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2022 NOV 17 PM 3:10

CITY OF MARLBOROUGH
City Council Agenda

Monday, November 21, 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, October 17, 2022.
2. From Council President Ossing – Introduction of new Firefighters for the City of Marlborough.
3. PUBLIC HEARING on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, Order No. 22-1008722.
**** THIS PUBLIC HEARING WILL BE OPENED WITH NO TESTIMONY BEING HEARD AND CONTINUED TO DECEMBER 5, 2022, AT 8:00 PM. ****
4. PUBLIC HEARING on the Application for Modification of Special Permit from Brian Martinelli on behalf of Dish Wireless, to install three (3) new antennas on the existing cell tower along with a 5x7 platform, at 860 Boston Post Road East, Order No. 22-1008710.
5. PUBLIC HEARING on the Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East, Order No. 22-1008724.
6. PUBLIC HEARING on the Application for Special Permit from Attorney Terrence Morris, on behalf of 272 Lincoln LLC, to build a 12-unit multi-family dwelling with accessory parking to be located at 272 Lincoln Street, Order No. 22-1008709.
7. Communication from the Mayor, re: Grant Acceptance in the amount of \$10,000.00 from the Massachusetts Interlocal Insurance Agency (MIIA) awarded to the Public Facilities to be used to evaluate the HVAC systems in three Fire Stations, the Police Station and the Whitcomb School and to provide the city with an analysis report and recommendations.
8. Communication from the Mayor, re: Grant Acceptance in the amount of \$42,300.00 from Department of Housing and Community Development (EOHED) and the Massachusetts Development Finance Agency (MassDevelopment) awarded to the Marlborough Economic Development Corporation (MEDC) to be used to secure technical assistance in drafting zoning ordinances, mapping build-out analysis, community outreach, preliminary compliance review assistance, and implementation efforts in compliance with Section 3A MBTA Communities guidelines.

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.

9. Communication from the Mayor, re: Grant Acceptance in the amount of \$60,205.00 from the Massachusetts Executive Office of Public Safety awarded to the Police Department to be used to support additional traffic safety equipment, and increased enforcement efforts.
10. Communication from the Mayor, re: Transfer Request in the amount of \$100,000.00 which moves funds from the Undesignated Fund to Unemployment Payment for city and schools to fund mandated unemployment costs.
11. Communication from the Mayor, re: Transfer Request in the amount of \$1,154,893.76 which moves funds from Meals Tax Revenue account to fund FY23 bond payments associated with Parks & Recreation improvements.
12. Communication from the Mayor, re: Appointment of Richard Tomanek to the Board of Health for a 3-year term to expire on February 5, 2024.
13. Communication from the Mayor, re: Proposed Tax Increment Financing (TIF) Agreement with PI (Physik Instrumente), LP who anticipate moving their operations from Auburn, MA to 130 Lizotte Drive (Map 90, Parcel 2A).
14. Communication from City Solicitor Jason Grossfield, re: Application for Sign Special Permit from Wayside Crossing, for an EMC Sign that will serve as the ordering board for Starbucks drive-thru at 661 Boston Post Road East, in proper legal form, Order No. 22-1008724.
15. Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to City of Marlborough v. Town of Northborough (Worcester Superior Court No. 1685CV01772).
16. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 "Zoning" §40 "Location and Height of Buildings" relative to Attached Roofs and Entryway/Porches.
17. Petition from National Grid to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane.
18. Petition from National Grid to install a Pushbrace off Pole #18 on Mechanic Street which is needed to support pole with wires going down Manning Street.
19. Communication from William Camuso on behalf of Camuso Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" for permission to continue operation at the hours granted at 431 Lincoln Street, X 20/22-1008046C.
20. Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street.
21. Minutes of Boards, Commissions and Committees:
 - a) School Committee, October 25, 2022.
 - b) Conservation Commission, October 6, 2022 & October 20, 2022.
 - c) Historical Commission, July 22, 2022.
 - d) Planning Board, October 3, 2022 & October 17, 2022.
22. CLAIMS:
 - a) Christina Dones, 115 Broadmeadow Street, #5, pothole or other road defect.
 - b) Dillon Handy, 31 Roosevelt Street, pothole or other road defect.
 - c) John Kelly, 37 Chilton Hill Drive North, Worcester, MA, pothole or other road defect.
 - d) Marilyn Miller, 7 Tyler Road, #3208, Berlin, MA, pothole or other road defect.
 - e) Loi Tran, 14 Tremont Street, Oxford, MA, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

23. **Order No. 22-1008587: Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street. Vote 2-0 Brown absent.

24. **Order No. 22-1008669: Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Stores, LP #820, 769 Donald J. Lynch Boulevard.**

Recommendation of the Public Services Committee is to APPROVE.

Councilor Irish read the following report from Best Buy dated October 26, 2022, into the record: The Trade In Program is going really well and is super beneficial to the store, company and the city, not just for the value (gift card amount) from customers but the store runs trade-in promos where you switch out an old printer and get 10-15 percent off a new one. The program encourages customers to continue to expand their knowledge with the evolution of technology and how it impacts areas of their homes. Clients have traded in old products they no longer see a value in to afford things they now need.

25. **Order No. 22-1008711: Application for Renewal of license to operate a Livery Service with one vehicle by Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the renewal of the license to operate a Livery Service with one vehicle to Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane. Vote 2-0 (Brown absent).

From City Council

26. **Order No. 22-1008678: Proposed Salary Ordinance pursuant to Chapter 125 “Personnel”, §6 “Salary Schedule” to create a new position entitled, Substance Use Prevention Coordinator and Intervention Specialist, within the Health Department, with 7-step salary table, minimum of \$58,000.00 to maximum of \$65,317.42, for a 35-hour work week, together with the proposed Job Description pursuant to Chapter 125 “Personnel”, §5 “Preparation of Classification Descriptions”.**

This matter was ordered advertised at the November 7, 2022, City Council meeting (advertisement was published on Friday, November 18, 2022). Action cannot be taken until the December 5, 2022, City Council meeting to comply with the 10-day period required in the Charter.

27. **Order No. 22-1008724: Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East.**

This matter was ordered advertised and a Public Hearing scheduled at the November 7, 2022, City Council meeting.

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.

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Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, NOVEMBER 7, 2022**

The regular meeting of the City Council was held on Monday, November 7, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Dumais, Brown, Irish, Navin, Oram, Perlman & Robey. City Councilors Absent: Doucette & Landers. Meeting adjourned at 8:29 PM.

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

ORDERED: That the Minutes of the City Council meeting, October 17, 2022, FILE; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,000,000.00 from the Executive Office of Housing and Economic Development, Department of Housing and Community Development and Massachusetts Development Finance Agency through the FY23 Community One Stop for Growth program awarded to the Department of Public Works to be used to reconstruct a one-mile section of Cedar Hill Street; adopted.

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 \$250,000.00 from MA Development's Taxi & Livery Partnership Program awarded to the Marlborough Economic Development Corporation (MEDC) to be used to continue funding of the commuter shuttle service; adopted.

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

ORDERED: That the Transfer Request in the amount of \$1,574.75 which moves funds from the Firefighter account to the Meal Allowance account to cover a deficit due to numerous emergency situations, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		FIRE			FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$2,693,301.53</u>	<u>\$1,574.75</u>	<u>12200001</u>	<u>50450</u>	<u>Firefighter</u>	<u>\$1,574.75</u>	<u>12200006</u>	<u>51990</u>	<u>Meal Allowance</u>	<u>-\$74.75</u>
Reason:		<u>Vacant position</u>			<u>Two significant events created unexpected</u>				
	\$1,574.75	Total			\$1,574.75	Total			

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

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent access and utility easement described below be accepted as a municipal easement:

DESCRIPTION

The access and utility easement shown as “Proposed Access & Utility Easement”, on a plan of land entitled “Easement Plan of Land in Marlborough, MA”, Prepared by: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Date: March 21, 2022 (the “Plan”), said Plan to be recorded herewith. Easement containing 4,042.26+/- square feet (0.09 acres, more or less), according to the Plan. Being a portion of the property owned in Marlborough by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 12312, Page 157 and Book 12312, Page 159.

