14 | 596 BOSTON POST RD EAST #14 | DIANA MICHAEL A | | 4 VOYAGERS LN | | ASHLAND | MA | 01721 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-15 | 596 BOSTON POST RD EAST #15 | OLIVEIRA MARCILENE S | RUTINALDO H OLIVEIRA | 596 BOSTON POST RD EAST #15 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-16 | 596 BOSTON POST RD EAST #16 | MILIOLI JULIANO | | 596 BOSTON POST ROAD UNIT 23 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-17 | 596 BOSTON POST RD EAST #17 | BASSETTI JACIMAR T | ELIANA BASSETTI | 15 DICKENSON WAY #82L | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-18 | 596 BOSTON POST RD EAST #18 | DAROS MARIA D | RONALDO P LIMA | 596 BOSTON POST RD EAST #18 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-19 | 596 BOSTON POST RD EAST #19 | PAGE MICHAEL | | 50 PAGE RD | | WESTON | MA | 02193 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-2 | 596 BOSTON POST RD EAST #2 | TAVARES FERNANDA A | LUCIANO ALVES | 23 BALCOM RD | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-20 | 596 BOSTON POST RD EAST #20 | MARIA MARTIN TR | MARIA MAURA TR M&M REALTY TRUST | PO BOX 272 | | WESTBOROUGH GH | MA | 01581 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-21 | 596 BOSTON POST RD EAST #21 | CHEN YINGXUE | | 103 CANTERBURY HILL RD | | ACTON | MA | 01720 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-22 | 596 BOSTON POST RD EAST #22 | OSMAN JEFFREY L | | 596 BOSTON POST RD EAST #22 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-23 | 596 BOSTON POST RD EAST #23 | MILIOLI JULIANO | | 596 BOSTON POST RD EAST #23 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-24 | 596 BOSTON POST RD EAST #24 | THORNTON JOHN P | ALZIRA M THORNTON | 596 BOSTON POST RD EAST #24 | | MARLBOROUGH H | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-596-3 | 596 BOSTON POST RD EAST #3 | RICHARDSON CLIFFORD D | | 12 KILLEEN RD | | E WALPOLE | MA | 02032 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-5 | 596 BOSTON POST RD EAST #5 | HEFFERNAN WILLIAM F JR | | 30A LACKEY ST | | WESTBORO | MA | 01581 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-6 | 596 BOSTON POST RD EAST #6 | LAGUNA FLAVIO M | | 596 BOSTON POST RD EAST #6 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-7 | 596 BOSTON POST RD EAST #7 | HEFFERNAN KAREN A TR | 596 BOSTON POST RD REALTY TRUST | 30A LACKEY ST | | WESTBORO | MA | 01581 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-8 | 596 BOSTON POST RD EAST #8 | TAVARES FERNANDA A | LUCIANO F ALVES | 23 BALCOM RD | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-596-9 | 596 BOSTON POST RD EAST #9 | TRINDADE MARCO A | JUZIANE A DAROS TRINDADE | 596 BOSTON POST RD EAST #18 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-1 | 608 BOSTON POST RD EAST #1 | POLICARPO ROGERIO P TRUSTEE | 608 BOSTON POST ROAD UNIT 1 REAL ESTATE TRUST | 226 AZURA POINT | | SAINT JOHNS | FL | 32259 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-10 | 608 BOSTON POST RD EAST #10 | BABBAR NAVEEN TR | BOSTON ROAD REALTY TRUST | 105 CANTERBURY HILL RD | | ACTON | MA | 01720 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-11 | 608 BOSTON POST RD EAST #11 | PRG LJS LLC | ATTN LEONARD J SAMIA | 60 LEO BIRMINGHAM PKWY | 3RD FLOOR | BRIGHTON | MA | 02135 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-12 | 608 BOSTON POST RD EAST #12 | BAUER JAMES TR | NORMA BAUER- LOSTAUNAU TR | 41 OAKVALE RD | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-13 | 608 BOSTON POST RD EAST #13 | TEIXEIRA BRIAN L | | 608 BOSTON POST RD EAST #13 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-14 | 608 BOSTON POST RD EAST #14 | BLEAKLEY JAMES R TR | ELENA T BLEAKLEY TR | 20 LIBERTY AVE | | LEXINGTON | MA | 02420 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-15 | 608 BOSTON POST RD EAST #15 | SONI AMIT | | 1249 ELM ST | | CONCORD | MA | 01742 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-16 | 608 BOSTON POST RD EAST #16 | ALCANTARA LEANDRO F | | 8 LILAC CIR | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-17 | 608 BOSTON POST RD EAST #17 | DEAZEREDO ALAOR FLORES | | 608 BOSTON POST RD EAST #17 | | MARLBOROUGH | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-608-18 | 608 BOSTON POST RD EAST #18 | ZULAWNIK LEILA R | | 15 LAKESHORE DR | | HUDSON | MA | 01749 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-19 | 608 BOSTON POST RD EAST #19 | LI LI | | PO BOX 52635 | | BOSTON | MA | 02205 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-2 | 608 BOSTON POST RD EAST #2 | OLIVEIRA DIVINO P | | 54 HOSMER ST | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-20 | 608 BOSTON POST RD EAST #20 | LEVY DAVID J | DEBRA LEVY | 42 DAVIS FARM RD | | ASHLAND | MA | 01721 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-21 | 608 BOSTON POST RD EAST #21 | LEVY DAVID J | DEBRA LEVY | 42 DAVIS FARM RD | | ASHLAND | MA | 01721 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-22 | 608 BOSTON POST RD EAST #22 | SRE PROPERTIES 3 LLC | | 98 BISHOPS FOREST DR | | WALTHAM | MA | 02452 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-23 | 608 BOSTON POST RD EAST #23 | LEWIS MEAGHAN A | NIGEL D LEWIS | 608 BOSTON POST RD EAST #23 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-24 | 608 BOSTON POST RD EAST #24 | LAMPILA STEPHANIE | | 608 BOSTON POST RD EAST #24 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-25 | 608 BOSTON POST RD EAST #25 | WELLS FARGO BANK NA TRUSTEE SOUNDVIEW HOME LOAN TR | | 1 MORTGAGE WAY | MAIL STOP SV- 22 | MOUNT LAUREL | NJ | 08054 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-4 | 608 BOSTON POST RD EAST #4 | BAUER JAMES TR | NORMA BAUER- LOSTAUNAU TR | 41 OAKVALE RD | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-5 | 608 BOSTON POST RD EAST #5 | HAWILLA SAMMY | | 608 BOSTON POST RD EAST #5 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-6 | 608 BOSTON POST RD EAST #6 | SRE PROPERTIES 3 LLC | | 98 BISHOPS FOREST DR | | WALTHAM | MA | 02452 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-7 | 608 BOSTON POST RD EAST #7 | JIANG ZHAOQUAN | KANG XIAOWEN | 22 ENDIBORO ST | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-608-8 | 608 BOSTON POST RD EAST #8 | TAVARES FERNANDO | LUCIANO F ALVES | 23 BALCOM RD | | MARLBOROUGH H | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-608-9 | 608 BOSTON POST RD EAST #9 | MARTINS MARGARIDA TR | MARTINS REALTY TRUST | 608 BOSTON POST RD EAST #9 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-1 | 616 BOSTON POST RD EAST #1 | GROSSI WILLIAM | | 36 LONGEDGE RD | | CLINTON | MA | 01510 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-10 | 616 BOSTON POST RD EAST #10 | BOAVENTURA GILMAR M | | 62 GREENWOOD ST | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-11 | 616 BOSTON POST RD EAST #11 | KAY GISELE | | 688 BOSTON POST RD EAST #122 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-12 | 616 BOSTON POST RD EAST #12 | MEHTA MEENA A | APURVA MEHTA | 45 EWALD AVE | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-13 | 616 BOSTON POST RD EAST #13 | CONCALVES DANIELA | | 19 RUTH DR | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-14 | 616 BOSTON POST RD EAST #14 | PAREENE DANIEL M | | 555 CHESTNUT ST | | ASHLAND | MA | 01724 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-15 | 616 BOSTON POST RD EAST #15 | NICHOLAS PAUL | JANET NICHOLAS | 21 ADAMS DR | | STOW | MA | 01775 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-16 | 616 BOSTON POST RD EAST #16 | SLATKAVITZ ALAN E | | 616 BOSTON POST RD EAST #16 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-17 | 616 BOSTON POST RD EAST #17 | JAMBA NICHOLAS | BLYTH JAMBA | 49 FORT POND LN | | LANCASTER | MA | 01523-3231 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-18 | 616 BOSTON POST RD EAST #18 | BOAVENTURA GILMAR M | | 62 GREENWOOD ST #2 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-19 | 616 BOSTON POST RD EAST #19 | LANES HARLEN | | 38 LEOLEIS DR | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-2 | 616 BOSTON POST RD EAST #2 | ELLIS LORI A | | 616 BOSTON POST RD EAST #2 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-20 | 616 BOSTON POST RD EAST #20 | BOAVENTURA GILMAR M | BOAVENTURA EDIRLAINE L | 62 GREENWOOD ST #2 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-21 | 616 BOSTON POST RD EAST #21 | SILVA ZILDA | | 616 BOSTON POST RD EAST #21 | | MARLBOROUGH H | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-616-22 | 616 BOSTON POST RD EAST #22 | BURKE GREGORY | | 51 MAIDEN LN | | WAYLAND | MA | 01778 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-23 | 616 BOSTON POST RD EAST #23 | DEFREITAS BLAINE J | | ONE PLEASANT ST | | MAYNARD | MA | 01754 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-24 | 616 BOSTON POST RD EAST #24 | LANE CHRISTINE E | DAVID L ZAGWYN | 30 MYRICK ST | | AYER | MA | 01432 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-25 | 616 BOSTON POST RD EAST #25 | GONCALVES DUILIO | | 19 RUTH DR | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-26 | 616 BOSTON POST RD EAST #26 | BLEAKLEY ELENA TR | JAMES BLEAKLEY TR | 20 LIBERTY AVE | | LEXINGTON | MA | 02420-3445 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-27 | 616 BOSTON POST RD EAST #27 | DESCHENEAU X WEI YANG | ROGER PAUL DESCHENEAU | 163 PLEASANT ST | | UPTON | MA | 01568 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-28 | 616 BOSTON POST RD EAST #28 | MARIA MARTIN TR | MAURA MARIA TR | PO BOX 272 | | WESTBOROUGH | MA | 01581 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-29 | 616 BOSTON POST RD EAST #29 | NYLAND FERNANDA | | 616 BOSTON POST RD EAST #29 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-3 | 616 BOSTON POST RD EAST #3 | ZIZZA CHRISTOPHE R | HEIDI ZIZZA | 616 BOSTON POST RD EAST #3 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-30 | 616 BOSTON POST RD EAST #30 | FREEDMAN EDWARD | | 616 BOSTON POST RD EAST #30 | UNIT 30 | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-4 | 616 BOSTON POST RD EAST #4 | ZAHID BRAHIM | | 215 HARVARD ST UNIT #15 | | MEDFORD | MA | 02155 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-5 | 616 BOSTON POST RD EAST #5 | BAUER JAMES TR | NORMA BAUER- LOSTAUNAU TR | 41 OAKVALE RD | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-7 | 616 BOSTON POST RD EAST #7 | WEENER STEVEN | BRENDA WEENER | 17 WAYSIDE AVE | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-8 | 616 BOSTON POST RD EAST #8 | BAKER KENNETH H | | 131 LEOLEIS DR | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-616-9 | 616 BOSTON POST RD EAST #9 | ABU DAVID L TR | DAVID L ABU LIVING TRUST | 200 PACIFIC COAST HIGHWAY #408 | | HUNTINGTON BEACH | CA | 92648 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-624-1 | 624 BOSTON POST RD EAST #1 | CHO CHONG M | | 236 OLD LANCASTER RD | | SUDBURY | MA | 01776 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-10 | 624 BOSTON POST RD EAST #10 | CHEN CHIU YANG | | 35 CHURCH ST | | GRAFTON | MA | 01519 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-11 | 624 BOSTON POST RD EAST #11 | LAM JERRY | | 8 NINTH ST | UNIT # 403 | MEDFORD | MA | 02155 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-12 | 624 BOSTON POST RD EAST #12 | CAMAROTA HEATHER A | | 624 BOSTON POST RD EAST #12 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-13 | 624 BOSTON POST RD EAST #13 | FALLER WILLIAM M | | 624 BOSTON POST RD EAST #13 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-14 | 624 BOSTON POST RD EAST #14 | DACOSTA LAURO JONATHAN SILVA | | 20 AUTUMN LN | | BOLTON | MA | 01740 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-15 | 624 BOSTON POST RD EAST #15 | GEBSCO REALTY CORPORATIO N | | 410 BOSTON POST RD STE #28 | | SUDBURY | MA | 01776 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-16 | 624 BOSTON POST RD EAST #16 | COUTO VARONIL P | | | | HUDSON | MA | 01749 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-17 | 624 BOSTON POST RD EAST #17 | TRUMBLE STEVEN | | C/O JAMES W CURRIE JR | 5 LAUREL DRIVE | HUDSON | MA | 01749 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-18 | 624 BOSTON POST RD EAST #18 | OLIVERIA PAUL J | | 624 BOSTON POST RD EAST #18 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-19 | 624 BOSTON POST RD EAST #19 | BENWAY JASON D TR | ELIZABETH MORICH TR | 25 FLAGG RD | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-2 | 624 BOSTON POST RD EAST #2 | WAITE MARY JANE TR | ANDREW GELLER TR | 3080 GRAND BAY BLVD UNIT #536 | | LONGBOAT KEY | FL | 34228 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-20 | 624 BOSTON POST RD EAST #20 | BAUER JAMES TR | NORMA BAUER- LOSTAUNAU TR | 41 OAKVALE RD | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-21 | 624 BOSTON POST RD EAST #21 | MORAIS LUCIANO | | 624 BOSTON POST RD EAST #21 | | MARLBOROUGH | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-624-22 | 624 BOSTON POST RD EAST #22 | GONCALVES DUILIO | | 19 RUTH DR | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-23 | 624 BOSTON POST RD EAST #23 | JAMBA NICHOLAS N | BLYTHE L JAMBA | 49 FORT POND INN RD | | LANCASTER | MA | 01523 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-24 | 624 BOSTON POST RD EAST #24 | MEHTA APURVA | MEENA MEHTA | 45 EWALD AVE | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-25 | 624 BOSTON POST RD EAST #25 | FOSS JAMES TR | JAMES FOSS REVOCABLE TRUST OF 2017 | 7 DYER CT | APT 4B | DANVERS | MA | 01923 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-26 | 624 BOSTON POST RD EAST #26 | DJ&Z MANAGEMENT GROUP LLC | C/O FANG JUN DING | 101 GRANT AVE | | NEWTON | MA | 02459 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-27 | 624 BOSTON POST RD EAST #27 | FOX QUINN WONG TR | CHUN-LIN FOX TR | 20 JERICO HILL RD | | SOUTHBOROUGH GH | MA | 01772 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-28 | 624 BOSTON POST RD EAST #28 | MURPHY DAVID J TR | MAO-HWA MURPHY TR | C/O JORDAN PROPERTY SOLUTIONS | 27 MAIN ST | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-29 | 624 BOSTON POST RD EAST #29 | CHUNG KENNETH TR | MAK K CHO TR | 19 ELSBETH RD | | SUDBURY | MA | 01776 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-3 | 624 BOSTON POST RD EAST #3 | VAGHELA LAXMI | RANJIT VAGHELA | 624 BOSTON POST RD EAST #3 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-30 | 624 BOSTON POST RD EAST #30 | CHAN WILLIAM Y | | 624 BOSTON POST RD EAST #30 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-31 | 624 BOSTON POST RD EAST #31 | BOUZAN RYAN T | | 30 HAMILTON STREET | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-32 | 624 BOSTON POST RD EAST #32 | GLEASON CYNTHIA | | 32 KNIGHT RD | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-33 | 624 BOSTON POST RD EAST #33 | DUCHARME LUCIENE M | KENNETH R DUCHARME | 39 NEPTUNE DR | | SHREWSBURY | MA | 01545 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-34 | 624 BOSTON POST RD EAST #34 | GELLER ANDREW | | 3080 GRAND BAY BLVD #536 | | LONGBOAT KEY | FL | 34228 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-35 | 624 BOSTON POST RD EAST #35 | OHALLORAN JOHN F | | 624 BOSTON POST RD EAST #35 | | MARLBOROUGH H | MA | 01752 | 1020 |

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| 60-30 | M_199434_899 865 | 60-30-624-36 | 624 BOSTON POST RD EAST #36 | MARTEL FRANCINE P TR | | 29 BERLIN ST #108 | | CLINTON | MA | 01510 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-4 | 624 BOSTON POST RD EAST #4 | BRISBOIS ELENI | | 624 BOSTON POST RD EAST #4 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-5 | 624 BOSTON POST RD EAST #5 | BOWLES JAMES S | | 624 BOSTON POST RD EAST #5 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-6 | 624 BOSTON POST RD EAST #6 | HURST MICHAEL | | 624 BOSTON POST RD EAST #6 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-7 | 624 BOSTON POST RD EAST #7 | PRG LJS LLC | | 60 LEO BIRMINGHAM PKWY | | BRIGHTON | MA | 02135 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-8 | 624 BOSTON POST RD EAST #8 | FIRAT BAHTIYAR | FIRAT POPI | 11 LANTERN LN | | MEDFIELD | MA | 02052 | 1020 |
| 60-30 | M_199434_899 865 | 60-30-624-9 | 624 BOSTON POST RD EAST #9 | MCGOVERN STEPHEN | | 624 BOSTON POST RD EAST #9 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-30A | M_199568_899 993 | 60-30A | 630-650 BOSTON POST RD EAST | 650 BPR LLC | | 18 WASHINGTON ST | UNIT# 116 | CANTON | MA | 02021 | 3220 |
| 60-31 | M_199452_900 030 | 60-31-77-1 | 77 WILSON ST #1 | HALEY MICHAEL J | | 77 WILSON ST #1 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-10 | 77 WILSON ST #10 | STREISAND ALEXANDER J | STREISAND SAMUEL | 77 WILSON ST #10 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-2 | 77 WILSON ST #2 | JOLLES BRIAN | | 77 WILSON ST #2C | | MARLBOROUGH | MA | 01752 | 995 |
| 60-31 | M_199452_900 030 | 60-31-77-2 | 77-93 WILSON ST | | | | | | | | 995 |
| 60-31 | M_199452_900 030 | 60-31-77-2 | 77 WILSON ST #2 | JOLLES BRIAN | | 77 WILSON ST #2C | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-2 | 77-93 WILSON ST | | | | | | | | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-3 | 77 WILSON ST #3 | SZE CHO F | | 77 WILSON ST #3 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-4 | 77 WILSON ST #4 | DOHERTY CHRISTOPHE R J | | 77 WILSON ST #4 | | MARLBOROUGH | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-5 | 77 WILSON ST #5 | LANTIGUA LAJJA | OSCAR LANTIGUA | 94 SWAN ST | | METHUEN | MA | 01844 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-6 | 77 WILSON ST #6 | GUPTA PRANJAL | | 77 WILSON ST #6 | | MARLBOROUGH | MA | 01752 | 1020 |

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| 60-31 | M_199452_900 030 | 60-31-77-7 | 77 WILSON ST #7 | LIVENGOOD JOHN D | STEVEN M SANTISI | 77 WILSON ST #7 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-8 | 77 WILSON ST #8 | WRIGHT RICHARD E | | 77 WILSON ST #8 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-77-9 | 77 WILSON ST #9 | MARKS SHERWIN J TR | MARSHA MARKS TR | 6 Foothill Rd | | FRAMINGHAM | MA | 01701 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-1 | 89 WILSON ST #1 | LUNA MARINETE L | MARCOS F LUNA | 89 WILSON ST #1 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-10 | 89 WILSON ST #10 | KAMBOSOS DEMETRIOS | ATHANASIOS KAMBOSOS | 3 TURNER RIDGE RD | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-2 | 89 WILSON ST #2 | LOPES ZIMAR J | FERNANDA Q LOPES | 89 WILSON ST #2 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-3 | 89 WILSON ST #3 | KAMBOSOS DEMETRIOS | | 3 TURNER RIDGE RD | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-4 | 89 WILSON ST #4 | TROIANI LEDA | | 74 MAIN ST | | WALTHAM | MA | 02453 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-5 | 89 WILSON ST #5 | PIERRE ETHMA | | 89 WILSON ST #5 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-6 | 89 WILSON ST #6 | MORALES CESAR | | 89 WILSON ST #6 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-7 | 89 WILSON ST #7 | MOEDER CHARLES W | | 13 MARTHAS LN | | HARWICH | MA | 02645 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-8 | 89 WILSON ST #8 | 89 WILSON STREET LLC | | 74 MAIN ST | | WALTHAM | MA | 02453 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-89-9 | 89 WILSON ST #9 | JOWKAR HOSSEIN | MARTA REDJAE | 10 CRESTVIEW DR | | SUDBURY | MA | 01776 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-93-1 | 93 WILSON ST #1 | MYERS MATTHEW WAYNE TR | SHIRENE AMAN- KARIM TR | 93 WILSON ST #1 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-93-2 | 93 WILSON ST #2 | VARANO DENISE M | | 93 WILSON ST #2 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-93-3 | 93 WILSON ST #3 | VAZ JR WALTER R | VAZ CRISTIANE MARTINS DE OLIVEIRA | 93 WILSON ST #3 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-93-4 | 93 WILSON ST #4 | KAMBOSOS DEMETRIOS | | 3 TURNER RIDGE RD | | MARLBOROUGH H | MA | 01752 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-93-5 | 93 WILSON ST #5 | KAMBOSOS ATHANASIOS | | 1 SHAWMUT ST | | WORCESTER | MA | 01609-3423 | 1020 |
| 60-31 | M_199452_900 030 | 60-31-93-6 | 93 WILSON ST #6 | SILVA ALEXANDRA SOUSA | MARILDO J SILVA | 93 WILSON ST #6 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-2 | M_199648_900 038 | 61-2 | 656 BOSTON POST RD EAST | GLOBAL MONTELLO GROUP CORP | | 15 NORTHEAST INDUSTRIAL RD | ATTN ALLIANCE ENERGY LLC | BRANFORD | CT | 06405 | 3340 |

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| 61-25 | M_199835_899 884 | 61-25 | 701 BOSTON POST RD EAST | ROUTE 20 MARLBORO BB LLC | C/O HOME DEPOT TAX DEPT #2607 | P O BOX 105842 | | ATLANTA | GA | 30348-5842 | 3220 |
| 61-25B | M_199739_899 971 | 61-25B | 681 BOSTON POST RD EAST | ROUTE 20 MARLBORO PROPERTIES LLC | | 50 CABOT STREET STE 200 | ATTN K CENTERS | NEEDHAM | MA | 02494 | 3260 |
| 61-27 | M_199587_899 780 | 61-27 | 605 BOSTON POST RD EAST | TARGET CORPORATIO N | | P O BOX 9456 | ATTN PROP TAX DEPT T- 2570 | MINNEAPOLIS | MN | 55440-9456 | 3220 |
| 61-34 | M_199595_900 039 | 61-34 | BOSTON POST RD EAST | CITY OF MARLBOROUG H | | 140 MAIN ST | | MARLBOROUG H | MA | 01752 | 9300 |
| 61-5 | M_199735_900 061 | 61-5-1-100 | 688 BOSTON POST RD EAST #100 | PRG LJS LLC | | 60 LEO BIRMINGHAM PKWY | | BRIGHTON | MA | 02135 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-101 | 688 BOSTON POST RD EAST #101 | ALVES NILMA | | 688 BOSTON POST RD EAST #101 | | MARLBOROUG H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-102 | 688 BOSTON POST RD EAST #102 | WHIPPLE NATHAN | | 22 MARLBORO ST | | HUDSON | MA | 01749 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-103 | 688 BOSTON POST RD EAST #103 | FOX QUINN WONG | CHUN-LIN FOX | 20 JERICHO HILL RD | | SOUTHBOROU GH | MA | 01772 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-104 | 688 BOSTON POST RD EAST #104 | KEENEY WILLIAM F | LAUREN E KEENEY | 1 STONYBROOK RD | | NORTH GRAFTON | MA | 01536-2203 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-105 | 688 BOSTON POST RD EAST #105 | PAYES CARLOS | | 688 BOSTON POST RD EAST #105 | | MARLBOROUG H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-106 | 688 BOSTON POST RD EAST #106 | DEFREITAS RONALDO | MARCIONETE B DEFREITAS | 477 WEST MAIN ST | | NORTHBORO UGH | MA | 01532 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-108 | 688 BOSTON POST RD EAST #108 | SCIMONE DAVID F | | 44 GLEN RD | | HOPKINTON | MA | 01748 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-109 | 688 BOSTON POST RD EAST #109 | VALADARES JULIO CESAR FARIA | | 688 BOSTON POST RD EAST #109 | | MARLBOROUG H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-110 | 688 BOSTON POST RD EAST #110 | MENEZES MARCELO | FABIANA FERNANDES MENEZES | 186 RESERVOIR ST | | MARLBOROUG H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-120 | 688 BOSTON POST RD EAST #120 | MENEZES FABIANA | MARCELO MENEZES | 186 RESERVOIR ST | | MARLBOROUG H | MA | 01752 | 1020 |

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| 61-5 | M_199735_900 061 | 61-5-1-121 | 688 BOSTON POST RD EAST #121 | KADEHJIAN ERIC C | | 688 BOSTON POST RD EAST #121 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-122 | 688 BOSTON POST RD EAST #122 | KAY GISELE L | | 688 BOSTON POST RD EAST #122 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-123 | 688 BOSTON POST RD EAST #123 | STRIVE CAPITAL LLC | | 495 BROOK ST | ATTN SUSAN & DAVID ELLIS | FRAMINGHAM | MA | 01701 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-124 | 688 BOSTON POST RD EAST #124 | PAGE THOMAS M | JUDITH E PAGE | 50 PAGE RD | | WESTON | MA | 02193 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-125 | 688 BOSTON POST RD EAST #125 | PEREIRA FLORIZA G | | 688 BOSTON POST RD EAST #125 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-126 | 688 BOSTON POST RD EAST #126 | CULLEN LORRAINE A TR | LORRAINE CULLEN REVOCABLE TRUST | 688 BOSTON POST RD EAST #126 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-127 | 688 BOSTON POST RD EAST #127 | COMERATO JOHN J III | | 121 MAPLEWOOD AVE | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-128 | 688 BOSTON POST RD EAST #128 | MALEKMADAN I SAFIEH | | 688 BOSTON POST RD EAST #128 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-200 | 688 BOSTON POST RD EAST #200 | CHANG INNJEN | WILLY CHANG | 47 WOODROW ST | | HUDSON | MA | 01749 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-201 | 688 BOSTON POST RD EAST #201 | VARGAS FRIDA CARINA | | 688 BOSTON POST RD EAST #201 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-202 | 688 BOSTON POST RD EAST #202 | PRG LJS LLC | | 60 LEO BIRMINGHAM PKWY | | BRIGHTON | MA | 02135 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-203 | 688 BOSTON POST RD EAST #203 | GENEROSO MARCELO | MARCELLE S SILVA | 16 COLBURN ST | | NORTHBORO UGH | MA | 01532 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-204 | 688 BOSTON POST RD EAST #204 | MENEZES FABIANA | MARCELO MENEZES | 186 RESERVOIR ST | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-205 | 688 BOSTON POST RD EAST #205 | BIAGIO FABIO | ROSA MARINA FIGUEROA MARTINEZ | 573 BROAD ST #333 | | EAST WEYMOUTH | MA | 02189 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-206 | 688 BOSTON POST RD EAST #206 | MIRANDA MARLI | | 688 BOSTON POST RD EAST #206 | | MARLBOROUGH H | MA | 01752 | 1020 |

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| 61-5 | M_199735_900 061 | 61-5-1-207 | 688 BOSTON POST RD EAST #207 | MENEZES MARCELO | FABIANA F MENEZES | 271 BOSTON POST RD EAST #7 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-208 | 688 BOSTON POST RD EAST #208 | ROJAS MARITZA | | 36 WALNUT ST | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-209 | 688 BOSTON POST RD EAST #209 | TINOCO LUIS H | | 688 BOSTON POST RD EAST #209 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-210 | 688 BOSTON POST RD EAST #210 | ZAHID BRAHIM | | 215 HARVARD ST UNIT #15 | | MEDFORD | MA | 02155 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-211 | 688 BOSTON POST RD EAST #211 | WILBER CARL J | | 688 BOSTON POST RD EAST #211 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-220 | 688 BOSTON POST RD EAST #220 | CHEN XIAOPU | | 688 BOSTON POST RD EAST #220 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-221 | 688 BOSTON POST RD EAST #221 | DE SOUZA LAVINIA S | REGINALDO OLIVEIRA DOS SANTOS | 688 BOSTON POST RD EAST #221 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-222 | 688 BOSTON POST RD EAST #222 | GIANG YUNG | | 401 DAVIS ST | | NORTHBORO UGH | MA | 01532-2421 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-223 | 688 BOSTON POST RD EAST #223 | GIANG YUNG | JANE GIANG | 401 DAVIS ST | | NORTHBORO UGH | MA | 01532 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-224 | 688 BOSTON POST RD EAST #224 | BOAVENTURA JOSE L | VILMA L BOAVENTURA | 688 BOSTON POST RD EAST #224 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-225 | 688 BOSTON POST RD EAST #225 | DEOLIVERIA HELIO | IVA DEOLIVERIA | 688 BOSTON POST RD EAST #225 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-226 | 688 BOSTON POST RD EAST #226 | MENEZES MARCELO | FABIANA F MENEZES | 186 RESERVOIR RD | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-227 | 688 BOSTON POST RD EAST #227 | PASQUANTON IO LORRAINE M | | 688 BOSTON POST RD EAST #227 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-228 | 688 BOSTON POST RD EAST #228 | COVIELLO VICTORIA | | 688 BOSTON POST RD EAST #228 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-300 | 688 BOSTON POST RD EAST #300 | MENEZES MAURICIO | WANUSA LOBO MENEZES | 578 BIGELOW ST | | MARLBOROUGH H | MA | 01752 | 1020 |

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| 61-5 | M_199735_900 061 | 61-5-1-301 | 688 BOSTON POST RD EAST #301 | AHUJA VARSHA | RAVI RAMRAKHYANI | 5785 OWL HILL AVE | | SANTA ROSA | CA | 95409-4364 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-302 | 688 BOSTON POST RD EAST #302 | WINSKE ERNEST J TR | SEMM REALTY TRUST | 860 CONCORD RD | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-303 | 688 BOSTON POST RD EAST #303 | MOREIRA RICARDO | STEPHANIE BASTOS MOREIRA | 688 BOSTON POST RD EAST #303 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-304 | 688 BOSTON POST RD EAST #304 | PRG LJS LLC | | 60 LEO BIRMINGHAM PKWY | | BRIGHTON | MA | 02135 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-305 | 688 BOSTON POST RD EAST #305 | DEALMEIDA GERSON C | | 85 BRIMSMEAD ST | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-306 | 688 BOSTON POST RD EAST #306 | ANDRADE MONICA SABINO FERREIRA | | 688 BOSTON POST RD EAST #306 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-307 | 688 BOSTON POST RD EAST #307 | LADEIRA PEDRO L | HENRIQUETA LADEIRA | 688 BOSTON POST RD EAST #307 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-308 | 688 BOSTON POST RD EAST #308 | CODSIDE LLC | | 109 CORTLAND LN | | BOXBOROUGH | MA | 01719 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-309 | 688 BOSTON POST RD EAST #309 | AMIRHOSSEIN I FARIBORZ KHALAJ | KHADIJEH KHALAJ | 13 BRADFORD RD | | NATICK | MA | 01760 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-310 | 688 BOSTON POST RD EAST #310 | OLIVEIRA ARTHUR LUCAS SOUSA | | 688 BOSTON POST RD EAST #310 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-311 | 688 BOSTON POST RD EAST #311 | WOOD JOHN M | | 688 BOSTON POST RD EAST #311 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-320 | 688 BOSTON POST RD EAST #320 | SCHNAIBLE LAURA L | | 688 BOSTON POST RD EAST #320 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-321 | 688 BOSTON POST RD EAST #321 | OLIVEIRA ARTHUR LUCAS SOUSA | | 688 BOSTON POST RD EAST #321 | | MARLBOROUGH | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-322 | 688 BOSTON POST RD EAST #322 | SHAHEEN NORMAN M | | 688 BOSTON POST RD EAST #322 | | MARLBOROUGH | MA | 01752 | 1020 |

| | | | | | | | | | | | |
|------|---------------------|------------|------------------------------------|---|--------------------|---------------------------------|--|------------------|----|------------|------|
| 61-5 | M_199735_900 061 | 61-5-1-323 | 688 BOSTON POST RD EAST #323 | WONG ERIC F | | 688 BOSTON POST RD EAST #323 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-324 | 688 BOSTON POST RD EAST #324 | KEENEY WILLIAM F | | 1 STONYBROOK RD | | NORTH GRAFTON | MA | 01536-2203 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-325 | 688 BOSTON POST RD EAST #325 | MCATEE FABIANA F | MARCELO MENEZES | 271 BOSTON POST RD EAST #7 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-326 | 688 BOSTON POST RD EAST #326 | MENEZES MARCELO | | 186 RESERVOIR ST | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-327 | 688 BOSTON POST RD EAST #327 | VOSTRIAKOV VICTOR | | 688 BOSTON POST RD EAST #327 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-328 | 688 BOSTON POST RD EAST #328 | AKHOULI YOUNES | | 688 BOSTON POST RD EAST #328 | | MARLBOROUGH H | MA | 01752 | 1020 |
| 61-5 | M_199735_900 061 | 61-5-1-44 | 688-688 BOSTON POST RD EAST | | | | | | | | 995 |
| 61-6 | M_199803_900 061 | 61-6 | 700 BOSTON POST RD EAST | MARIE ESTHER HEALTH CENTER INC | | 720 BOSTON POST RD EAST | | MARLBOROUGH H | MA | 01752 | 9510 |

John H. Valade

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Aubuchon Realty Company , Inc. Address: 73 Junction Square Drive, Concord, MA 01742

Project Name: Wayside Crossing Improvements Address: 661 Boston Post Road East

1. PROPOSED USE: (describe) Expansion of existing retail plaza with 2,250+ S.F. coffee shop with drive-through and 2,325 + S.F. restaurant with drive-through.