IT IS THEREFORE ORDERED THAT:

The access and utility easement shown as “Proposed Access & Utility Easement” on the Plan constituting a portion of land located at 22 Mechanic Street, containing 4,042.26 square feet+/- (0.09 acres, more or less), being a portion of the property owned by First Baptist Church of Marlborough, MA 01752 and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 12312, Page 157 and Book 12312, Page 159, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

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

ORDERED: Communication from City Solicitor, Jason Grossfield on behalf of Councilor Robey, re: Proposed Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, DECEMBER 19, 2022**; adopted.

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 650-5 (Definitions; word usage), Subsection B, "Mixed Use" definition, by deleting the definition in its entirety and replacing it with the following:

MIXED USE

(1) A combination of permitted (Y) or special permit (SP) residential/business uses as listed in § 650-17, Table of Use Regulations, for a particular zoning district, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

(2) To achieve a mix of residential to business uses, such as retail or restaurant, that is balanced and compatible, ground floors of buildings fronting streets or public accessways shall be restricted to nonresidential uses, except as specified below:

(a) Dwelling units shall be allowed on ground floors of a building that is set behind a mixed-use building that has business uses on the ground floor and residential on other floors so long as the building set behind does not face a public way.

- II. By amending Chapter 650 (Zoning), Section 650-26 (Affordable Housing), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-26. Affordable housing.

A. All site plan approvals granted for multifamily dwellings as part of a mixed-use development, and all special permits granted to applicants to construct multifamily dwellings thereby increasing the number or density of residential dwellings to a number or level greater than that allowable as a matter of right under the zoning classification for the subject parcel shall require the following.

(1) ~~Developments of 20 or more units.~~

(a) Number of affordable units. The development shall ~~provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters, or ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in Item i) above to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council.~~

(b) Local preference. The development plan shall provide that all legally permissible efforts shall be made to provide 70% of the affordable dwelling units to eligible residents of the City of Marlborough.

- (c) Distribution of affordable units. Dwelling units to be sold or rented at affordable prices shall be integrated into the overall development to prevent physical segregation of such units.
 - (d) Appearance. The exterior of the affordable units shall be designed to be compatible with and as nearly indistinguishable from the market rate units as possible.
 - (e) Minimum and maximum floor areas. Affordable housing units shall have a gross floor area not less than the minimum required by the State Department of Housing and Community Development under the regulations created under the authority of MGL Chapter 40B.
 - (f) Period of affordability. Limitations and safeguards shall be imposed to ensure the continued availability of the designated affordable units for a minimum of 99 years or in perpetuity. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls and the like.
 - (g) Limitation on change in affordability. In no event shall any change in affordability occur if the minimum percentage of affordable units required in the entire City under MGL Chapter 40B has either not been met at that time or such change in affordability would cause the City to fall below that percentage.
 - (h) Staging of affordable and market-rate units. No more than 50% of the building permits for the market-rate units shall be issued until construction has commenced on 30% of the affordable units. No more than 50% of the occupancy permits for the market-rate units shall be issued until 30% of the occupancy permits for the affordable units have been issued. The City Council may modify this provision for developments under 50 units.
 - ~~(i) Alternate site. The City Council may allow the developer to build some or all of the affordable housing required by Subsection A(1)(a) on an alternate site within the City, provided that the City Council determines that this is in the best interest of the City and orders that this specific condition be attached to the special permit. The location of the alternate site shall either be specified at the time of approval for the special permit or selected within six months of said application and shall then be subject to approval by the Housing Partnership Committee or its successor, by the City Council if otherwise required by this Zoning Ordinance and by any other proper authority as may be required by law. The development of the alternate site shall comply with Subsection A(1)(b), (c), (f), (g), (h) and (j) of this section, and the staging of development on the alternate site shall be governed by Subsection A(1)(h) applied to all units on both the main and alternate sites.~~
 - (j) Guaranty of performance. The City Council shall require security in a form satisfactory to the City Council and City Solicitor to guarantee performance, including preservation of affordability, under this subsection, and no building permit shall be issued until and unless said security has been provided.
- ~~(2) Developments of 19 or fewer units. All provisions of Subsection A(1) above applicable to 20 or more units may also be applied to developments of 19 or fewer units as the City Council finds practical.~~

(3) The provisions of this section shall not apply to a special permit for an existing retirement community ~~or the expansion of an existing retirement community~~ as governed by §§ 650-21 and 650-22, but shall apply to any new retirement community or expansion of an existing retirement community. This subsection will be effective pursuant to the applicable provisions of Chapter 40A of the General Laws.

~~(4) The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.~~

III. By amending Chapter 650 (Zoning), Section 650-37 (Special Provisions Applicable to the Wayside Zoning District), Subsection H(4)(A), entitled "Mixed Uses", by inserting the following sentence at the end of the existing subsection: Floor usage in a mixed-use development shall conform to subsection (2) of the definition of "Mixed Use" set forth in Section 650-5(B).

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

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Salary Ordinance and Job Description for the Substance Use Prevention Coordinator and Intervention Specialist, within the Health Department, in proper legal form, Order No. 22-1008678, **FILE AND MOVED TO AGENDA ITEM #17**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: 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 retail marijuana establishment located at 505 Boston Post Road West, in proper legal form, Order No. 19/22-1007881, **FILE AND MOVED TO AGENDA ITEM #16**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., to allow for a stand-alone Chipotle Restaurant with a drive-thru and eliminate the proposed bank and retail addition to the plaza located at 661 Boston Post Road East, in proper legal form, Order No 21/22-1008395, **FILE AND MOVED TO REPORTS OF COMMITTEE**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Application for Modification of Site Plan Approval from Aubuchon Realty Company, Inc., related to the retail plaza within the Wayside District, at 661 Boston Post Road East, in proper legal form, Order No. 21/22-1008418, **FILE AND MOVED TO REPORTS OF COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY NOVEMBER 21, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY DECEMBER 5, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Application for Special Permit from Marquel Frink and Divino Oliveira on behalf of All Fur Love, to operate a dog grooming business to be located at 75 Lincoln Street, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That pursuant to Chapter 650-37 I(1)(a) of the Code a Master Sign Plan for the Wayside Crossing Plaza at 661 Boston Post Road East, **FILE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY NOVEMBER 21, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East, **ADVERTISED**; adopted.

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

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

- a) School Committee, October 11, 2022.
- b) Planning Board, August 22, 2022 & September 12, 2022.
- c) Traffic Commission, August 31, 2022.

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

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

- a) Jane Goring, 184 Parkerville Road, Southborough, MA, pothole or other road defect.
- b) Lily Luong, 79 Dewey Street, Worcester, MA, pothole or other road defect.
- c) Guadalupe Quito, 87 Gaye Street, #1, Worcester, MA, pothole or other road defect.
- d) David Wills, 124 Desimone Drive, pothole or other road defect.

Reports of Committees:

Councilor Irish reported the following out of the Public Services Committee:

City Council Public Services Committee
Thursday, October 26, 2022
Minutes and Report

This meeting convened at 7:00 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members: Chair Landers and Councilor Irish; Councilor Brown was absent.

Also present were Councilors Ossing, Navin, Wagner, Doucette, and Robey.

Order No. 22-1008711: Application for Renewal of license to operate a Livery Service with one vehicle by Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane.

Applicant confirmed the business will operate with one (1) vehicle only and there have been no issues regarding parking. Ward Two Councilor Doucette stated for the record that he has not received any complaints regarding the operation of this business.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the renewal of the license to operate a Livery Service with one vehicle to Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane. Vote 2-0 (Brown absent)

Order No. 22-1008669: Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Stores, LP #820, 769 Donald J. Lynch Boulevard.