2. EXPANSION OR NEW: Expansion of existing retail plaza.

3. SIZE: floor area sq. ft. Exist: 8,800 ± SF Exist: 8,800 ± SF Exist: 8,800 ± SF
Prop: 4,575 ± SF 1st floor Prop: 4,575 ± SF all floors Prop: 4,575 ± SF

buildings 3 # stories 1 lot area (s.f.) 91,824 ±

4. LOT COVERAGE: 68% ± %Landscaped area: 32% ± %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: 50 Peak period: 60

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 45 Peak period: 55

(B) How many service vehicles will service the development and on what schedule?

Limited service and delivery vehicles are anticipated.

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 and shielded from abutting properties.

8. NOISE:

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

Consistent with other uses in the area.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Consistent with other uses in the area.

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? No reportable quantities.

***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: 9/7/2022

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Wayside Crossing Improvements

Project Use Summary: Existing 8,800 + SF retail area to remain, proposed 2,250 + SF coffee shop with drive-through, and a proposed 2,325 + SF restaurant with drive-through.

Project Street Address: 661 Boston Post Road East

Plate: 61 Parcel: 27A

Applicant/Developer Name: _____

Plan Date: 09/02/2021 Revision Date: 09/07/2022

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**

\$250 (minor amendment)

**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
- 1 SET FIRE CHIEF
- 1 SET CITY ENGINEER
- 1 SET DIRECTOR OF PLANNING
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED)
- 1 SET BUILDING COMMISSIONER
- 12 SETS OFFICE OF THE CITY COUNCIL
- 3 SETS OFFICE OF THE CITY CLERK (**MUST be Original** & 2 Complete Sets)


Signature

9/8/2022
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

Aubuchon Realty Company, Inc.

Owner Name/Officer Name of LLC or Corporation

Eamon D. Moran, President

Owner/Officer Complete Address and Telephone Number

73 Junction Square Drive

Concord, MA 01742

978-669-4028

Signature of Applicant

Attorney on behalf of Applicant, if applicable


Brian R. Falk, Esq.

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


Tax Collector

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

| | |
|--|---------------------|
| Document Number | : 264221 |
| Document Type | : DECIS |
| Recorded Date | : December 07, 2021 |
| Recorded Time | : 09:31:55 AM |
| Recorded Book and Page | : 79297 / 499 |
| Number of Pages(including cover sheet) | : 27 |
| Receipt Number | : 2755853 |
| Recording Fee | : \$105.00 |

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 8, 2021

ORDERED:

IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
Aubuchon Realty Company, Inc.
73 Junction Square Drive
Concord, MA 01742
Order No. 21-1008395E

Locus:
661 Boston Post Road East (Route 20)
Marlborough, MA 01752
Assessors Map 61, Parcel 61

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Aubuchon Realty Company, Inc., with a mailing address of 73 Junction Square Drive, Concord, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: November 8, 2021.

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the 9th day of November 2021.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 30th day of November 2021

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 8, 2021

ORDERED:

PAGE 1

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT AUBUCHON REALTY COMPANY, INC.

DECISION ON A SPECIAL PERMIT ORDER NO. 21-1008395E

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Aubuchon Realty Company, Inc. (the "Applicant") to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant, and a walk up window for a coffee shop restaurant, and to modify a preexisting nonconforming use as a dry cleaner by adding said uses (the "Use") at 661 Boston Post Road East, in the Wayside Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Aubuchon Realty Company, Inc., is a Massachusetts corporation with an address of 73 Junction Square Drive, Concord, MA 01742.
2. The Applicant is the owner of the property located at 661 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 27A on Assessors Map 61 (the "Site").
3. In accordance with Article IV, Section 650-12.B, Article V, Section 650-14.B(2), Section 650-17, Section 650-18(A)(31), and Section 650-37 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant seeks approval for the Use at the Site, as shown on the Plans referenced in paragraph 5 below.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Proposed Site Plan Documents" by Bohler Engineering, with the last revision date of September 29, 2021, (the "Plans") attached hereto as "Attachment A."
6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 8, 2021

PAGE 2

ORDERED:

7. The Site is located in the Wayside Zoning District.
8. The Site has an area of 91,824 square feet +/- as shown on the Plans.
9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, October 4, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on October 4, 2021.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
12. At the public hearing, no members of the public spoke in opposition to the Use.
13. Councilor(s) were absent from the single session of the public hearing on the Application. Prior to the vote on this decision, Councilor(s) filed a written certification as to examination of all the evidence and testimony received at the hearing session as set forth in "Attachment B" hereto, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council finds that the alteration of the Site with respect to the preexisting nonconforming dry cleaner use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 8, 2021

PAGE 3

ORDERED:

- D. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant, and a walk up window for a coffee shop restaurant, and to modify a preexisting nonconforming use as a dry cleaner by adding said uses at 661 Boston Post Road East, as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the City Council, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Plans.
 4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 8, 2021

ORDERED:

PAGE 4

5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Noise. The drive-thru facilities shall use high-quality speaker systems that minimize noise and comply with the noise ordinance of the City of Marlborough. The drive-thru audio speakers shall not produce noise at the property line greater than that which would be allowed at the property line in a residential zoning district in accordance with the noise ordinance of the City of Marlborough.
7. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
8. Traffic Flow. The Applicant, its successors and/or assigns, shall install and maintain signage that directs drivers exiting the Site to use the signalized intersection at DiCenzo Boulevard and Boston Post Road East for purposes of traveling west. The Applicant, its successors and/or assigns, shall also install and maintain signage at the east end of the Site, such that it is visible from the DiCenzo Boulevard / Boston Post Road East intersection, that directs drivers headed west on Boston Post Road East to use DiCenzo Boulevard to access the Site's drive-thru facilities, in order to reduce illegal left-turns into the current Target driveway to the west of the Site.
9. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.



IN CITY COUNCIL

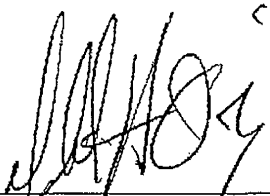
Marlborough, Mass., NOVEMBER 8, 2021
PAGE 5

ORDERED:

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

Yea: 11 – Nay: 0

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



Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
21-1008395E

ORDER NO. 21-1008395E

ATTACHMENT

A

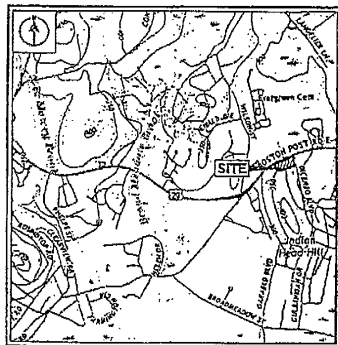
PROPOSED SITE PLAN DOCUMENTS

FOR

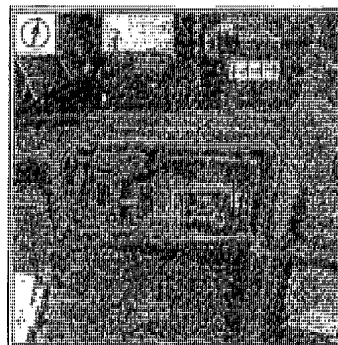


AUBUCHON REALTY COMPANY, INC.
 PROPOSED
WAYSIDE CROSSING SHOPPING PLAZA IMPROVEMENTS

LOCATION OF SITE:
 661 BOSTON POST ROAD EAST, CITY OF MARLBOROUGH
 MIDDLESEX COUNTY, MASSACHUSETTS
 MAP #61, LOT #27A



USGS MAP
 SCALE 1" = 1/4 MI
 SOURCE: U.S. GEOLOGICAL SURVEY



AIR PHOTO
 SCALE 1" = 1/4 MI
 SOURCE: AERIAL PHOTOGRAPHY

PREPARED BY

BOHLER//

DRAWING SHEET INDEX

| DRAWING TITLE | SHEET NUMBER |
|--|--------------|
| COVER SHEET | C-101 |
| GENERAL NOTES SHEET | C-102 |
| PROPOSED SITE PLAN | C-103 |
| EXISTING LAYOUT PLAN | C-104 |
| UTILITIES AND ENGINEERING PLAN | C-105 |
| UTILITY PLAN | C-106 |
| TRAIL DESIGN AND EQUIPMENT CONTROL PLAN | C-107 |
| TRAIL DESIGN AND EQUIPMENT CONTROL PLAN - DETAIL | C-108 |
| LANDSCAPE PLAN | C-109 |
| LANDSCAPE NOTES AND DETAILS | C-110 |
| LANDSCAPE PLAN | C-111 |
| DETAIL SHEET | C-112 |
| DETAIL SHEET | C-113 |
| DETAIL SHEET | C-114 |
| BOUNDARY, TOPOGRAPHIC & UTILITY DATA | C-115 |

APPROVAL BLOCK
 CITY OF MARLBOROUGH APPROVAL
 APPROVED BY THE BOARD OF SELECTMEN OF THE CITY OF MARLBOROUGH ON _____ DATE _____

| | |
|-----------|------|
| Signature | DATE |
| Signature | DATE |
| Signature | DATE |
| Signature | DATE |
| Signature | DATE |

BOHLER//
 330 YARMOUTH ROAD
 SOUTH BOSTON, MA 02125
 TEL: 617-261-1111
 FAX: 617-261-1112
 WWW.BOHLERCORPORATION.COM

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |
| | | |

PERMIT SET

PROPOSED SITE PLAN DOCUMENTS

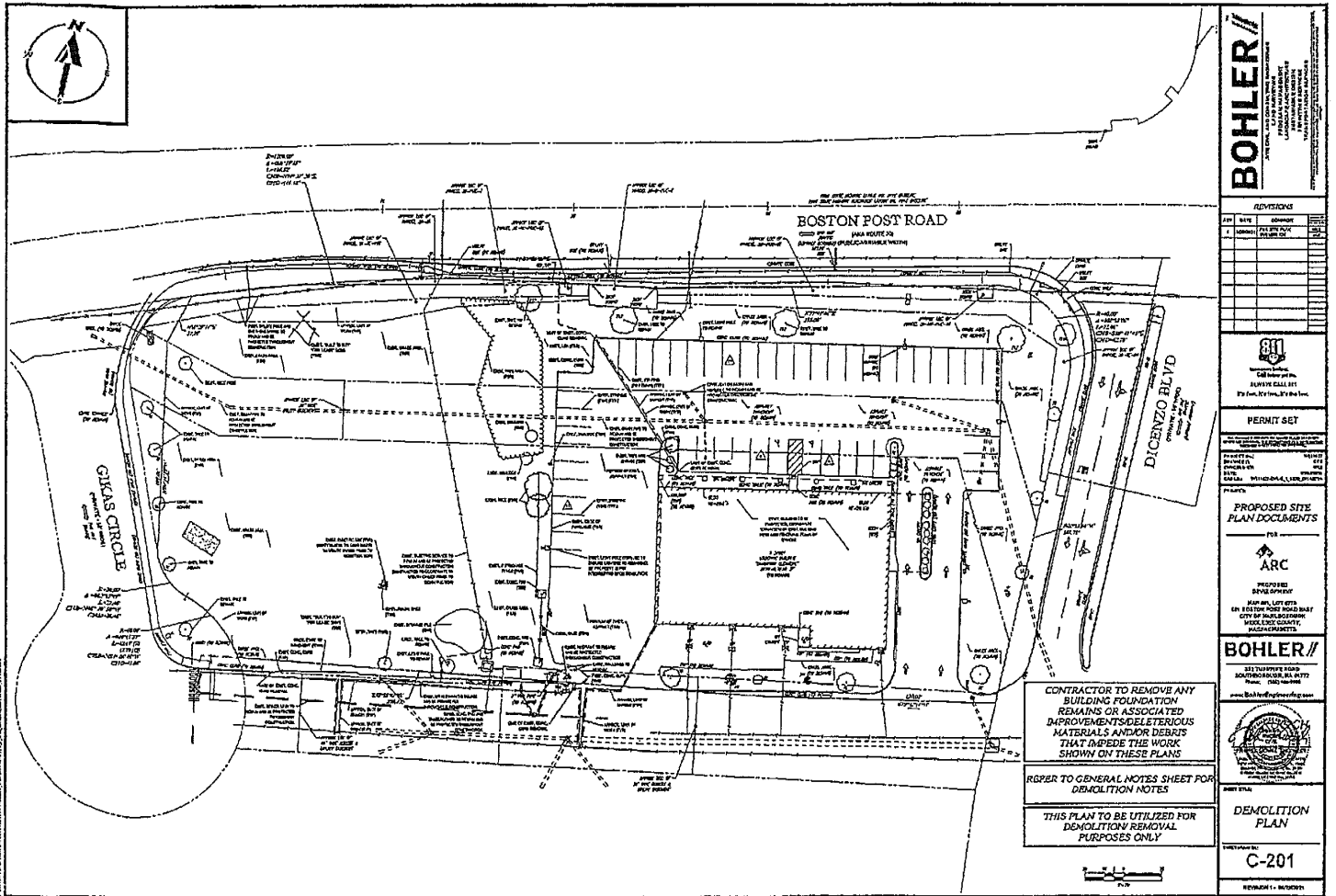
ARC
 PROPOSED DEVELOPMENT
 661 BOSTON POST ROAD EAST
 CITY OF MARLBOROUGH
 MIDDLESEX COUNTY, MASSACHUSETTS

BOHLER//
 330 YARMOUTH ROAD
 SOUTH BOSTON, MA 02125
 TEL: 617-261-1111
 FAX: 617-261-1112
 WWW.BOHLERCORPORATION.COM

COVER SHEET

C-101

REVISED: 1-19-07/08



BOHLER//
 CONSULTING ENGINEERS
 100 WASHINGTON STREET
 WILMINGTON, MASSACHUSETTS 01897
 TEL: 508-653-1100
 FAX: 508-653-1101
 WWW.BOHLENGRUPPING.COM

| REV | DATE | DESCRIPTION |
|-----|----------|-------------------|
| 1 | 08/11/09 | ISSUED FOR PERMIT |
| 2 | 08/11/09 | ISSUED FOR PERMIT |
| 3 | 08/11/09 | ISSUED FOR PERMIT |
| 4 | 08/11/09 | ISSUED FOR PERMIT |
| 5 | 08/11/09 | ISSUED FOR PERMIT |
| 6 | 08/11/09 | ISSUED FOR PERMIT |
| 7 | 08/11/09 | ISSUED FOR PERMIT |
| 8 | 08/11/09 | ISSUED FOR PERMIT |
| 9 | 08/11/09 | ISSUED FOR PERMIT |
| 10 | 08/11/09 | ISSUED FOR PERMIT |