Councilor Irish read the following report from Best Buy dated October 26, 2022, into the record: The Trade In Program is going really well and is super beneficial to the store, company and the city, not just for the value (gift card amount) from customers but the store runs trade-in promos where you switch out an old printer and get 10-15 percent off a new one. The program encourages customers to continue to expand their knowledge with the evolution of technology and how it impacts areas of their homes. Clients have traded in old products they no longer see a value in to afford things they now need.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the renewal of the Junk Dealer/Secondhand Dealer License to Best Buy at 769 Donald J. Lynch Blvd. Vote 2-0 (Brown absent)

Order No. 22-1008587: Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street.

Applicant confirmed he has a garage and space in the driveway. He will operate only one (1) vehicle, and it will always be parked off the street in the garage or in the driveway.

On a motion by Councilor Irish, seconded by Chair, the committee voted to recommend approval of the application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street. Vote 2-0 Brown absent.

On a motion by Irish, seconded by the Chair, all in favor, the meeting adjourned at 7:12 PM.

Reports of Committee Continued:

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

**City Council Urban Affairs Committee
Thursday, October 26, 2022
Minutes and Report**

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner. Other Councilors present were Irish and Ossing. Representing the petitioner were Attorney Falk; Bobby Trickett, Aubuchon Realty Company; and Matt Bombacci from Bohler Engineering.

Order No. 21/22-1008395F X 21-1008418C Application for Modification of Special Permit and Site Plan from Attorney Falk on behalf of Aubuchon Realty Company, Inc, to allow for a stand-alone Chipolte Restaurant with a drive thru facility and to eliminate the proposed bank and retail addition to the plaza located at 661 Boston Post Road East.

The chair stated that the committee would start with reviewing the Decision on an Amendment to the Special Permit. The original special permit was approved on November 8, 2021, 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. The amendment replaces the approved drive-thru bank with a drive-thru restaurant. The restaurant would have no order board onsite, orders for pick-up at the drive-thru would be via phone or customers could park and go inside to order and eat food.

Councilor Doucette moved to approve the Decision on the Amendment to the Special Permit. Motion was seconded and approved 5-0.

The chair then took up the Amended Site Plan Approval with Conditions. As this project is in the Wayside district, the City Council is the Site Plan authority. However, this was reviewed by the Site Plan Review Committee. The chair read the email from Priscilla Ryder stating they approve of the two conditions in the amended document. The conditions are (1) that a temporary certificate of occupancy may be issued for either the new coffee shop structure or the new restaurant structure while site work required for the Special Permit remains incomplete, subject to a phasing plan approved the Site Plan Committee and (2) that all other conditions of the original Site Plan continue in full force and effect.

Councilor Doucette moved to approve the Amended Site Plan with Conditions. Motion was seconded and approved 5-0.

The chair reminded everyone that sign permits for this site would be on an upcoming agenda with a sign special permit for the Starbucks' order board.

The chair asked if anyone had an issue with the Solicitor being asked to have the Amended Special Permit and Site Plan in proper legal form for the November 7 agenda for vote of full council. This would allow the applicant to apply for permits to start work as soon as possible. No one had any objection.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 7:45 pm.

Suspension of the Rules requested – granted.

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

IN CITY COUNCIL**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
AUBUCHON REALTY COMPANY, INC.****DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
ORDER NO. 21/22-1008395H**

The City Council of the City of Marlborough hereby **GRANTS** the Application for an Amendment to an existing Special Permit to Aubuchon Realty Company, Inc. (the “Applicant”) to build and operate a drive-thru facility for a restaurant, 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. On November 8, 2021, the City Council of the City of Marlborough voted to grant a special permit authorizing 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 at 661 Boston Post Road East, 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”), as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 79297, Page 499 (the “Original Special Permit”).
4. 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, the Applicant seeks approval for the Use at the Site, replacing the approved drive-thru facility for a bank with a drive-thru facility for a restaurant, as shown on the Plans referenced in paragraph 6 below.
5. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for an Amendment to an existing Special Permit (“Application”) for the Use.
6. 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 7, 2022, (the “Plans”) attached hereto as “Attachment A.”

7. 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.
8. The Site is located in the Wayside Zoning District.
9. The Site has an area of 91,824 square feet +/- as shown on the Plans.
10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, October 3, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on October 3, 2022.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, no members of the public spoke in opposition to the Use.
14. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

**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, with the replacement of the approved drive-thru facility for a bank with a drive-thru facility for a restaurant, and as amended by the Plans for this purpose, 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.
- 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 an Amendment to an existing Special Permit to build and operate a drive-thru facility for a restaurant, 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. Remote Ordering. The drive-thru facility for the restaurant shall not have an ordering menu and customers using the drive-thru facility for the restaurant shall be required to place orders in advance, remotely, and use the drive-thru facility only to pick up orders. This condition shall not apply to the previously approved coffee shop restaurant at the Site.
2. Signs. The Applicant shall install wayfinding signs within the Site to alert customers using the drive-thru facility for the restaurant that orders must be placed in advance, remotely, and that the drive-thru facility may only be used to pick up orders. This condition shall not apply to the previously approved coffee shop restaurant at the Site.
3. Traffic Circulation. The City's Site Plan Committee may require modifications to the Site's internal traffic circulation design if it is determined by the Police Chief that said design causes an excessive number of vehicular or pedestrian accidents.
4. Trash Removal. The Applicant shall ensure that any trash removal from the Site takes place between 7:00 a.m. and 7:00 p.m. and at times that do not conflict with peak customer activity.
5. Prior Conditions. Except as modified by this Decision, all conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.
6. 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: 9 – Nay: 0 – Absent – 2

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

Absent: Doucette & Landers

Suspension of the Rules requested – granted.

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

ORDERED: That the City Council of the City of Marlborough does hereby approve the Site Plan Permit, which sets forth an Approval with conditions of the amended site plans submitted by Aubuchon Realty Company, Inc., to expand and upgrade the retail plaza at 661 Boston Post Road East, Marlborough, **APPROVED**; adopted.

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

IN CITY COUNCIL

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
VEDI NATURALS LLC**

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
ORDER NO. 19/22-1007881L**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Vedi Naturals LLC (the “Applicant”) to amend an existing special permit to build and operate an Adult Use Marijuana Retail Establishment at 505 Boston Post Road West, 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 505 Boston Post Road West, Marlborough, Massachusetts 01752.
2. The Applicant is the tenant of a commercial retail unit located at 505 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 88 as 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. On August 24, 2020, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate an Adult Use Marijuana Retail Establishment at the Site (the “Use”) in accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 75722, Page 351 (the “Original Special Permit”).
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 occupies an existing retail unit at the Site with an area of 2,350 +/- square feet.
7. On September 8, 2022, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance (the “Application”).
8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and existing site plans for the Site.
9. 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.

10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, October 3, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on October 3, 2022.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, no members of the public spoke in favor of the Use and no members of the public spoke in opposition to the Use.
14. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

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

- E. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- F. The City Council finds that the proposed Use of the Site, with the modified operating hours set forth in the conditions below, 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 in this Decision and in the Original Special Permit. 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 in this Decision and in the Original Special Permit.
- G. The City Council incorporates by reference Finding C in the Original Special Permit.
- H. The City Council incorporates by reference Finding D in the Original Special Permit, except as modified in this Decision.
- I. 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 an amendment to modify Condition No. 8 of the Original Special Permit, as follows:
 1. By deleting Condition No. 8 in its entirety and inserting in its place the following:
 8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 AM to 10:00 PM, and Sunday from 10:00 AM to 8:00 PM

All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this 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: 9 – Nay: 0 – Absent – 2

Yea: Wagner, Brown, Irish, Navin, Oram, Ossing, Perlman, & Robey.

Absent: Doucette & Landers

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

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 “Personnel”, §6 “Salary Schedule” to create a new position of Substance Use Prevention Coordinator and Intervention Specialist within the Health Department as submitted by the Mayor, **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:

Position	Step 1 Start	Step 2 6-months of service	Step 3 1-year of service	Step 4 2-years of service	Step 5 3-years of service	Step 6 4-years of service	Step 7 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.

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 8:29 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 7, 2022

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 21, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008722



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 17, 2022

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 21, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Modification of Special Permit from Brian Martinelli on behalf of Dish Wireless, to install three (3) new antennas on the existing cell tower along with a 5x7 platform, at 860 Boston Post Road East, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 02/19/23 which falls on a Sunday, therefore 02/20/23 would be considered the 90th day.

ADOPTED

ORDER NO. 22-1008710



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 7, 2022

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 21, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East, be and is herewith ordered **ADVERTISED**.

ADOPTED

ORDER NO. 22-1008724



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 17, 2022

ORDERED:

That there being no objection thereto set **MONDAY NOVEMBER 21, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Terrence Morris, on behalf of 272 Lincoln LLC, to build a 12-unit multi-family dwelling with accessory parking to be located at 272 Lincoln Street, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Councilor Dumais Recused.

Ninety days after public hearing is 02/19/23 which falls on a Sunday, therefore 02/20/23 would be considered the 90th day.

ADOPTED

ORDER NO. 22-1008709



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 NOV 17 AM 9:56

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

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

November 17, 2022

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

Re: MIIA Risk Management Grant for Public Facilities

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$10,000.00 from the Massachusetts Interlocal Insurance Agency (MIIA).

This grant funding will enable the City to evaluate HVAC systems in three fire stations, the police station and Whitcomb School and provide the City with an analysis report and recommendations.

I would like to take this opportunity to thank Procurement Officer Krista Holmi and Commissioner Divoll for obtaining this grant.

Please don't hesitate to contact me or Commissioner Divoll with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

SEAN M. DIVOLL, P.E.
 COMMISSIONER

November 15, 2022

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

RE: Grant Acceptance HVAC Evaluation

Dear Mayor Vigeant:

The City was recently awarded a grant from MIIA in the amount of \$10,000 for a performance and operational evaluation of HVAC equipment and controls at the following locations:

1. Fire Station 1
2. Fire Station 2
3. Fire Station 3
4. Police Station
5. Whitcomb School

As you know, we welcome opportunities to identify areas where we can decrease risk, increase efficiency, and reduce the City's carbon footprint.

Attached is the Notice of Grant Award. Also attached is the MIIA Grant Statement. I kindly request the grant award be forwarded to the City Council for acceptance.

I am available to answer any questions you or the City Council may have.

Very truly yours,

Sean M. Divoll, P.E.
 Commissioner

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: DPW DATE: 11/10/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: DAN JACKSON, FACILITIES FOREMAN

NAME OF GRANT: FY23 MIIA RISK MANAGEMENT GRANT

GRANTOR: MIIA

GRANT AMOUNT: \$10,000.00

GRANT PERIOD: NOVEMBER 10, 2022 TO MAY 12, 2023

SCOPE OF GRANT/
ITEMS FUNDED HVAC EVALUATIONS
MAINTENANCE AND QUALITY CONTROL TESTING AND EVALUATION OF HVAC
CONTROLS AND EQUIPMENT BY A LICENSED CONTRACTOR.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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



MIIA Grant Statement

Marlborough

Grand Total: \$10,000.00 \$10,000.00

Grant ID	Department	Category	Purpose	Status	Requested Amt	Awarded Amt
RM 122	Procurement	HVAC evaluation - Maintenance and quality control testing and evaluation of HVAC controls and equipment by a licensed contractor.	This grant will enable approximately 75 hours of HVAC evaluations and analysis reporting on five city facilities: Three fire stations, the police station and the Whitcomb School.	Yes	\$10,000.00	\$10,000.00

Quotation

Apex Mechanical Services

PO BOX 906,
1516 Park Street,
Palmer, MA 01069
(413) 225-2100
sales@apexmechne.com

Date: 10/17/2022
Quote No: 3154
Exp Date: 11/17/2022
Sales Rep: Jeremiah Auclair

Bill To Address

City Of Marlborough
140 Main Street,
Marlborough, MA 01752

Site Address

City Of Marlborough
140 Main Street,
Marlborough, MA 01752

HVAC SYSTEM EVALUATIONS (Pending)

Description	Qty	Price (\$)	Amount (\$)
Scope of work: To perform a performance and operational overview of the key HVAC equipment and associated automatic temperature controls in the following locations. - Whitcomb Middle School - Fire House-1 - Fire House-2 - Fire House-3 - Police Station Upon completion a detailed report highlighting key HVAC equipment current conditions, operational state and risk potential for potential damage to property based on operational state or design errors shall be provided to the owner.			
Lump sum labor only	1.00	10000.00	10000.00
		Sub Total	\$10,000.00
		Tax (0.0000 %)	\$0.00
		Total	\$10,000.00

Message

Please confirm your acceptance of this Quote with your signature.

Signature :

Name:

Date :

Attention CT Customers: Sales tax will be added to the service portion of your invoice when applicable.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
NOV 17 AM 9:56

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

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

November 17, 2022

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

Honorable President Ossing and Councilors:

Re: Grant acceptance for MEDC - FY23 One Stop for Growth Housing Choice Program

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$42,300.00 from the Department of Housing and Community Development (EOHED) and Massachusetts Development Finance Agency (MassDevelopment).

This grant funding is part of the FY23 One Stop for Growth Housing Choice Program, a statewide mandate to prioritize housing development. These funds will be utilized to secure technical assistance in drafting and amending bylaws/zoning ordinances, drawing district boundaries and mapping, build-out analysis, community outreach, preliminary compliance review assistance, and implementation efforts in compliance with Section 3A MBTA Communities guidelines.

I would like to take this opportunity to thank Baker-Polito administration for their continued support.

Please don't hesitate to contact me or Executive Director Meredith Harris with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: MEDC DATE: 10/17/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Sean Divoll

NAME OF GRANT: FY23 Community One Stop for Growth

GRANTOR: EOHED, DHCD, MassDevelopment

GRANT AMOUNT: \$42,300.00

GRANT PERIOD: thru 6/30/24

SCOPE OF GRANT/
ITEMS FUNDED FY23 One Stop for Growth Housing Choice Program to prioritize housing developmen
Technical assistance with drafting and amending bylaws/zoning ordinances, drawing
district boundaries and mapping, build out analysis, community outreach, preliminary
compliance review assistance, and implementation efforts in compliance with Section
3A MBTA Communities guidelines.

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? Yes, \$5,000 from MAPC

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 26-Dec-22

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



Commonwealth of Massachusetts

Award Letter

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

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

October 17, 2022

The Honorable Arthur Vigean
Mayor, City of Marlborough
91 Main Street, Suite 204
Marlborough, MA 01752

Dear Mayor Vigean:

RE: Marlborough 0900 Application

Thank you for submitting this application to the FY2023 Community One Stop for Growth. The Executive Office of Housing and Economic Development (EOHED), Department of Housing and Community Development (DHCD), and Massachusetts Development Finance Agency (MassDevelopment) worked together to evaluate all eligible applications and recommended the most ready and highest-impact projects for a grant. This application from City of Marlborough was reviewed by the program(s) that could best serve the project's funding needs.

On behalf of the Baker-Polito Administration, I am pleased to inform you that a grant in the amount of \$42,300 from the **Housing Choice Grant Program** has been approved to support your project.

This award is contingent the execution of a grant contract between the City of Marlborough and the Department of Housing and Community Development (DHCD) and the satisfaction of its special conditions and requirements. We will send the grant contract to the contact person identified in your application, as well as an invitation to an online training on October 25, 2022 at 11:00 a.m. related to grant administration and contract guidance to highlight contractual obligations. Please do not proceed with grant activities until the contract is fully executed. If you have any questions, please contact Chris Kluchman, FAICP, Deputy Director at Chris.Kluchman@mass.gov, and Filipe Zamborlini, Community Grants Coordinator at Filipe.Zamborlini@mass.gov.