REVISIONS

PERMIT SET

PROPOSED SITE PLAN DOCUMENTS

ARC
 PROPOSED DEMOLITION
 800 W. LUTHER BLVD
 CITY OF WILMINGTON
 WILMINGTON COUNTY, MASSACHUSETTS

BOHLER//
 CONSULTING ENGINEERS
 100 WASHINGTON STREET
 WILMINGTON, MASSACHUSETTS 01897
 TEL: 508-653-1100
 FAX: 508-653-1101
 WWW.BOHLENGRUPPING.COM



DEMOLITION PLAN

C-201

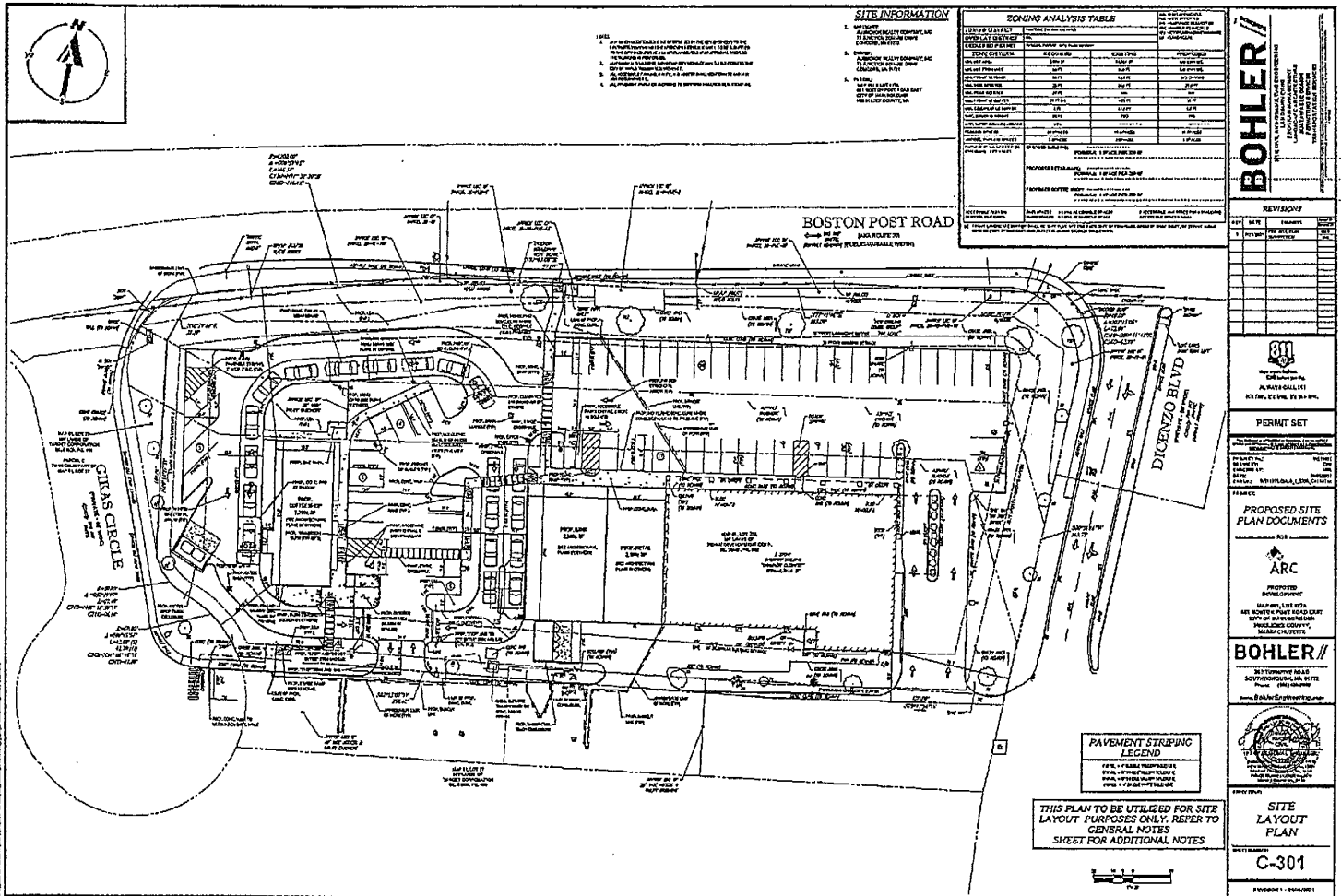
CONTRACTOR TO REMOVE ANY BUILDING FOUNDATION REMAINS OR ASSOCIATED IMPROVEMENTS, DELETERIOUS MATERIALS AND/OR DEBRIS THAT IMPEDS THE WORK SHOWN ON THESE PLANS

REFER TO GENERAL NOTES SHEET FOR DEMOLITION NOTES

THIS PLAN TO BE UTILIZED FOR DEMOLITION REMOVAL PURPOSES ONLY



BK: 79297 Pg: 509



BOHLER
 ENGINEERING & ARCHITECTURE
 30 TEMPLE PLACE
 SOUTHBORO, MASS 01888
 TEL: (508) 885-1111
 WWW.BOHLERENGR.COM

PERMIT SET

PROPOSED SITE PLAN DOCUMENTS

ARC
 PROPOSED DEVELOPMENT
 SEE SCHEMATIC PLAN SHEET 0101
 CITY OF BOSTON
 BUILDING DEPARTMENT
 MASSACHUSETTS

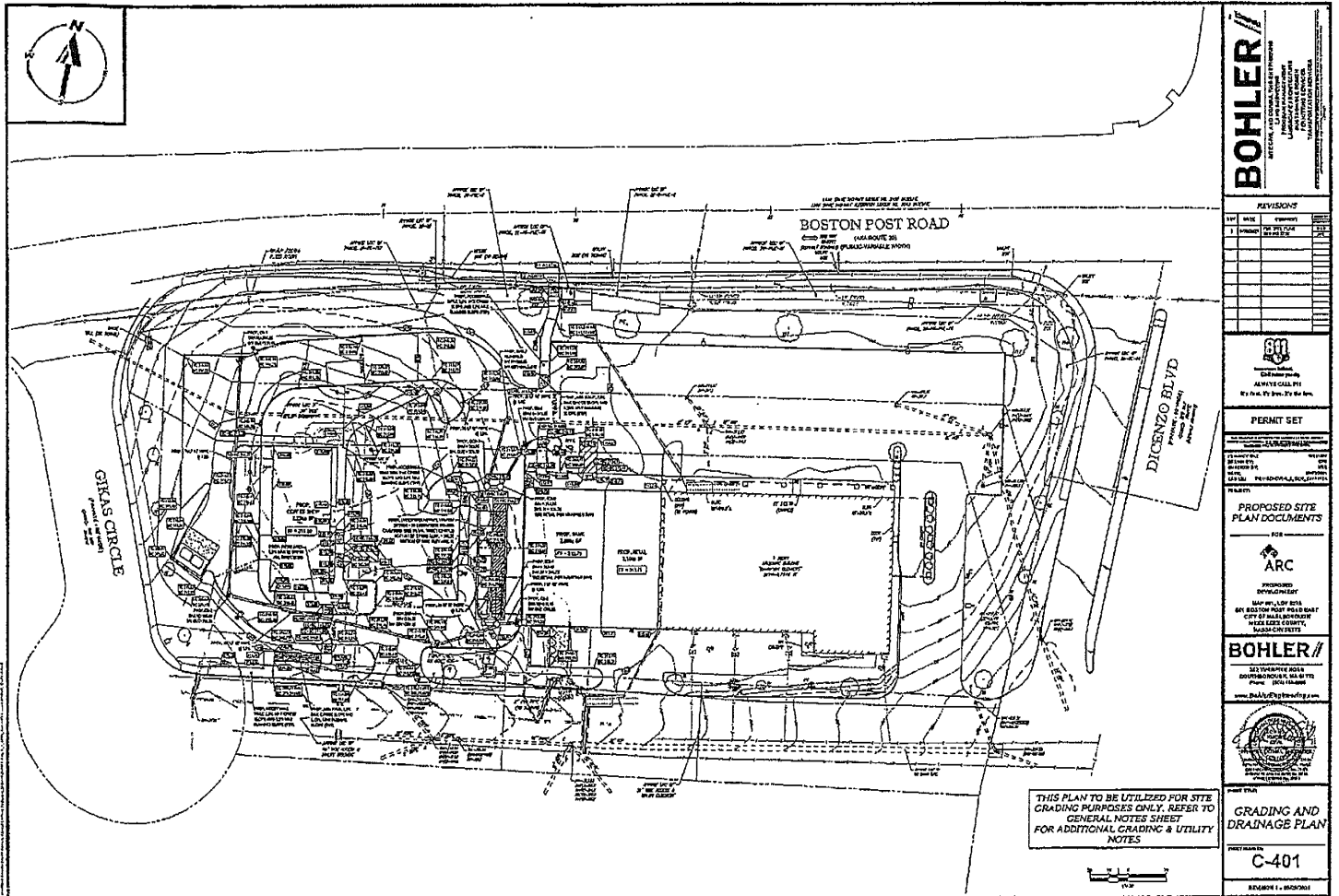
BOHLER
 30 TEMPLE PLACE
 SOUTHBORO, MASS 01888
 TEL: (508) 885-1111
 WWW.BOHLERENGR.COM

SITE LAYOUT PLAN

C-301

FIGURE 1 - PERMIT SET

BK: 79297 Pg: 510



THIS PLAN TO BE UTILIZED FOR SITE GRADING PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL GRADING & UTILITY NOTES

BOHLER//

SEATTLE, WASHINGTON
 10000 15th Avenue NE
 Shoreline, WA 98148
 TEL: 206.475.1100
 FAX: 206.475.1101
 WWW.BOHLERCORPORATION.COM

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |
| | | |

PERMIT SET

1. ALL PERMITS SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
 2. THE PERMIT SET SHALL BE KEPT ON SITE THROUGHOUT CONSTRUCTION.
 3. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.
 4. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.
 5. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.
 6. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.
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 8. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.
 9. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.
 10. THE PERMIT SET SHALL BE SUBMITTED TO THE LOCAL PERMITTING AGENCY.

PROPOSED SITE PLAN DOCUMENTS

FOR

ARC

PROPOSED DEVELOPMENT
 10000 15th Avenue NE
 Shoreline, WA 98148
 TEL: 206.475.1100
 FAX: 206.475.1101
 WWW.BOHLERCORPORATION.COM

BOHLER//

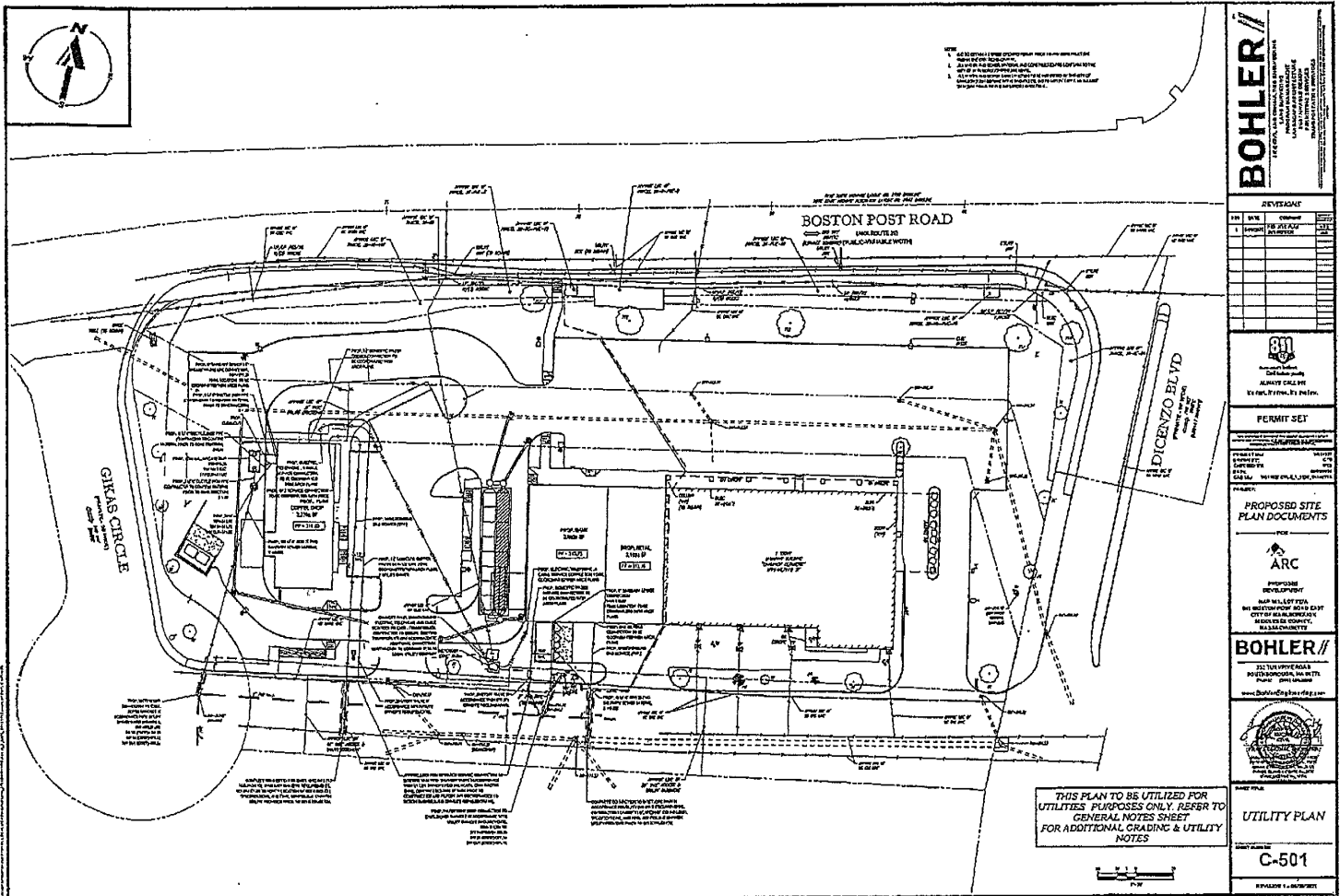
SEATTLE, WASHINGTON
 10000 15th Avenue NE
 Shoreline, WA 98148
 TEL: 206.475.1100
 FAX: 206.475.1101
 WWW.BOHLERCORPORATION.COM