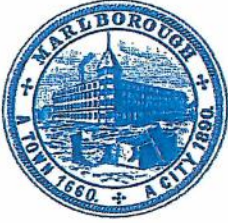
Finally, please note that public announcement of this award is embargoed until the Administration has had the opportunity to formally announce it through a local event and/or media release. Please refrain from sharing or publicizing news about this award outside of your organization until it is officially announced.

Congratulations once again. We look forward to working with you to address the City of Marlborough's housing and community development needs.

Sincerely,

Jennifer D. Maddox
Undersecretary, DHCD

Vendor Application



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Jailyn Bratica
ADMINISTRATIVE ASSISTANT

June 2, 2022

Secretary Michael Kennealy
Executive Office of Housing & Economic Development
1 Ashburton Place, Room 2101
Boston, MA 02108

RE: FULL-FY23-Marlborough-00900

Dear Secretary Kennealy,

I am writing to express my strong support for the City of Marlborough's One Stop Grant application to help the city comply with the MBTA Communities requirements.

The City of Marlborough is committed to doing its part to meet the housing needs of the MetroWest region and the Commonwealth as a whole. We have adopted and permitted new housing aggressively in recent years. The city has prioritized the addition of new housing in downtown, French Hill, and Simarano Drive. Most recently the city adopted the Executive Residential Overlay District (EROD) in the area along Simarano Drive and Cedar Hill Street to allow for new multifamily residential uses in a traditionally commercial area, and then permitted a 475-unit project under the new zoning. The City of Marlborough remains committed to planning for new residential uses, and has exceeded its housing mandate by reaching over 10% on the State's SHI. We are now preparing to adopt zoning to comply with the MBTA Communities mandate, but we require additional resources to support this objective.

For these reasons, I am hopeful that you will approve the City of Marlborough's FY23 One Stop application to provide us with the technical resources required to plan for new units required in the MBTA Communities law.

Sincerely,

Mayor Arthur Vigeant



Bid Solicitation: BD-22-1100-EED01-EED01-70294

Responses Due in 0 Days, 0 Hours, 0 Minutes

Header Information

Table with bid details: Bid Number, Description, Bid Opening Date, Purchaser, Organization, Department, Location, Fiscal Year, Type Code, Allow Electronic Quote, Alternate Id, Required Date, Available Date, Info Contact, Bid Type, Informal Bid Flag, Purchase Method, Blanket/Contract Begin Date, Blanket/Contract End Date.

Pre Bid Conference: Visit www.mass.gov/onestop for a schedule (or recordings) of the information sessions - One Stop Webinars. In addition to reviewing the webinars, applicants can receive feedback by submitting an Expression of Interest as outlined in the NOFA.
Bulletin Desc: The Community One Stop for Growth is a single application portal and collaborative review process for community and economic development grant programs that make targeted investments based on a Development Continuum.

Table with shipping and billing information: Ship-to Address, Bill-to Address, Print Format.

File Attachments: FY23 One Stop Notice of Funding Availability (NOFA), FY23 One Stop Expression of Interest Template, FY23 One Stop Full Application Template

Form Attachments:

Required Quote Attachments

SBPP (Small Business Purchasing Program) Eligible?: NO

See SBPP requirements and exceptions at www.mass.gov/sbpp :

Item Information

Item # 1: (00-00 - 00) The Community One Stop for Growth is a single application portal and collaborative review process for community and economic development grant programs that make targeted investments based on a Development Continuum. Single- and multi-year grants awards will be made from various programs through EOHED, DHCD, and/or MassDevelopment via the One Stop Full Application. Expressions of Interest accepted through March 18, 2022. For the most up to date program information, visit www.mass.gov/onestop.

UNSPSC Code: 00-00-00
Grant Opportunity

Qty	Unit Cost	UOM	Total Discount Amt.	Tax Rate	Tax Amount	Total Cost
1.0		EA - Each				
Manufacturer:			Brand:		Model:	
Make:			Packaging:			

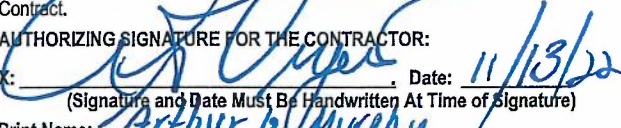
Exit

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COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

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

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Department of Housing and Community Development MMARS Department Code: OCD	
Legal Address: (W-9, W-4): 140 Main St, Marlborough, MA 01752		Business Mailing Address: 100 Cambridge Street, Suite 300 Boston, MA 02114	
Contract Manager: Arthur Vigeant	Phone: (508) 460-3770	Billing Address (if different): same	
Email: mayor@marlborough-ma.gov	Fax:	Contract Manager: Julissa Tavarez	Phone: 617 573 1407
Contractor Vendor Code: VC6000192111		E-Mail: Julissa.tavarez@mass.gov	Fax:
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): SCOCD321023330000260	
		RFR/Procurement or Other ID Number: DHCDOneStop2023	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (Includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20__. Enter Amendment Amount: \$ ____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00 . <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ 42,300			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications. The City of Marlborough will secure planning technical assistance to allow for drafting or amending bylaws/zoning ordinances, drawing district boundaries and mapping, build-out analysis, community outreach, preliminary compliance review assistance, and implementation efforts in compliance with final Section 3A MBTA Communities guidelines.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date LATER than the Effective Date below and no obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 3. were incurred as of ____, 20__, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>6/30, 2024</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X:  Date: <u>11/13/22</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur B. Murphy</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Louis Martin</u> Print Title: <u>Director</u>	

**ATTACHMENT A SCOPE OF SERVICES AND
ADDITIONAL TERMS & CONDITIONS**

FY 2023 Housing Choice Initiative Program Contract

Housing Choice (HC) Grant Program

I. CONTRACT

The Contractor is responsible for accessing and reviewing the contents of the documents referenced below, as compliance with each is a binding component of this Contract:

- A. This Attachment A is attached to and made a part of the COMMONWEALTH OF MASSACHUSETTS STANDARD CONTRACT FORM. THE COMMONWEALTH TERMS AND CONDITIONS and the Contractor's Budget, as approved by the Department, are attached hereto as Exhibits.
- B. This Attachment A incorporates by reference the Housing Choice Community Grant Program Application as applicable.
- C. This Attachment A, all attached Exhibits and other Attachments, and all documents incorporated by reference herein, are referred to, collectively, as the Contract.
- D. This Contract represents the entire agreement between the Contractor and the Department, and any prior or contemporaneous representations, promises, or statements by the parties, that are not incorporated herein, shall not serve to vary or contradict the terms set forth in this Contract.
- E. If any term or condition of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Contract did not contain the particular provision held to be invalid.

II. SCOPE OF SERVICES AND COMPLIANCE WITH LAWS

The Housing Choice Initiative encourages local governments to expand housing production by providing new grants, coordinating technical assistance across various housing agencies, and promoting regulatory innovation. The Housing Choice Initiative rewards municipalities that are producing new housing and have adopted best practices to promote sustainable housing development.

A crucial part of the Housing Choice Initiative is the Housing Choice designation and grant program. Communities that achieve the Housing Choice designation have exclusive access to apply for the Housing Choice Grant Program and receive bonus points or other considerations for certain state grant programs.

The Contractor shall use the FY 2023 contract funding to provide services in accordance with the terms of the attached Budget, the terms of this Contract, and any subsequent Contract amendments. **ALL EXPENSES MUST BE INCURRED ON OR BEFORE JUNE 30TH OF THE FISCAL YEAR IN WHICH THEY OCCUR (FY 2023 – YEAR 1; FY 2024 – YEAR 2).** Any later change in services and activities to be provided by Contractor shall be made only with the prior approval of the Department, in accordance with Section III.C. below.

The Contractor shall carry out these activities in conformance with all applicable federal and state laws and requirements, including without limitation, statutes, rules, regulations, administrative and executive orders, ordinances, and codes, as they may be issued and amended.

The Department reserves the right to issue future administrative guidance. The Contractor shall comply with all applicable guidelines, information memoranda, list serves, or other guidance the Department may issue, amend, or supplement from time to time.

III. ADDITIONAL TERMS AND CONDITIONS

A. Reporting Responsibilities of the Contractor

1. The Contractor, and any entity under subcontract, having costs chargeable to Contract funds shall maintain Contract records in accordance with Section 7 of the Commonwealth Terms and Conditions including without limitation, a record of planned activities, a record of activities carried out, and an explanation of any changes in program activities.
2. The Contractor shall comply with all records and reporting requirements set forth in this Contract.
3. The Contractor shall submit written quarterly progress reports to the Department in compliance with the following deadlines and requirements using a form provided by the Department. Progress reports shall be submitted on or before the 15th day of the month following the last month of the quarter, except in instances when the due date shall fall on a weekend or holiday where reports would be due the following full business day after the deadline. **The Department may delay reimbursement to the Contractor if the Contractor consistently fails to submit timely progress reports or other documents required under this Contract.** Any such action by the Department shall be preceded by written notification of the intent to delay such reimbursement, which may be done electronically, and allow for the Contractor to make reasonable written explanation regarding the occurrence, and the remedy of the issue. Failure by the Contractor to reply to the Department's written notification or to comply with specific instructions from the Department shall be treated as a breach herein and under Section 4 of the Commonwealth Terms and Conditions. The Department further reserves the right to consider past performance under the Housing Choice Grant Program when evaluating an applicant's initial submission. Consistent failure to submit

progress reports or to comply with the provisions of this Contract may negatively impact future awards of this grant.

Progress report deadlines are as follows:

FY23		
Q3	Period: 1/1/2023 to 3/31/2023	Due: 4/17/2023 *
Q4	Period: 4/1/2023 to 6/30/2023	Due: 7/17/2023 *
FY24		
Q1	Period: 7/1/2023 to 9/30/2023	Due: 10/16/2023 *
Q2	Period: 10/1/2023 to 12/31/2023	Due: 1/15/2024
Q3	Period: 1/1/2024 to 3/31/2024	Due: 4/15/2024
Q4	Period: 4/1/2024 to 6/30/2024	Due: 7/15/2024

*Denotes due date following a weekend or holiday.

4. A Contractor whose grant funds a Planning or Zoning project shall submit a copy of the planning or zoning document(s) produced with grant funding. Document(s) should be delivered by July 31, 2024. Documents that cannot be delivered by July 31, 2024 must submit written notification to the program representative by July 31, 2024 outlining when a report will be submitted. In accordance with Section III.A.3, failure to submit document(s) required under this Contract may (i) result in delayed reimbursement; (ii) may be treated as a breach of the Contract; and (iii) will be considered when evaluating applications for future grant awards.
5. The Contractor shall continually assess its performance of the Contract-supported activities to ensure that the performance objectives outlined in the Contract are achieved. This includes, but is not limited to, the Contractor's monitoring that applicable schedules are met and performance objectives are achieved in accordance with the activities delineated in the Contract. The Contractor shall promptly inform the Department in writing, which may be done electronically, of the following conditions which may affect its deliverable objectives and performance as soon as they become known:
 - a. Problems, delays, or adverse conditions which will materially affect the Contractor's ability to attain deliverable objectives. This disclosure shall be accompanied by a statement of any actions taken or contemplated by the Contractor, and any assistance needed from the Department to resolve the situation. Failure by the Contractor to communicate promptly or to respond promptly to communications from the Department may result in the denial by DHCD of any budget or schedule change requests by the Contractor, as provided in Section III.C.
 - b. Favorable developments or events which will enable the Contractor to meet the deliverable Contract objectives sooner than anticipated or at less cost than originally projected.

6. The Contractor shall submit all progress reports electronically to the Department's assigned program representative at the following address:

Filipe Zamborlini
 Community Grants Coordinator
filipe.zamborlini@mass.gov

7. The Department shall advise the Contractor within thirty (30) days of receiving any report if it is not acceptable to the Department. The Contractor shall submit an acceptable report upon receipt of such advice from the Department.
8. The Contractor, and any entity under subcontract having costs chargeable to Contract funds, shall maintain Contract records in accordance with Section 7 of the Commonwealth Terms and Conditions, including, without limitation, a record of planned activities, a record of activities carried out, and an explanation of any changes in program activities.
9. Within five business days of receipt, the Contractor shall provide the Department with copies of any and all exception reports and written communications of an audit or review of the Contractor and any written final reports of such audits or reviews that the Contractor receives during the Contract term from the state Office of the Inspector General (OIG) and/or the Office of the State Auditor. Such reports or communications may be provided electronically.
10. Within five business days of being served with any pleading in a legal action filed with a court or administrative agency related to this Contract or which may affect the Contractor's ability to perform its obligations hereunder, the Contractor shall notify the Department of such action and deliver copies of such pleadings to the Department. Such reports or communications may be provided electronically.
11. The Contractor will submit any other reports or information requested by the Department by the due date specified in the Department's request. The Contractor shall promptly make available to the Department or to an auditor or contractor approved by the Department such material information regarding the Contractor's activities as may be requested by the Department.

B. Payment Mechanism and Fiscal Obligations

The Department agrees to provide payment for the services described under this Contract, pursuant to the following payment mechanism:

1. Cost Reimbursement. The Contractor shall submit to the Department written requests for cost reimbursement on the Department's Housing

Choice Community Grant Invoice form (Housing Choice Invoice), or other such form as the Department may specify.

Only requests for cost reimbursement for authorized capital expenses, pursuant to the capital funds from the state's capital budget, that are completed within the dates of service of an invoice, and that take place within the length of the contract, are authorized for reimbursement.

2. Housing Choice Invoices should be submitted **no more than** once a month and should include the range of the dates of service being submitted for reimbursement.
3. All payments are contingent upon receipt of the availability of funds, authorization by the Executive Office of Administration and Finance and the Massachusetts Comptroller, and the provisions of the Commonwealth Terms and Conditions. In accordance with 815 CMR 2.00 and state finance law, the Department is under no legal obligation to compensate the Contractor, or to obtain additional funding, for any costs or other commitments which are outside the scope of the executed Contract and which have not been approved by the Department.
4. In no event shall the sum of any and all payment by reimbursement exceed the maximum amount payable to the Contractor hereunder. Requests for payment by cost reimbursement will be honored and funds will be released based on submission by the Contractor, with review and acceptance by the Department, of required data and reports as detailed in this Contract, the availability of funds, and the Contractor's satisfactory compliance with the terms of this Contract.

Each request for payment by cost reimbursement must be made on the Housing Choice Invoice. By submitting the Housing Choice Invoice, the Contractor represents that in accordance with the Contract, including the Contractor's Budget as approved by the Department, articles have been furnished, services have been rendered, or obligations have been incurred by a person authorized to incur such obligations.

The Department's fiscal representative will provide additional billing instructions, if necessary, to the Contractor via email.

When submitted electronically, the Housing Choice Invoice should be attached to the email submission in one email attachment. Any other documents, such as vendor invoices, should be submitted as separate attachments.

In addition to the Housing Choice Invoice, requests for payment by cost reimbursement shall also contain sufficient detail, supporting records, and documentation to support payment. Records to substantiate the Contractor's claims hereunder may include, without limitation, payroll

records, accounting records, and purchase orders that are sufficient to document the Contractor's program and financial activities under this Contract.

The request for cost reimbursement shall be submitted electronically to the attention of:

Brett Morton
Fiscal Representative
brett.morton2@mass.gov

with a copy to:

Filipe Zamborlini
Community Grants Coordinator
filipe.zamborlini@mass.gov

5. All requests for cost reimbursement must be submitted on or before July 17, 2023, if expenses were incurred in FY 2023 – Year 1; and on or before July 15, 2024, if expenses were incurred in FY 2024 – Year 2. Failure to do so may result in delayed reimbursement or denial of the request.
6. The Contractor shall submit the final Housing Choice Invoice on or before July 15, 2024. With the submission of the final Housing Choice Invoice, the Contractor shall return to the Department any unexpended funds that are reflected in the final reconciliation, subject to Section III.C below.