GRADING AND DRAINAGE PLAN

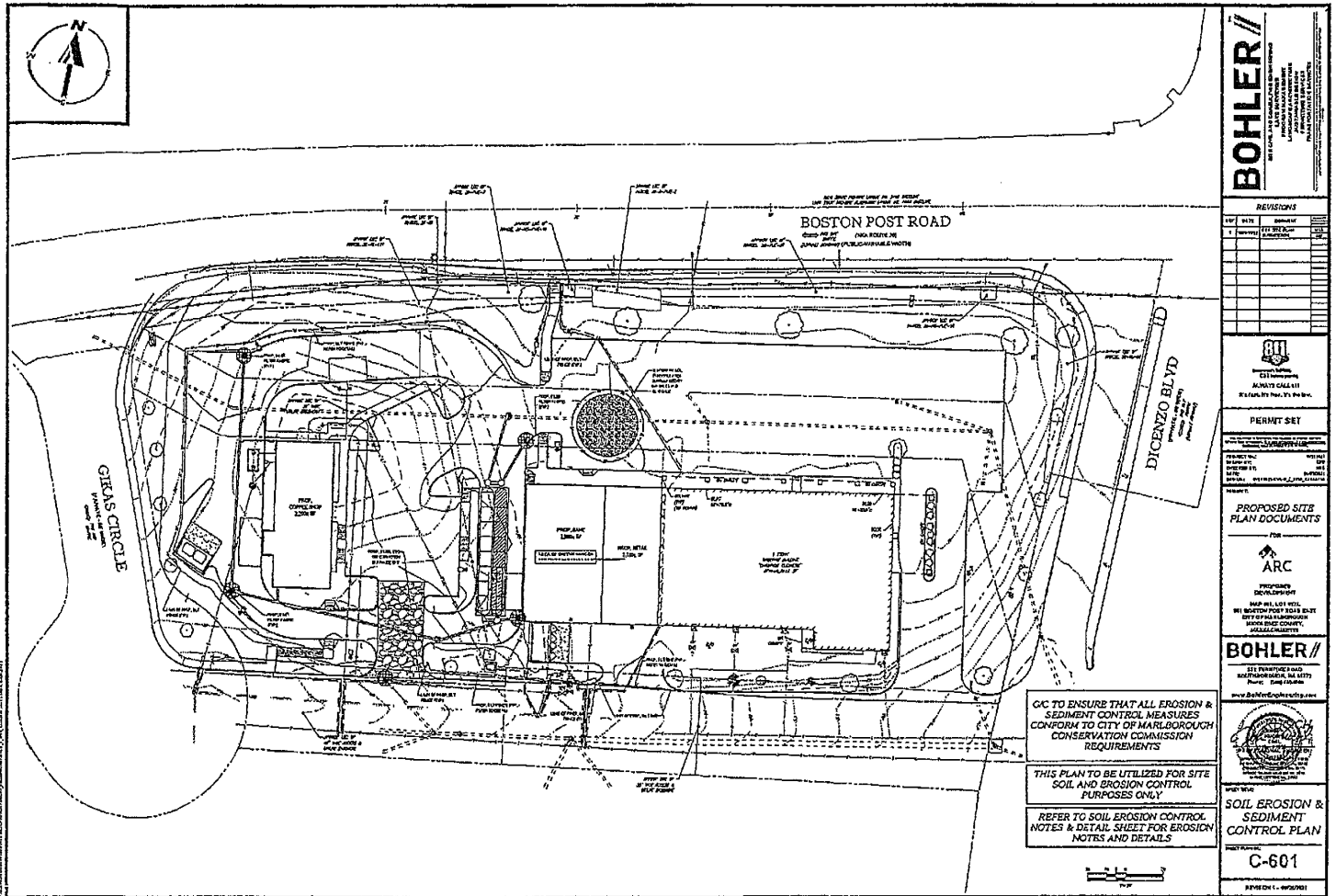
C-401

DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

Bk: 79297 Pg: 511



BK: 79297 Pg: 512



BOHLER
 ENGINEERS
 111 FRENCH ROAD
 MARLBOROUGH, MASSACHUSETTS 01501
 TEL: 508-251-1111
 FAX: 508-251-1112
 WWW.BOHLENGR.COM

| REVISIONS | |
|-----------|-------------------|
| NO. | DESCRIPTION |
| 1 | ISSUED FOR PERMIT |

PERMIT SET

PROPOSED SITE PLAN DOCUMENTS

FOR
ARC
 PROJECT NO. 09-001
 MAP NO. 101-101
 111 FRENCH ROAD, MARLBOROUGH, MA 01501
 WWW.BOHLENGR.COM

BOHLER
 ENGINEERS



SOIL EROSION & SEDIMENT CONTROL PLAN
 C-601
 REVISED 11-2009

GC TO ENSURE THAT ALL EROSION & SEDIMENT CONTROL MEASURES CONFORM TO CITY OF MARLBOROUGH CONSERVATION COMMISSION REQUIREMENTS

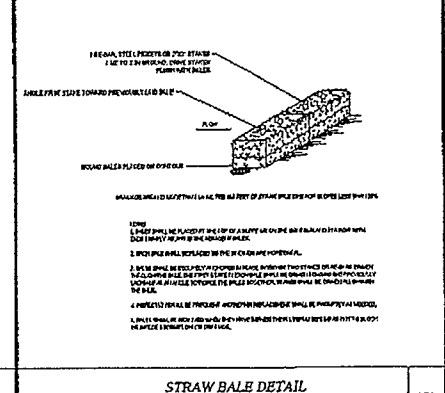
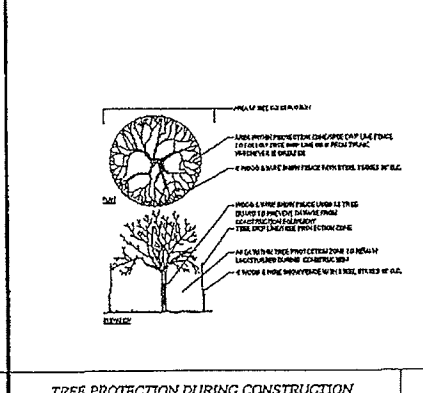
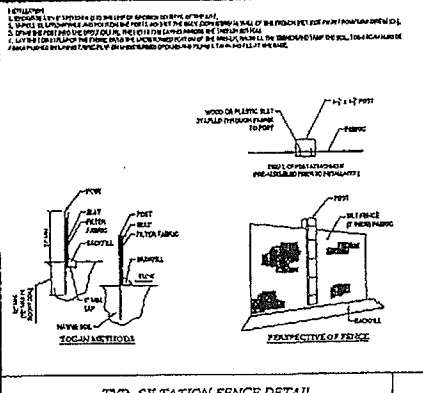
THIS PLAN TO BE UTILIZED FOR SITE SOIL AND EROSION CONTROL PURPOSES ONLY

REFER TO SOIL EROSION CONTROL NOTES & DETAIL SHEET FOR EROSION NOTES AND DETAILS

BK: 79297 Pg: 513

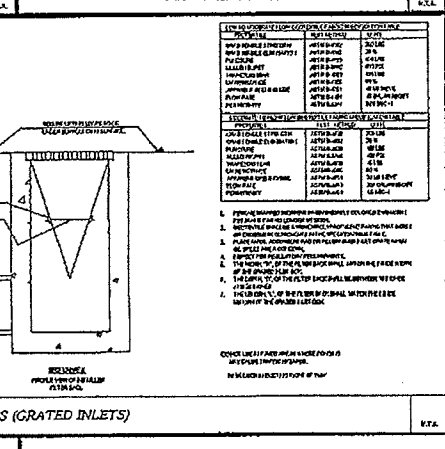
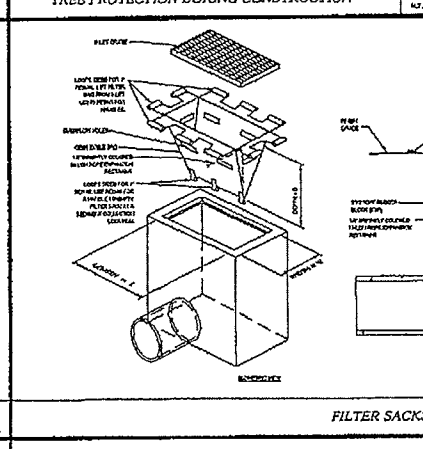
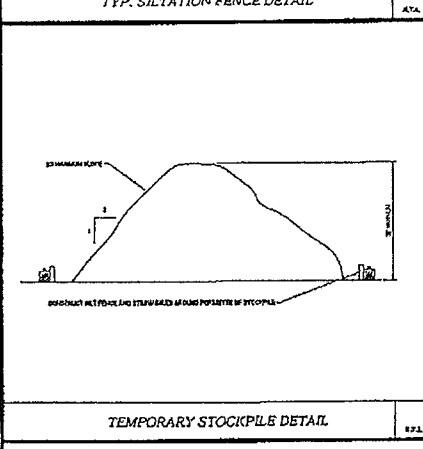
EROSION AND SEDIMENT CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE FIRST SUBSTANTIAL EROSION AND SEDIMENT CONTROL MEASURES.
2. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE REPAIRED OR REPLACED AS NECESSARY TO MAINTAIN EFFECTIVE EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT CONSTRUCTION.
3. SLOPE PROTECTION SHALL BE INSTALLED IMMEDIATELY UPON COMPLETION OF EXCAVATION AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
4. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE REPAIRED OR REPLACED AS NECESSARY TO MAINTAIN EFFECTIVE EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT CONSTRUCTION.
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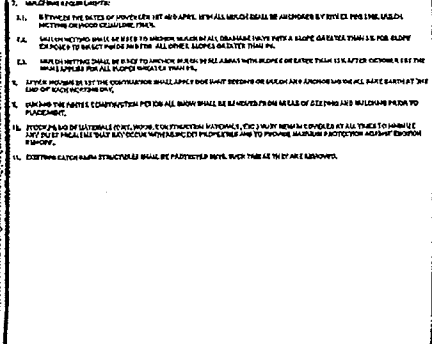


EROSION CONTROL NOTES DURING WINTER CONSTRUCTION

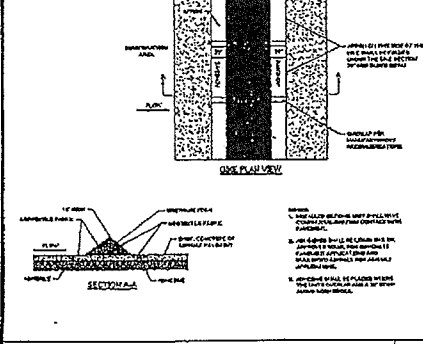
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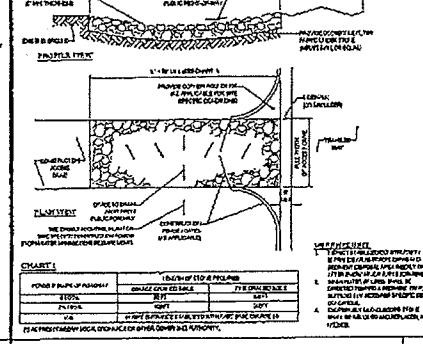
SILT DIKE (IN EXISTING PAVEMENT)



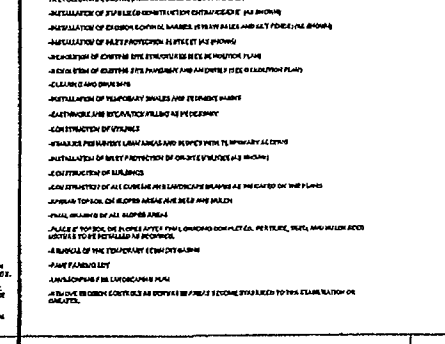
STABILIZED CONSTRUCTION EXIT



CONSTRUCTION SEQUENCE



CONSTRUCTION SEQUENCE



BOHLER
 EROSION AND SEDIMENT CONTROL MEASURES
 PERMIT APPLICATION FORM
 303 FURNACE ROAD
 WESTPHOLEN, MASS 01901
 PHONE: 978-338-1000

| REV. | DATE | REVISION |
|------|---------|-------------------------|
| 1 | 1/20/20 | PERMIT APPLICATION FORM |
| 2 | 1/20/20 | PERMIT APPLICATION FORM |
| 3 | 1/20/20 | PERMIT APPLICATION FORM |
| 4 | 1/20/20 | PERMIT APPLICATION FORM |
| 5 | 1/20/20 | PERMIT APPLICATION FORM |
| 6 | 1/20/20 | PERMIT APPLICATION FORM |
| 7 | 1/20/20 | PERMIT APPLICATION FORM |
| 8 | 1/20/20 | PERMIT APPLICATION FORM |
| 9 | 1/20/20 | PERMIT APPLICATION FORM |
| 10 | 1/20/20 | PERMIT APPLICATION FORM |