C. Budget or Schedule Changes

1. Any subsequent change in the services and activities to be provided by the Contractor in accordance with the attached Budget, including, but not limited to, extensions of time, requires prior written approval from the Department's assigned program representative listed in Section III.A.6. **Requests for any amendments or extensions shall be reviewed on a case-by-case basis by the Department, and may be approved or denied by the Department at its discretion. Consideration shall only be extended to grantees who are in adherence with Section III.A.5 and other requirements of this Contract. Requests to amend or extend the end date of the Contract must be received by the Department on or before January 31, 2024.**
2. Budget Amendments. The Contractor may transfer funds among the line items in the Budget, only with the written permission of the Department. No amendment to the Contract shall be required for such change. The Contractor shall submit a request for such change electronically to the Department's representatives, listed in Section III.B.4, at least 30 days prior to requesting reimbursement funds under such change. If the

Department does not respond within 30 days of receipt of the requested change, it will be deemed to have approved of the change.

D. Signage, Acknowledgment, Publicity, and Logos

1. Signage. The Contractor may erect or post a sign at a location where Contract funds have been used indicating that financing is being or has been provided in part by the Department as part of the Housing Choice Initiative, subject to compliance with the zoning by-laws or ordinances of the municipality in which the sign is to be erected or posted. The sign shall include the following statement: “Funds for this Project have been provided by a Housing Choice Community Grant provided by the Massachusetts Department of Housing and Community Development.”
2. Acknowledgment. If Contract funds are expended by the Contractor on the preparation or production of a brochure or other publication, the brochure or publication shall include the following statement: “This publication was funded by a Housing Choice Grant provided by the Massachusetts Department of Housing and Community Development.”
3. Publicity; Other Materials. The Contractor may disseminate, publish, or reproduce documents produced in whole or in part pursuant to this Contract, provided that the Contractor furnishes to the Department copies of any such documents thirty (30) days prior to publication, and provided that such documents include the acknowledgment required under Section III.D.2. The Contractor may copyright any books, publications, or other copyrightable materials produced under this Contract, provided that the Contractor shall provide to the Commonwealth as appropriate an irrevocable, nonexclusive royalty-free right to reproduce, publish, or otherwise use or authorize others to use the copyrighted material.
4. Logos. If the Contractor wishes to include a Department logo on any signage or other materials produced in accordance with this section, it may contact the Department’s assigned program representative, listed in Section III.A.6, for the appropriate copy of a logo.
5. Submission to DHCD. Any sign, publication, or other material produced in accordance with this section must be submitted in advance to the Department’s assigned program representative, listed in Section III.A.6, no later than thirty (30) days before posting or distribution. If the Department does not respond within thirty (30) days of receipt of the material, it will be deemed to have approved of the material.

The Department reserves the right to require that the Contractor provide to the Department photographs, video, or other media and/or documentation, if applicable, or copies of such materials, of any project financed in part by the Department under the Housing Choice Initiative.

E. Audit or Financial Review

The Department reserves the right under this Contract to secure its own independent audit or financial review of the Contractor's (or Subcontractor, if applicable) records if, in its sole discretion, the Department determines that it is necessary for any reason.

F. Monitoring

The Department may monitor the Contractor's (or Subcontractor, if applicable) compliance with the Contract. The Contractor shall allow the Department and its representatives access to all of its books and records pertaining to this Contract.

G. Conflict of Interest, Licensure, and Debarment

1. The Contractor shall not engage in any business or personal activities or practices or maintain any relationships which conflict in any way with the full performance of the Contractor's obligations hereunder.
2. The Contractor shall not knowingly employ or compensate any employee of the Commonwealth during the term of this Contract, unless such arrangement is permitted under the provisions of M.G.L. c. 268A. Employment of former Commonwealth employees shall also be in compliance with the provisions of M.G.L. c. 268A.
3. The Contractor represents and warrants that as of the effective date, it has, and that at all times during the term hereof it shall have, at its sole expense, all licenses, certifications, approvals, insurance, permits, and other authorizations required by law to perform its obligations hereunder. The Contractor shall maintain all necessary licenses, certifications, approvals, insurance, permits, and other authorizations required to properly perform activities under this Contract, without reimbursement by the Commonwealth or other adjustment in Contract funds. Further, the Contractor warrants that all employees, agents, and subcontractors performing services under this Contract shall hold all required licenses or certifications, if any, to perform their responsibilities.
4. The Contractor certifies that the Contractor and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal or state department or agency. The Contractor agrees to immediately notify the Department if the Contractor becomes suspended or debarred, or if any licenses, certifications, approvals, insurance, permits, or any such similar requirement necessary for the Contractor to properly perform become revoked, withdrawn, or non-renewed during the Contract period.

H. Enforcement, Suspension, and Termination

1. Enforcement of this Contract and all rights and obligations hereunder are reserved solely to the Contractor and the Department, and not to any third party.
2. The Department may use increased or additional monitoring and reporting as part of its enforcement actions.
3. This Contract may be terminated pursuant to Sections 4 and 5 of the Commonwealth Terms and Conditions.
4. The Department may provide the Contractor with written notice to decrease or cease Contract activity. Effective upon receipt of notice from the Department, or a later date specified therein, the Contractor agrees to decrease, suspend, and/or terminate Contract activity in conformance with the terms of such notice.
5. Upon the termination or expiration of this Contract, the Contractor shall continue to cooperate with all audit, records, and monitoring requirements.
6. Within a maximum of 90 days following the date of expiration or termination of this Contract, the Contractor shall submit all reports and data required by this Contract.

I. Non-Discrimination In The Provision of Services

The Contractor shall not deny services or otherwise discriminate in the delivery of services because of race, color, religion, disability, sex, sexual orientation, gender identity, familial status or children, marital status, age, national origin, ancestry, genetic information, receipt of federal, state, or local public assistance or housing subsidies, veteran/military status, or because of any other basis prohibited by law. The Contractor agrees to comply with all applicable federal and state statutes, rules and regulations and administrative and Executive Orders prohibiting discrimination, including without limitation, the Americans with Disabilities Act, as amended (42 U.S.C. §§ 12101 et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d et seq.), the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), M.G.L. c. 151B, M.G.L. c. 272 §§ 92A, 98, and 98A, M.G.L. c. 111 § 199A, 42 U.S.C. 9918 (c) and 45 C.F.R. 80.

J. Confidentiality

1. The Contractor certifies that it has established sufficient internal policies to carry out its obligations hereunder.
2. The Contractor shall keep all state records and information, wherever obtained, confidential at all times and comply with all state and federal laws concerning the confidentiality of information. The Contractor shall

hold all personal data relating to Contract-supported personnel and applicants or recipients of Contract-supported programs and activities in accordance with Section 6 of the Commonwealth Terms and Conditions, the Standard Contract Form and its Instructions and Contractor Certifications, and all applicable Federal and state privacy and confidentiality laws and regulations, including M.G.L. c. 66A, "Massachusetts Fair Information Practices Act;" M.G.L. c. 93H, Security Breaches; 801 CMR 3.00: Privacy and Confidentiality, and 201 CMR 17.00: Standards for the Protection of Personal Information of Residents of the Commonwealth.

3. Pursuant to the Standard Contract Form and its Instructions and Contractor Certifications and the Commonwealth Terms and Conditions, the Contractor certifies that the Contractor has reviewed and shall comply with all information security programs, plans, guidelines, standards and policies that apply to the work to be performed under this Contract, that the Contractor shall communicate these provisions to and enforce them against its subcontractors, and that the Contractor shall implement and maintain any other reasonable and appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access as part of this Contract, from unauthorized access, destruction, use, modification, disclosure, or loss.
4. The Contractor shall notify its agents, employees, subgrantees, and assignees who may come into contact with state records and confidential information that each is subject to the confidentiality requirements set forth herein.
5. The Contractor shall deliver to the Department, within 14 days of a written request by the Department following termination of this Contract, such personal data relating to this Contract as the Department may request; provided, that the Contractor may keep copies of any personal data delivered to the Department; and provided further, that for the purposes of this sentence, the term, "personal data", shall not include the Contractor's personnel records.