REVISIONS

ARC
 APPROVED DEVELOPMENT

PERMIT SET

PROPOSED SITE PLAN DOCUMENTS

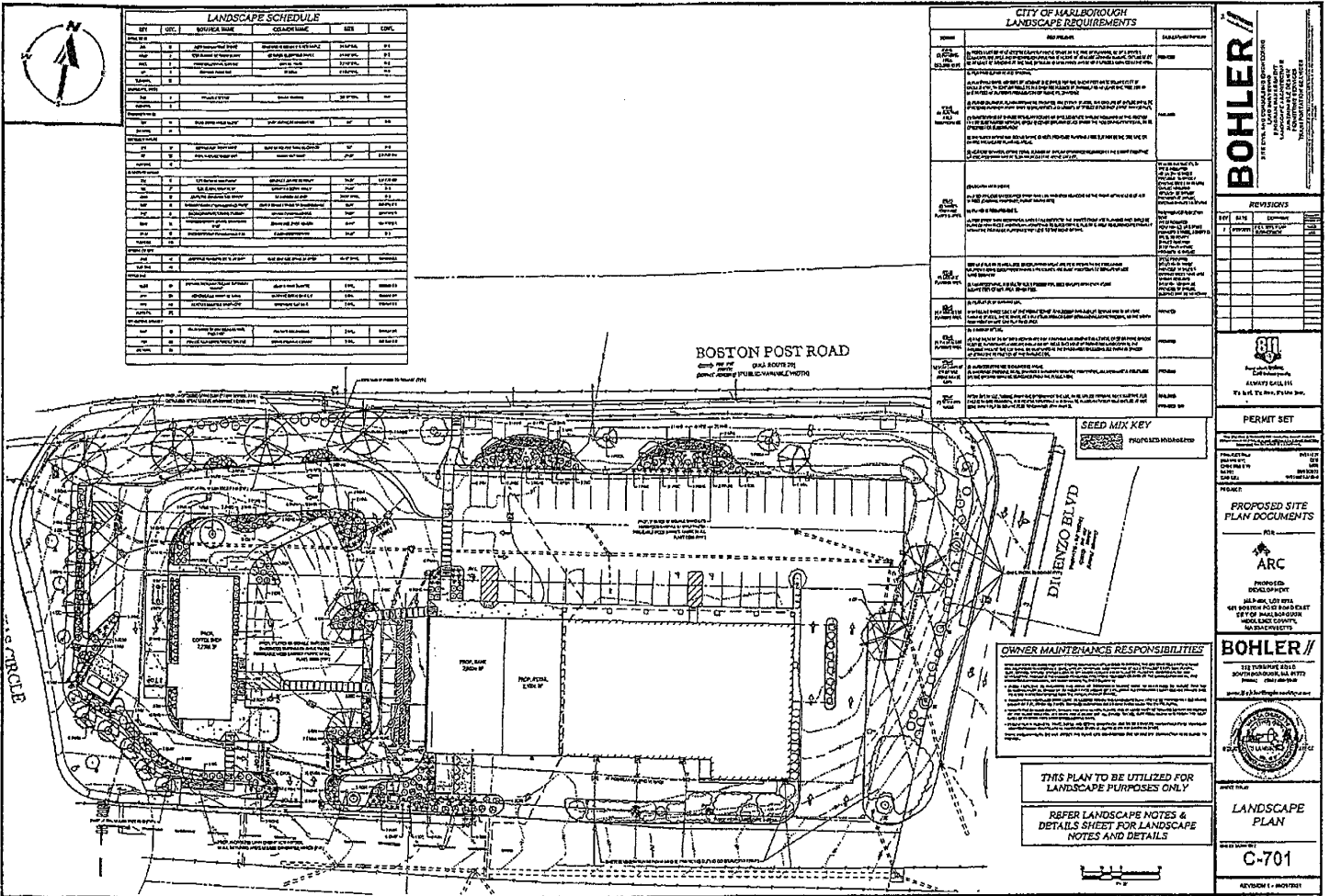
FOR

BOHLER
 EROSION AND SEDIMENT CONTROL NOTES AND DETAILS

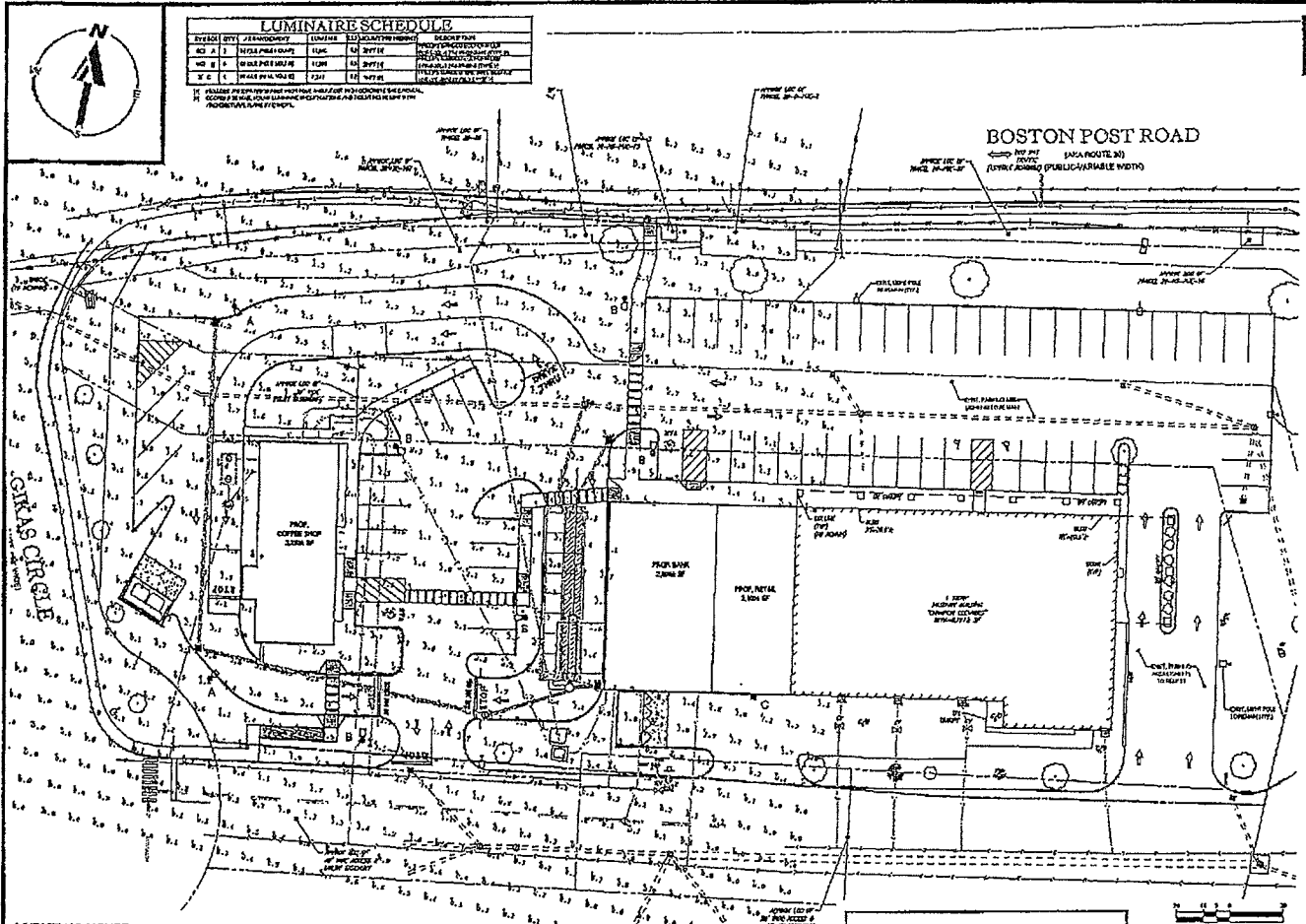
C-602

REVISION 1 - 1/20/20

BK: 79297 Pg: 514



BK: 79297 Pg: 515



LUMINAIRE SCHEDULE

| SYMBOL | TYPE | HEIGHT | SPACING | DESCRIPTION |
|--------|------|--------|---------|-------------|
| 1 | 1 | 10 | 10 | 10 |
| 2 | 2 | 12 | 12 | 12 |
| 3 | 3 | 15 | 15 | 15 |
| 4 | 4 | 18 | 18 | 18 |

GARDCO Site & Area
 1000 WEST ST. BOSTON, MA 02111
 TEL: 617-552-1234

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|----------|---------------------------|
| 1 | 01/15/12 | ISSUED FOR PERMIT |
| 2 | 02/01/12 | REVISED PER CITY COMMENTS |

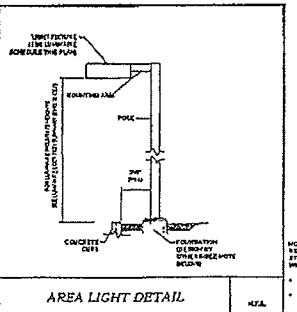
BOHLER
 CIVIL AND CONSULTING ENGINEERS
 100 STATE STREET, SUITE 200
 BOSTON, MA 02109
 TEL: 617-552-1234

LIGHTING NOTES

- THE LIGHTING DESIGN IS BASED ON THE ASSUMPTION THAT THE BUILDING IS OCCUPIED 24 HOURS A DAY. THE LIGHTING DESIGN IS BASED ON THE ASSUMPTION THAT THE BUILDING IS OCCUPIED 24 HOURS A DAY.
- THE LIGHTING DESIGN IS BASED ON THE ASSUMPTION THAT THE BUILDING IS OCCUPIED 24 HOURS A DAY.
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- THE LIGHTING DESIGN IS BASED ON THE ASSUMPTION THAT THE BUILDING IS OCCUPIED 24 HOURS A DAY.

THIS PLAN TO BE UTILIZED FOR LIGHTING PURPOSES ONLY

SEE ARCHITECTURAL PLANS BY OTHERS FOR ADDITIONAL BUILDING MOUNT AND ENTRANCE LIGHTING THAT MAY NOT BE SHOWN HEREON



NOTE: THIS DETAIL IS FOR THE LIGHTING PURPOSES ONLY. IT IS NOT TO BE USED FOR ARCHITECTURAL PURPOSES. THE LIGHTING DESIGN IS BASED ON THE ASSUMPTION THAT THE BUILDING IS OCCUPIED 24 HOURS A DAY.

GARDCO Wall Mount
 1000 WEST ST. BOSTON, MA 02111
 TEL: 617-552-1234

PROPOSED SITE PLAN DOCUMENTS

| NO. | DATE | DESCRIPTION |
|-----|----------|---------------------------|
| 1 | 01/15/12 | ISSUED FOR PERMIT |
| 2 | 02/01/12 | REVISED PER CITY COMMENTS |

BOHLER
 CIVIL AND CONSULTING ENGINEERS
 100 STATE STREET, SUITE 200
 BOSTON, MA 02109
 TEL: 617-552-1234

PERMIT SET

ARC
 322 TRINITY ROAD
 SOUTH BOSTON, MA 02127
 TEL: 617-552-1234

LIGHTING PLAN

C-703

Bk: 79297 Pg: 517

| <p>ASPHALT PAVEMENT SECTION</p> | <p>ACCESSIBLE PARKING SIGN W/ BOLLARD</p> | <p>MONOLITHIC CONC. SIDEWALK DETAILS</p> | <p>CURB DETAIL W/ MONOLITHIC SIDEWALK ON-SITE</p> | <p>BOHLER</p> <p>RESUME</p> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>BY</th> <th>APP'D</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> | REV | DATE | BY | APP'D | DESCRIPTION | | | | | |
|---|---|--|--|--|-----|------|----|-------|-------------|--|--|--|--|--|
| REV | DATE | BY | APP'D | DESCRIPTION | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| <p>TRANSITION CURB DETAIL</p> | <p>WATERSERVICE CONSTRUCTION DETAIL</p> | <p>STOP SIGN</p> | <p>STOP BAR DETAIL</p> | <p>BOHLER</p> <p>PERMIT SET</p> <p>PROPOSED SITE PLAN DOCUMENTS</p> | | | | | | | | | | |
| <p>PRE-CAST CONCRETE CURBING</p> | <p>ROADWAY PATCHING DETAIL</p> | <p>BOLLARD DETAIL</p> | <p>'DO NOT ENTER' SIGN</p> | <p>BOHLER</p> <p>DETAIL SHEET</p> | | | | | | | | | | |
| <p>CONCRETE PAD DETAIL</p> | <p>RAILING AT SIDEWALK AREA</p> | <p>ACCESSIBLE PARKING STALL PAINTING DETAIL</p> | <p>CROSSWALK DETAIL</p> | <p>BOHLER</p> <p>C-901</p> | | | | | | | | | | |
| <p>PAVEMENT MARKINGS DETAIL</p> | <p>ACCESSIBLE STALL MARKINGS & PARKING LOT STRIPING DETAIL</p> | <p>ACCESSIBLE PARKING STALL PAINTING DETAIL</p> | <p>CROSSWALK DETAIL</p> | <p>BOHLER</p> <p>C-901</p> | | | | | | | | | | |

BK: 79297 Pg: 518

| <p>RETAIL / BANK TRASH ENCLOSURE</p> | <p>COFFERSHOP TRASH ENCLOSURE SCREENING</p> | <p>BIKE RACK</p> | <p>BOHLER//</p> <p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p>PERMIT SET</p> <p>PROPOSED SITE PLAN DOCUMENTS</p> <p>ARC</p> <p>BOHLER//</p> <p>DETAIL SHEET</p> <p>C-902</p> | NO. | DATE | DESCRIPTION | | | |
|---|--|--|--|-----|------|-------------|--|--|--|
| NO. | DATE | DESCRIPTION | | | | | | | |
| | | | | | | | | | |
| <p>PRECAST CONCRETE DEEP SUMP CATCH BASIN DETAIL</p> | <p>CLEANOUT DETAIL</p> | <p>TYPICAL UTILITY TRENCH</p> | <p>TYP. PRECAST CONCRETE SANITARY MANHOLE</p> | | | | | | |
| <p>HDPE STORMDRAIN TRENCH</p> | <p>ACCESSIBLE RAMP</p> | <p>PATIO SEATING FENCE DETAIL</p> | <p>ADA RAMP DETAIL</p> | | | | | | |

BK: 79297 Pg. 519

CONNECTION TO EXISTING SANITARY MANHOLE

OUTLET CONTROL STRUCTURE (OCS-1)

INLET CONTROL STRUCTURE (ICS-1)

INLET CONTROL STRUCTURE (ICS-2)

ACCEPTABLE FILL MATERIALS: STORMTECH MC3500 CHAMBER SYSTEMS

| MATERIAL LOCATION | DESCRIPTION | ALSO/FI MATERIAL CLASSIFICATION | COMPACTORY DENSITY REQUIREMENT |
|-------------------|---------------|---------------------------------|--------------------------------|
| 1 | BASE COURSE | 1.5 | 95% |
| 2 | CHAMBER | 1.5 | 95% |
| 3 | INSULATION | 1.5 | 95% |
| 4 | REINFORCEMENT | 1.5 | 95% |
| 5 | CONCRETE | 1.5 | 95% |
| 6 | GRAVEL | 1.5 | 95% |
| 7 | FINISH | 1.5 | 95% |

MESH TECHNICAL SPECIFICATIONS

| TYPE | WEIGHT | SPACING | MINIMUM COVER |
|------|-------------------|-----------|---------------|
| 1 | 100 lbs/100 sq yd | 12" x 12" | 1.5" |
| 2 | 150 lbs/100 sq yd | 12" x 12" | 1.5" |
| 3 | 200 lbs/100 sq yd | 12" x 12" | 1.5" |
| 4 | 250 lbs/100 sq yd | 12" x 12" | 1.5" |
| 5 | 300 lbs/100 sq yd | 12" x 12" | 1.5" |

TYP. PRECAST CONCRETE MANHOLE STORM DRAIN

NOTES:

1. Chamber shall be constructed in accordance with the details shown on this sheet.
2. Chamber shall be constructed in accordance with the details shown on this sheet.
3. Chamber shall be constructed in accordance with the details shown on this sheet.
4. Chamber shall be constructed in accordance with the details shown on this sheet.
5. Chamber shall be constructed in accordance with the details shown on this sheet.
6. Chamber shall be constructed in accordance with the details shown on this sheet.
7. Chamber shall be constructed in accordance with the details shown on this sheet.
8. Chamber shall be constructed in accordance with the details shown on this sheet.
9. Chamber shall be constructed in accordance with the details shown on this sheet.
10. Chamber shall be constructed in accordance with the details shown on this sheet.

BOHLER
 SPECIAL, GENERAL CONTRACTING
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-1111

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
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PERMIT SET

PROPOSED SITE PLAN DOCUMENTS

ARC
 PROPOSED DEVELOPER

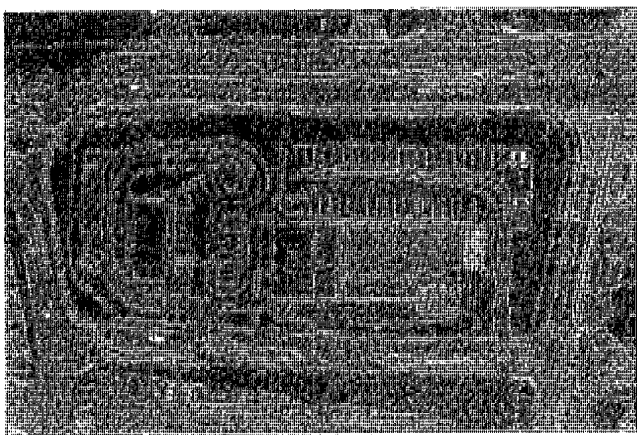
BOHLER
 375 THURMOND ROAD
 BOULDER, COLORADO 80501
 (303) 440-1111


DETAIL SHEET

C-903

ENGINEER (PROFESSIONAL)


BK: 79297 Pg: 520





EDGE OF LULUOCTRAIL


10' 8' 24'



EMERGENCY VEHICLE INSET

BOHLER//
BOHLER ENGINEERING & ARCHITECTURE
 201 THOMPSON ROAD
 SUITE 100
 BOYNTON BEACH, FL 33435
 PHONE: (561) 391-1400
 WWW.BOHLERENR.COM


| REVISIONS | |
|-----------|------|
| NO. | DATE |
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811
ALWAYS CALL 811
 BEFORE YOU DIG


PERMIT SET

PROPOSED SITE PLAN DOCUMENTS



ARC
ARC ENGINEERING & ARCHITECTURE
 1000 N. W. 11th St.
 Ft. Lauderdale, FL 33304
 Phone: (954) 525-1111

BOHLER//



DETAIL SHEET

C-904

ORDER NO. 21-1008395E

ATTACHMENT

B

CERTIFICATION PURSUANT TO G. L. c. 39, SECTION 23D ("MULLIN REFORM")

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

I, SEAN NAVIN (name), hereby do swear and certify
2021 OCT 14 A 11: 17
under the pains and penalties of perjury as follows:

- 1. I am a member of MARLBOROUGH CITY COUNCIL (council, board or commission).
- 2. I missed a single hearing session on the matter of ORDER No. 21-1008354

SPECIAL PERMIT 661 Boston Post Road which was held on 10/4/21.

3. On 10/4/21 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a. _____ official audio recording of the missed hearing session; or
- b. official video recording of the missed hearing session; or (WATCHED LIVE VIA CABLE ACC WEBSITE)
- c. _____ official transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 8 day of OCTOBER, 2021.

Sean A. Navin

Signature of Member

Received as part of the record of the above matter:

Date: October 13, 2021
By City Council Office



City of Marlborough
Office of the City Council

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 OCT 18 P 12:43

CERTIFICATION PURSUANT TO MGL CHAPTER. 39, §23D ("MULLIN RULE")

I, Robert J. Tunnera (name), hereby do swear and certify

under the pains and penalties of perjury as follows:

1. I am a member of the City Council (council, board or commission).

2. I missed a single hearing session on the matter of Order No. 21-1008395

Special Permit Application of Aubuchon Reality, Inc., 661 Boston Post Road East

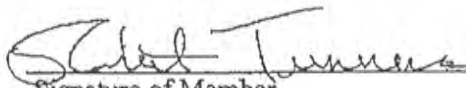
which was held on October 4, 2021.

3. On October 15, 2021 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a. official audio recording of the missed hearing session; or
- b. official video recording of the missed hearing session; or
- c. official transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 18th day of October, 2021.



Signature of Member

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 SEP -7 AM 10:19

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING MAY 03, 2022
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDEES: DEBRA MCMANUS, DAVE DOUCETTE,
BARBARA ALLEN, CHERYL SOUCY, JOHN USINAS,
CATHY UNINAS.

MEETING CALLED TO ORDER AT 4:23PM

MINUTES: APPROVED 6-0

TREASURER'S REPORT: \$5,224.15 ACCEPTED 6-0

OLD BUSINESS:

- CHERYL HAD SPOKEN WITH CHAD ABOUT THE APARTMENTS ON PLEASANT STREET. HE WILL LET HER KNOW WHEN THEY ARE COMPLETED.
- PER DEBRA, THE POLICE CHIEF HAD SPOKEN WITH THE TRAFFIC COMMISSION ABOUT HANDICAP PARKING SIGNS FOR THE RESIDENT ON CHESTNUT STREET. DECISION IS STILL PENDING BUT EXPECTED TO BE APPROVED. DEBRA HAD SPOKEN WITH THE RESIDENT.
- REGARDING THE DONATION OF USED MEDICAL EQUIPMENT OF POWERED WHEELCHAIR AND BED SIDE RAIL, DEBRA AND CHERYL WILL SEND PICTURES TO TWO DIFFERENT COMPANIES THAT

MIGHT ACCEPT AND PICK UP THE DONATIONS.

- BARBARA GAVE AN UPDATE ON THE TWO BILLS FOR WHICH WE PROVIDED WRITTENT SUPPORT, THAT ARE CURRENTLY UNDER CONSIDERATION BY THE STATE LEGISLATURE. THESE BILLS ARE S.1629 AND H.2420. BOTH BILLS HAD HEARINGS. THEY ARE EXPECTED TO BE REPORTED OUT OF COMMITTEE BY 05/04/22 AND 05/05/22. IF PASSED OUT AS FAVORABLE, THEY WILL GO TO THEIR WAYS AND MEANS COMMITTEES, THEN HOPEFULLY, TO THE FULL FLOORS FOR VOTES.
- THE PORTA-POTTY NEAR ROUTE 20 AND CURTIS AVENUE HAS BEEN REMOVED.

NEW BUSINESS:

- REGARDING THE FUNDING FOR A LOCAL STUDENT WHO NEEDS A WHEELCHAIR, BARBARA MADE A MOTION TO FUND HIM WITH \$1,000. JOHN SECONDED THE MOTION. VOTE PASSED 6-0. WE WILL DETERMINE IF WE CAN PROVIDE THE FUNDING DIRECTLY TO THE VENDOR ONCE WE SEE AN INVOICE FOR THE PURCHASE.

- JOHN USINAS AND CATHY USINAS WERE BOTH SWORN IN TO THE COMMISSION PRIOR TO THE MEETING.
- CHERYL WILL CONTACT THE METROWEST CENTER FOR INDEPENDENT LIVING ABOUT A 2 BEDROOM ACCESSIBLE APARTMENT AVAILABLE IN HER BUILDING.
- MOTION BY DAVE AND SECONDED BY BARBARA TO MOVE MONTHLY MEETINGS TO FIRST MONDAY AT 4:00PM OF EACH MONTH STARTING JUNE, 2022. MOTION PASSED 6-0.

MOTION TO ADJOURN: ACCEPTED 6-0

ADJOURNED AT 5:15PM.

**NEXT MEETING MONDAY, JUNE 6, 2022 AT 4:00PM,
CITY HALL IN THE MAYOR'S CONFERENCE ROOM
ON THE 4TH FLOOR.**

**RESPECTFULLY SUBMITTED,
BARBARA ALLEN, SECRETARY**

2022 SEP -7 AM 10: 19

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING JUNE 6, 2022
MAYOR'S CONFERENCE ROOM 4TH FLOOR CITY HALL

ATTENDEES: DEBRA MCMANUS, DAVE DOUCETTE,
BARBARA ALLEN, JOHN USINAS.

MEETING CALLED TO ORDER AT 4:10PM

MINUTES: APPROVED 4-0

TREASURER'S REPORT: NO REPORT

OLD BUSINESS

NO UPDATE AVAILABLE FOR CHESTNUT STREET
HANDICAP PARKING SIGN.

REGARDING THE DONATION OF USED MEDICAL
EQUIPMENT STILL PENDING. NO FURTHER
INFORMATION.

BARBARA GAVE AN UPDATE ON THE TWO BILLS
FOR WHICH WE PROVIDED WRITTENT SUPPORT, THAT
ARE CURRENTLY UNDER CONSIDERATION BY THE
STATE LEGISLATURE. THESE BILLS ARE S.1629 AND

H.2420. BOTH BILLS WERE REPORTED OUT OF COMMITTEE AS FAVORABLE. BILL H.2420 HAS BEEN CHANGED TO H.4758. BOTH BILLS ARE NOW IN HOUSE WAYS AND MEANS COMMITTEE.

□ WE ARE STILL WAITING FOR MORE INFORMATION REGARDING THE FUNDING FOR STUDENT WHO NEEDS A MOTORIZED WHEELCHAIR.

□ PER DEBRA, CHERYL DID CONTACT THE METROWEST CENTER FOR INDEPENDENT LIVING REGARDING HOUSING AVAILABLE IN HER BUILDING.

NEW BUSINESS

□ JOHN USINAS REPORTED ABOUT A LETTER HE RECEIVED ABOUT SOCIAL SECURITY BENEFITS AND ITS FUNDS BEING TAKEN FOR OTHER GOVERNMENT MATTERS.

□ DAVE DOUCETTE MADE MOTION FOR \$3500 OF FUNDING FOR THE SUMMER CAMP PROGRAM, WITH DISTRIBUTION AT THE DISCRETION OF DEBRA MCMANUS. BARBARA ALLEN SECONDED. MOTION PASSED 4-0.

MOTION TO ADJOURN: MOTION BY DAVE DOUCETTE, SECONDED BY DEBRA MCMANUS. ACCEPTED 4-0

ADJOURNED AT 4:43PM. NEXT MEETING MONDAY,
AUGUST 1, 2022 AT 4:00PM, CITY HALL IN THE
MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,

BARBARA ALLEN, SECRETARY

Conservation Commission
 July 21, 2022
 7:00 PM
 Marlborough City Hall – 140 Main St.
 3rd Floor (Memorial Hall)

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2022 AUG 24 AM 11:00

Present: Edward Clancy-Chairman, Allan White, David Williams, William Dunbar, Dennis Demers, John Skarin, and Karin Paquin. Also present was Priscilla Ryder-Conservation officer.

Absent: None

The hearing was recorded using Microsoft Teams.

Approval of minutes: The minutes of July 7, 2022, were reviewed and on a motion by Mr. White, second by Mr. Clancy to approve as written and amended, the Commission unanimously approved 7-0.

Public hearings:

Request for Determination of Applicability

377 Simarano Dr. - IPG Photonics Corp.

Bruce Saluk of Bruce Saluk and Associates was present representing the owner. He explained that due to some drainage issues with the back of the building the sidewalk and door access area have all heaved and is no longer safe. They proposed to remove the materials, install some underdrain, improve drainage discharge from the roof and get it to flow out. They propose to add underdrains, a new manhole crushed stone and fabric and restore the sidewalk and planting areas to meet ADA compliance. A small portion of this work clips the 100' buffer zone, but a parking lot and curbing falls between this area and the wetland. The Commission asked about timing and sequencing. It was explained that they'd like to do this in the drier season; the work should only take about a week. The long-term operation and maintenance plan will be provided as a condition before the project is completed. There being no further discussion, the hearing was closed. On a motion by Mr. White second by Mr. Clancy to issue a Negative Determination of Applicability with standard conditions including the O&M requirement noted above, the Commission voted unanimously 7-0 to issue.

Request for Determination of Applicability

31 Red Spring Rd. – Arthur Vigeant

Mr. Vigeant disclosed that he is before the Commission as an individual resident, not in his capacity as Mayor. He is in the process of acquiring 31 Red Spring Rd. from his brother, however upon inspecting the home and lot he noticed many big trees close to the house, which the insurance company has asked to be removed as they are large and could harm the house. One branch already clipped the electric wire and started a small fire which luckily was extinguished. He'd like to clear around the house to keep it safe from falling trees about 25' or so on either side of the house and from the water side of the house up to the driveway. There was some discussion about the trees and some of the non-native invasive plants including bittersweet removal and control, and whether stumps would be removed or ground out. It was determined that the trees to be removed would need to be marked in the field and reviewed by the Conservation Officer. It was also determined that once the trees and stumps are removed the Conservation Officer will inspect the site to determine if the site is stable and whether erosion controls are needed to prevent any loose dirt or silt from reaching the lake. There being no further question from the Commission or the public the hearing was closed. On a motion by Mr. White second by Mr. Clancy to issue a Negative Determination with standard conditions and the condition for marking trees and making sure the site is stabilized. The Commission voted unanimously 7-0.

Notice of Intent (continued from July 7th) (review draft conditions)

309 Stevens St. - Marcel Maillet

Jason Lavoie from WSP was present. He provided revised plans showing details requested at the last meeting including grading details, dewatering design, and stone wall details. The Commission wanted to be certain the infiltration systems will be maintained and will have appropriate language for homeowners to understand maintenance requirements. The Commission expressed concern that the ground water table was very high in this location and will continue to be an issue for the homeowner. They requested that test pits be performed to confirm elevation. Mr. Lavoie indicated this has already been done and the basement floor will be 2 ½ ft. above the high-water table. The Commission discussed deed language and reviewed language provided by Mr. Lavoie from Weston. After further questions and no questions from the audience the hearing was closed. The Commission reviewed and discussed the draft Order of Conditions. Concern was raised about the high-water table. On a motion by Ms. Paquin second by Mr. Clancy to approve the Order of Conditions as drafted and amended, the Commission voted 5-2 to approve. Yea: Mr. Clancy, Ms. Paquin, Mr. Dunbar, Mr. Skarin, and Mr. Williams. Nay: Mr. Demers and Mr. White.

Notice of Intent 212-1251 (Continued from June 16, 2022) (review draft conditions)

Ken's Foods – 1 D'Angelo Dr.

Dale McKinnon of Guerriere and Halnon and Tom Schutz of Goddard Consulting; Craig Lemieux and Sam Dettore Jr. of Columbia Construction and Mark Shaye from Ken's Foods were all present. Mr. McKinnon reviewed details of the large retaining wall, fence and guardrail and explained the construction sequence to be used. The final wall details will be provided to the building department as a building permit will be required for these. Mr. Lemieux explained that his company will be doing the installation and walked the Commission through the construction sequence, access, and protection of the wetlands. The base will be done with a mini excavator but once the bottom layer is installed all work will be done from above to minimize impacts to the wetland area. Mr. Schutz explained the invasive plant removal process they will use to remove the invasive plants in the buffer zone and restore the buffer zone with native plants and trees. He showed a plan which identifies the 30' Buffer Zone area which is being encroached upon and the remaining buffer zone that will be impacted and restored. He reviewed the sequencing and planting plan provided to the Commission. Erosion controls and dewatering methods were reviewed, and the Commission emphasized that the erosion controls could not be used to retain any fill. There being no further discussion or comments from the public, the hearing was closed. The Commission reviewed the draft Order of Conditions and made some amendments based on the plan changes this evening. Ms. Ryder will fill in the blanks regarding riverfront impact numbers. On a motion by Mr. White, second by Mr. Clancy to approve the Order of Conditions as drafted and amended, the Commission voted unanimously 7-0 to approve.

Violation updates:

- 541 Pleasant St. – Review proposed mitigation. Mr. Sampaio and his attorney Mark White were present. Attorney White explained that his client is willing to comply with the mitigation plan and will be hiring a contractor who can do this work. Mr. Dunbar noted that he was glad to have this problem solved as it's been two years in the works. After some discussion on the mitigation plan it was agreed that the applicant will bring in a contractor to the next meeting to explain how to address the issue and for the Commission to

ascertain his/her qualifications to ensure the mitigation as outlined is met. They will return to the September 1st meeting with their consultant.

Discussion/Correspondence:

- Beaver Solutions Estimate – Cider Knoll Dam 2 - Ms. Ryder noted that the beavers have created a new dam below the original dam which has the low flow device. She received an estimate from Beaver Solutions for \$ 2,063.00 to install a new device on this new dam. The high water is a problem for homes around the pond that are on septic systems. One property has a system that gets inundated when the water level rises. On a motion by Mr. Skarin second by Mr. Clancy to engage Beaver Solutions and pay the bill out of the Conservation Maintenance Fund, the Commission voted unanimously 7-0 to approve.
- SVT Newly protected parcel in Marlborough – Wayside Inn Rd.- Ms. Ryder noted that a new parcel of land off Wayside Inn Rd. next to the mill pond has been protected by the Sudbury Valley Trustees. This parcel was on the open space plan list of important parcels to protect, additional parcels in this area may be protected in the future according to SVT.
- Mosquito Control Project – 364 South St. – review and comment. The Commission reviewed this request from the Mosquito Control Project and suggested that Ms. Ryder ask them about the phragmites control in this area and to ensure that any materials removed are cast in such a way as to not drain back into the channel. Ms. Ryder will convey.
- 149 Hayes Memorial Dr. - The Commission asked Ms. Ryder to inquire whether fencing will be placed above the huge wall cliffs to prevent people or animals from falling down this wall face. Ms. Ryder will inquire.

Next Conservation Commission meetings: Sept. 1st and Sept. 15th, 2022.

Adjournment - There being no further items to discuss, on a motion by Mr .White second by Mr. Clancy to adjourn. The Commission voted unanimously 7-0 to adjourn at 8:47 PM.

Respectfully submitted,



Priscilla Ryder
Conservation Officer



Massachusetts Cultural Council

Marlborough Cultural Council Meeting MinutesRECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 AUG 31 AM 6:35

Date: Wednesday, July 13, 2022 at 7:00 PM**Location:** Marlborough City Hall, Memorial Hall on 3rd floor**Members Present:**

| | |
|--------------------|------------------------|
| Mary Avery | Beatrice "Bea" Mullony |
| Andrea Bibi | Marcia Waldman |
| Kathy Oliver Jones | Harmony Larson |

Members Absent:

| | |
|--------------|-------------------|
| Monica Lucey | Kathryn B. Weaver |
|--------------|-------------------|

- I. Call to Order at 7:12
- II. Review of Minutes (meeting 5/4/22)
 - Council will review by email and provide any feedback; will approve next time
- III. Updates on MCC FY22 Grantees
 - Final reports received from: Hip Hop Dance Chair Exercises for Seniors, Healing Garden, Framingham Center Festival so those payments have been processed
 - MCC been posting our grantees events + sharing other local activities such as Rec Dept. on social media.
- IV. Update on Mayor's Mural Project
 - There has been a revamping of the timeline.
 - Mayor's office: currently researching a vendor and focused on the history of Marlborough before it was a city. Still a lot to be determined: content, artist, involving MHS students, quality of painting surface. How can MCC be most helpful? Will continue discussing by email.

- V. Preparing for Grant Cycle
 - We believe that the City can apply for a grant from MCC, i.e for the mural project.
 - Mary will be meeting with our new Mass Cultural Council rep.
 - Mary will share links that go into some good detail about the process.
 - We'll discuss at our next meeting.
 - Online application for grants opens Sept 1, closes Oct 17 and is available through the Mass Cultural Council website.
 - Mary reached out to find out who our contact is for updating the City website to update council member names and add content about upcoming grant cycle.

- VI. Food Truck Arts Festival
 - September 18
 - We had a booth w/ flyers and info about grant applications (will be open then)
 - Marcia suggested we be more bold in our communications / advertising the grants and the council during this event
 - Last year was successful with minimal prep so we will follow that lead, bring sidewalk chalk but also order a sign in advance for greater visibility.

- General:
 - How can we better communicate the process for applying to the MCC?
 - 3rd floor of Walker bldg as potential arts space: currently gutted, project started but left unfinished by former director of the rec depts. Andrea will follow up to find out more. Discussed reaching out to other partners such as MEDC, library to explore the feasibility of this idea.
 - MCC has been asked to judge the floats in the Labor Day Parade.
 - Andrea has new outdoor artwork up on her downtown commercial property.

Andrea moved to adjourn, Kathy seconded.

Meeting adjourned at 8:14pm.



Massachusetts Cultural Council

Marlborough Cultural Council Meeting MinutesRECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 SEP -8 AM 7: 07

Date: Wednesday, August 10, 2022 at 7:00 PM**Location:** Marlborough City Hall, Memorial Hall on 3rd floor**After approve, email as Word doc to:**skerrigan@marlborough-ma.govwchu@marlborough-ma.gov**Members Present:**

| | |
|----------------|--------------------|
| Mary Avery | Kathryn B. Weaver |
| Andrea Bibi | Kathy Oliver Jones |
| Harmony Larson | |

Members Absent:

| | |
|------------------------|--|
| Beatrice "Bea" Mullony | |
| Marcia Waldman | |

Guests Heath and Amanda were here. Both intend to join the council.

- I. Call to Order at 7:10
- II. Review of Minutes (meeting 7/13/22)
 - Emily's name removed; Mary moved to approve, Andrea seconded and Council approved.
- III. Updates on grant cycle
 - Confirmed that the City can apply for a grant for things like the wraps on electrical boxes, murals, etc.
 - Portal opens 9/1 and closes 10/17
 - MCC can state our priorities on the Mass Cultural Council website
 - MCC would like to assign MCC member "buddies" / ambassadors to follow along with grantees (to be arranged in Jan after all decisions have been made)

- How can we encourage more people/organizations to apply?
 - Outreach to MPS schools
 - Food Truck & Arts Festival on 9/18
 - MCC Social media; council member social
 - Newspaper - Community Advocate *
 - Flyers at local establishments * - Rock Institute, Art Center, Lost Shoe
 - City website / social media *
 - Graphic for multiple uses - grant is open, all the pertinent info. (Katherine + Harmony)
- IV. MEDC / Marlborough Makers Food Truck & Art Festival
 - We need a pop up shelter, table and a banner. Andrea made a motion to spend some Council funds on a reusable banner; Katherine seconded. Motion approved.
 - Pop up and table will be supplied by Council members.
- V. Slack for communications
 - Jagruti moved to approve that we try Slack for communications. Kathy seconded and the Council approved.
 - Harmony to make sure all members are added to the MCC Workspace on Slack.
- VI. Update on Mural project
 - Site defined for Mayor's pilot program
 - Mary encouraged Mayor's office to apply for a grant
 - MCC to provide more info / resources (i.e. maintenance needs and costs)
- VII. Labor Day Parade - Monday, 9/5
 - MCC asked to judge the floats; MCC agreed. Need three people to sign up. Contact Mary if interested..

- VIII. Meeting adjourned. Harmony moved to adjourn, Katharine seconded. Meeting adjourned at 8:18pm

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1A

2022 SEP -8 AM 10:45

Call to Order

June 27, 2022

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. June 6, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the June 6, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

2. Chair's Business

A. Employee Appreciation BBQ

Dr. Fenby encouraged the Board members to attend.

3. Approval Not Required

A. Hager Street Parmenter Road, Boston Post Road

Map 62, Parcel 27 (0 Boston Post Road East), Marlborough MA 01752

Owner of Land: South Coast Advisors, LLC (119 Parmenter Road, Framingham, MA 01701)

Name of Surveyor: Engineering Design Consultants, Inc. (32 Turnpike Road, Southboro, MA 01772)

Deed Reference: Book: 68015 Page: 229

i. Form A

ii. ANR, Plan of Land Dated: 6/3/22

Zachary Bemis, Engineering Design Consultants (32 Turnpike Road, Southboro, MA 01772) went over the ANR Plan. Mr. Bemis explained the purpose of this plan is to create two lots. One lot with frontage on Hager Street in Marlborough and frontage on Parmenter Road in Framingham and one lot with frontage on Boston Post Road East in Marlborough and Framingham.

On a motion by Mr. Fay, second by Mr. LaVenture the Board voted to refer the Hager Street, Parmenter Road and Boston Post Road, ANR Plan to Engineering for review. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

B. 351 Concord Road, Map 46, Parcel 36, Marlborough MA 01752

Owner of Land: 351 Concord Road Nominee Trust (Concord Road, Marlborough, MA 01752)

Name of Surveyor: Robert Parente (328 Desimone Drive, Marlborough, MA 01752)

Deed Reference: Book: 51973 Page: 488

i. Form A

ii. ANR, Plan of Land Dated: 6/14/22

Robert Parente (328 Desimone Drive, Marlborough, MA 01752) went over the ANR Plan. Mr. Parente explained the purpose of this plan is to create two lots and one parcel. Lot 1, a new building lot, Lot 2 for the existing home and Parcel A, which is not to be considered an independent building lot because its frontage is on Hemenway Street which is not constructed to Subdivision Standards.

On a motion by Mr. Russ, second by Mr. LaVenture the Board voted to refer 351 Concord Road, ANR Plan to Engineering for review. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 342 Sudbury Street Update

Mr. LaVenture read the June 7, 2022, correspondence from Neal Vigeant and Kevin O'Malley into the record.

On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. DiPersio confirmed the sewer stub was installed on the property as indicated in the correspondence.

6. Preliminary/Open Space/Limited Development Subdivision

A. Beauchemin Estates, Preliminary Open Space Concept Plan

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

i. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the June 23, 2022, correspondence from Mr. McManus into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

ii. Final Draft – Certificate of Vote, Open Space Development Special Permit

Mr. Russ and Mr. DiPersio discussed the Conservation Commissions previous review of the Beauchemin Estates Open Space Concept Plan.

The Board determined they would prepare the language for the vote on the special permit and would vote at the July 25, 2022, meeting.

7. Definitive Subdivision

A. Colchester Drive, Definitive Subdivision Plan

Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752

Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)

Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)

Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13th Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

i. Correspondence from Jason Lavoie

Mr. LaVenture read the June 23, 2022, correspondence from Jason Lavoie into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

The Board discussed the timeline for the Colchester Drive approval and determined it would be best to suggest that the engineer put in a request for extension on the approval.

8. Signs (None)

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

9. Correspondence (None)

10. Unfinished Business

A. Working Group

i. Map of “private ways” and unaccepted roads within the City

The Board reviewed the map printouts and Mr. DiPersio explained these roads likely were not accepted as public ways because of various missing items, including acceptance plans, deed information, easement information, and/or sign offs. The City can do a taking, or create a home rule petition to accept these roads as public ways. The previous City Solicitor Donald Rider had drafted a home rule petition. This rule would require the City to go to the State Legislator to get permission to follow this procedure. Once given permission the Board would hold a public hearing for each case, and it would allow the City to accept the street as a public way no matter what was missing from our file. If a developer is still around, the City could pursue them to finish the project and provide all necessary documentation for the acceptance process. If these roads are accepted as public ways, it would benefit the City because Chapter 90 allocation for the roadway repair funding is based on public roadway miles within the City.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to invite City Solicitor Jason Grossfield to the July 25, 2022, meeting for a discussion regarding the private ways and unaccepted roads within the City. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. LaVenture discussed an email correspondence he sent to City Solicitor Jason Grossfield, regarding a May 1, 2014, correspondence written by the City’s previous Solicitor Donald Rider regarding the question: does the clock start if a plan is presented to the Board and the Board deems that it is not complete or needs to be sent back for changes? – See attached. The Board determined they would discuss this question with Mr. Grossfield at the July 25, 2022, meeting.

ii. Subdivision Plan Checklist

Mr. LaVenture and Mr. DiPersio went over the checklist and explained this is an internal engineering checklist for their review process.

iii. Form B – Subdivision Status Data Form Sample

Mr. LaVenture explained this is an example of a cover sheet the workgroup would like to create to help keep track of the progress of a submission.

iv. Formatted Subdivision Rules and Regulations

The Board determined a clean copy of the formatted Rules and Regulations can be provided to the City Clerk.

11. Calendar Updates

- A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. One day extension granted, vote by July 25, 2022, meeting.
- B. Beauchemin Estates, Preliminary Open Space Concept Plan, 90 Days is August 7, 2022, vote on Special Permit by July 25, 2022, meeting.

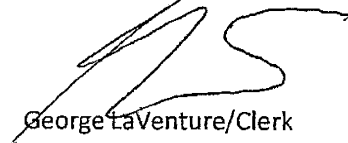
12. Public Notices of other Cities & Towns (None)

Mr. Fay and Mr. Elder determined they would prepare the language for the vote on the special permit for Beauchemin Estates, 689 Pleasant Street.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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

Respectfully submitted,



George LaVenture/Clerk

/kmm

George LaVenture

From: Jason Grossfield
Sent: Monday, June 13, 2022 9:37 AM
To: George LaVenture
Cc: sohohinny; Jeremy McManus
Subject: RE: MPB - Plan Submission Date

Thanks George, we will review.

-Jason

Jason D. Grossfield
 City Solicitor
 City of Marlborough
 City Hall, 4th Floor
 140 Main Street
 Marlborough, MA 01752
 T: (508) 460-3771
 F: (508) 460-3698
jgrossfield@marlborough-ma.gov

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From: George LaVenture
Sent: Friday, June 10, 2022 4:54 PM
To: Jason Grossfield
Cc: sohohinny ; Jeremy McManus
Subject: RE: MPB - Plan Submission Date

Purely hypothetical. Just trying to understand if any plan presentation to the Board starts the clock and what leeway the Board has if it deems a presentation incomplete to not have the clock start.

For subdivision plans sent by registered/certified mail I guess the clock always starts on receipt. I don't believe we have received any plans this way however.



George LaVenture



City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
 CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
 ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
 PARALEGAL

May 1, 2014

Marlborough Planning Board
 Chairwoman Barbara Fenby
 140 Main Street
 Marlborough, MA 01752

Re: The Process of a Plan's Submission to the Planning Board and Subsequent Notice to the City Clerk

Dear Dr. Fenby:

In supplementation of Legal's letter to the Planning Board ("the Board") dated December 16, 2013, this letter offers further clarification as to 1) the process for a plan's submission to the Board, whether a subdivision plan or an ANR plan; and 2) the subsequent notice to be filed with the City Clerk regarding that submission.

1. Submission Of A Plan To The Board.

Mass. Gen. Laws c. 41, § 81O governs the submission of a subdivision plan. As for submission of ANR plans, a planning board's regulation, if it is consistent with § 81O, "controls the determination of the submission date of an ANR plan."¹

The relevant portion of § 81O provides as follows:

A plan shall be submitted under this section when delivered at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt shall be the date of submission of the plan.

Thus, under § 81O, the date of a plan's submission is either 1) the date when it is delivered at a meeting of the Board, or 2) the date when it is received by the Board by registered mail.²

In contrast, for ANR plans under Section II.B.1, and for preliminary plans under Section III.A.1, the Board's Rules and Regulations provide that, "[f]or the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board." In other words, there is no opportunity under the

¹ Peters v. Labonte, 2012 WL 273714 (Land Ct. 2012), at * 5 (citing Maini v. Whitney, 7 LCR 263, 264 (1999)(Land Court)).

² " 'Registered mail', when used with reference to the sending of notice or of any article having no intrinsic value shall include certified mail." Mass. Gen. Laws c. 4, § 7, cl. Forty-fourth.

However, § 81T “lacks precision as to the timing of the filing of the notice.”¹⁰ So § 81T has been judicially interpreted as requiring that notice to the City Clerk must be filed “simultaneously with or, at least, very promptly after submission to the [planning] board,”¹¹ but in any event “after submission to the Planning Board, since the required notice must include the date of submission.”¹²

Note that this § 81T filing requirement is crucial in circumstances where a board may have failed to timely act on a plan, otherwise resulting in a constructive grant (for a subdivision plan) or a constructive endorsement (for an ANR plan). Thus, if the plan’s proponent has itself failed to file such a § 81T notice with the city or town clerk, that failure is fatal to the proponent’s claim of the constructive grant or constructive endorsement.¹³ Section 81T’s filing requirement serves the statutory purposes of providing aggrieved persons with “the definitive date from which an appeal is measured,” while at the same time “limiting the period during which an appeal may be taken” and precluding an “indefinite protraction of the appeal process.”¹⁴

Thank you for your attention to this matter.

Very truly yours,

/s/ Donald V. Rider, Jr.
Donald V. Rider, Jr.
City Solicitor

¹⁰ Korkuch v. Planning Board of Eastham, 26 Mass. App. Ct. 307, 308 (1988).

¹¹ Korkuch, 26 Mass. App. Ct. at 309.

¹² Peters, 2012 WL 273714 at * 6 (emphasis in original).

¹³ Korkuch, 26 Mass. App. Ct. at 309 (discussing ANR plan); Peters, 2012 WL 273714 at *4 (discussing ANR plan).

¹⁴ Korkuch, 26 Mass. App. Ct. at 309 (citations omitted).

May 25, 2022

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 AUG 31 AM 8:57



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, May 25, 2022, at 10:00 am. (The meeting was also recorded and is available to view online at the City of Marlborough's website (www.marlborough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: Ashley Miller from the Engineering Department, Sgt. Ronnie Ney and Officer Andy Larose from the MPD Traffic Services Unit and local resident James Joubert.

Minutes taken by Karen Lambert, MPD Records Clerk.

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

1- Minutes

The minutes of the Traffic Commission meeting of Monday, May 2, 2022:

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

2 - New Business

2a) Request for a parking space at 147 Main St., Boost Mobile.

Chief Giorgi received an email from the Owner of Boost Mobile. She has received many complaints from customers because the spots near her business are always occupied by Welly's Restaurant and "most of the time for 3 hours". She said that customers usually only need to stay at her business for a ½ hour. She is asking how she can obtain a parking permit for her business.

Chief Giorgi advised that he stopped by the store to speak with her. Ms. Ventura was not there but he spoke with her husband. They are angered by the situation and are requesting their own spot in the side lot next to the building. Mr. Kerrigan said that he would be afraid that other businesses would be asking for the same thing if this were allowed. The city has a new Parking Clerk which may help the situation. The Chief also spoke to Welly's about the 15-minute parking spot they use for customer pick-up. He advised that they can't create their own parking spot for this purpose. They seem to have now taken it down. Chief Giorgi said that we would speak to the Parking Clerk about the enforcement situation.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to discuss this issue with the new Parking Clerk.

2b) Request for permanent speed limit sign & other signage on Lincoln St.

Chief Giorgi received an email from a resident of Lincoln Street. He had gone out to speak with them regarding their concerns with speeding. There are many children that live in the area and play near the street. They would like to see additional signs like "residential area" to inform drivers that they need to pay attention.

Chief Giorgi does agree that this is a tough corner and that there is no signage. He asked Ashley Miller to provide more information. Ms. Miller said that there is no specific speed zone for Lincoln Street. It is considered a 30 mph thickly settled area. It slows to 25 mph as it approaches the intersection near Savers. It was asked if a "thickly settled" sign with the speed limit indicated, could be placed here. It would have to be a yellow advisory sign not a white speed limit sign.

Officer Larose advised that he had done a speed study in June of 2019 near #73 Lincoln St. The average westbound speed was 31 and the average eastbound speed was 28. Chief Giorgi said it would be helpful to have a sign like we installed on Northboro Road East with the yellow, thickly settled, 30 mph wording. All agreed this could be helpful. Officer Larose advised that he can put the speed signs out again to get more accurate current data. This will be helpful information that can be provided to the homeowner.

MOTION was made, seconded, duly VOTED to REFER to Officer Larose to collect current speed data.

3-Old Business

3a) Issues with the turn movement at intersection of Boston Post Road West & Ames Street

Update: Ms. Miller advised that she has sent another email to MADOT but has not received a reply yet. She will continue to follow up.

3b) Request for flashing pedestrian crossing light & Dead-End sign on Gikas Lane.

Update: Ms. Miller has talked to the street department and this area is on the list for cutting back vegetation, painting of crosswalks and new signage. Officer Larose also did a speed study here and found that the 85th percentile was traveling at 30mph. It's really not a speed issue but a sight issue.

Chief Giorgi asked if anyone had any other issues they would like to discuss.

None noted.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:13 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for the Traffic Commission Meeting on Wednesday, May 25, 2022, including meeting agenda.
- Draft of Traffic Commission Minutes from Monday, May 2, 2022.
- Email from Mayra Ventura, Owner of Boost Mobile, to Chief Giorgi, dated 4/30/22, re: Parking for Boost Mobile.
- Email from Donna B. to Chief Giorgi, dated 5/6/22, re: Lincoln Street.
- Regulation to REPEAL specific 30-minute parking areas on Cotting Ave., East Main Street, Mechanic Street & West Main St.
- Regulation to REMOVE the section of Mechanic Street, from Lincoln Street and extending northerly to Longley Street, from the Schedule of "No Stopping, Standing or Parking" and ADDING the section "between Lincoln Street and Hastings Street" to the same schedule.

Additional Handouts

-None