K. Fraud, Waste, and Abuse

The Contractor shall maintain and use systems and procedures to prevent, detect, and correct fraud, waste, and abuse in activities funded under this Contract.



Attachment B Budget FY2023 Housing Choice Grant

Name of Municipality Include name of Subcontractor if applicable	Program Manager Name, phone and email <i>Include name and contact information of person preparing report if different from project manager</i>
City of Marlborough	Name: Meredith Harris Phone: (508) 229-2010 Email: mharris@marlboroughdc.com

Project Description <i>Brief Summary of Project</i>
The City of Marlborough will secure planning technical assistance to allow for drafting or amending bylaws/zoning ordinances, drawing district boundaries and mapping, build-out analysis, community outreach, preliminary compliance review assistance, and implementation efforts in compliance with final Section 3A MBTA Communities guidelines.

Project Tasks	Cost by Task
Consultants/Prof. Fees	\$42,300.00
Meeting Express/Events	\$0.00
Project Supplies/Materials	\$0.00
Other/Miscellaneous	\$0.00
Design/Engineering/Permitting	\$0.00
Bidding	\$0.00
Construction	\$0.00
Construction Admin	\$0.00
Contingency	\$0.00
TOTAL	\$42,300.00

(add additional rows as necessary)



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 NOV 17 AM 9:55

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

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

November 17, 2022

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

Re: Public Safety and Security Grant for the Marlborough Police Department

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$60,205.00 from the Massachusetts Executive office of Public Safety and Security.

This grant funding will support additional traffic safety equipment, increased focus on impaired driving, speeding, distracted driving, and seatbelt initiatives as noted in Chief Giorgi's enclosed letter.

I would like to take this opportunity to express our gratitude to the Massachusetts Executive Office of Public Safety and Security for their continued support.

Please don't hesitate to contact me or Police Chief David Giorgi with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Police Department

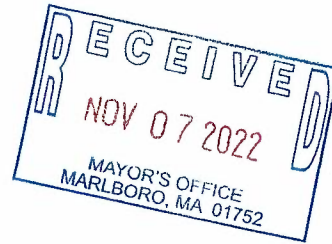
355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938



David A. Giorgi
Chief of Police

November 3, 2022

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



Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$60,205.00 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security's (EOPSS) Office of Grants & Research(OGR). The award is part of the federal fiscal year FFY 2023 Municipal Road Safety(MRS) program with funding made possible by the National Highway Traffic Safety Administration grant award administered by the OGR. The traffic enforcement measures are to focus on impaired driving, speeding, distracted driving and Click It or Ticket(seatbelt violations). These initiatives are to be performed over designated two-week periods between September 2022- September 2023. In addition, the grant funding allows for the purchase of additional traffic safety equipment.

Attached is a copy of the Notice of Grant Award letter and the grant approval letters. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to let me know.

Sincerely,

David A. Giorgi
Chief of Police

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Police DATE: 9/26/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief of Police David A. Giorgi

NAME OF GRANT: FFY 2023 Municipal Road Safety(MRS) program grant

GRANTOR: Executive Office of Public Safety and Security/Office of Grants and Research

GRANT AMOUNT: \$60,205.00

GRANT PERIOD: Present - Sept. 15, 2023

SCOPE OF GRANT/
ITEMS FUNDED Traffic enforcement measures to focus on impaired driving, speeding, distracted driving and Click It or Ticket(seatbealt violations). Also, included will be the purchase of additional traffic safety equipment.

IS A POSITION BEING
CREATED: N/A

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

ARE MATCHING CITY
FUNDS REQUIRED? N/A

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

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

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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



The Commonwealth of Massachusetts
Executive Office of Public Safety & Security
Office of Grants & Research
Ten Park Plaza, Suite 3720-A
Boston, Massachusetts 02116
Tel: (617)725-3301
Fax: (617)725-0260
www.mass.gov/ogr

Charles D. Baker
Governor

Terrence M. Reidy
Secretary

Karyn Polito
Lieutenant Governor

Kevin Stanton
Executive Director

September 14, 2022

Chief of Police David Giorgi
Marlborough Police
Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief of Police Giorgi:

Congratulations! I am pleased to inform you that the Marlborough Police Department has been selected to receive a \$60,205.00 grant award from the Office of Grants and Research (OGR) to support the FFY23 Municipal Road Safety (MRS) Program.

This award, which is funded by the National Highway Traffic Safety Administration, will be available to your municipality through September 15, 2023.

Additional correspondence will be forthcoming, including the necessary documents required to make this award official. Your official start date will be the date that your returned contract is signed and dated by OGR. Costs incurred prior to the date of the fully executed contract will not be eligible for reimbursement.

If you have questions regarding your award, please contact Richard Valeri, OGR Program Coordinator, at Richard.Valeri@mass.gov.

Once again, congratulations on this award, and thank you for your commitment to traffic safety.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Stanton".

Kevin J. Stanton
Executive Director



CHARLES D. BAKER
Governor

Office of the Governor Commonwealth of Massachusetts

State House
Boston, Massachusetts 02133
Tel: (617) 725-4000

KARYN E. POLITO
Lieutenant Governor

September 14, 2022

Chief of Police David Giorgi
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief of Police Giorgi:

Congratulations! We are pleased to inform you that the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) has approved the Marlborough Police Department to receive a total grant award of \$60,205.00 in FFY23 National Highway Traffic Safety Administration funds to support the *Municipal Road Safety Program*.

All documents necessary to make this award official will be provided to you by OGR. In the meantime, if you have any questions, please contact Richard Valeri, OGR Program Coordinator, at Richard.Valeri@mass.gov.

We thank you for the work you do to keep Massachusetts roads safe for everyone. Sincerely,

Handwritten signature of Charles D. Baker in black ink.


Governor Charles D. Baker

Handwritten signature of Karyn E. Polito in black ink.

Lt. Governor Karyn E. Polito

David Giorgi

From: Papa, Andrea (OGR)
Sent: Thursday, November 3, 2022 2:05 PM
To: David Giorgi
Cc: Daniel Campbell
Subject: FY23 Municipal Road Safety Authorizing Email
Attachments: Marlborough PD FY23 MRS EC.pdf; Marlborough FY23 MRS Expenditure Report.xlsm

 You don't often get email from andrea.papa2@state.ma.us. [Learn why this is important](#)

Good day Chief and Grant Manager.

This email serves as authorization for your department to begin the FFY 2023 MRS grant program. Your signed contract is attached and the date by which our Executive Director signed and dated the cover page is your official start date; any expenses incurred prior to this date will not be reimbursed.

If your department has an equipment budget, you must email the equipment quote showing all items to be purchased. After your equipment quote is received and finalized by a member of our group, your department can move forward with purchasing equipment. If your Non-Activity Element budget involves travel, please refer to pages 29-31 of the OGR General Subrecipient Grant Conditions and note that you must submit a travel request to OGR and receive approval before the date of travel to be reimbursed for the travel expenses.

Attached also to this email is your individual department's FFY23 Expenditure Report excel template. Please note:

- This spreadsheet is to be used throughout the year as you report each month's expenses.
- It contains the approved budgets for each of the elements you were awarded. The budgets cannot be changed.

Activity Report – an activity report must accompany the expenditure report if requesting reimbursement for expenses. Activity Reports will be posted on our website: <https://www.mass.gov/service-details/traffic-safety-grants>. (The use of the activity report will also be covered in the expenditure webinar.)

Important Dates to note:

- Ped&Bike – first round of enforcement is ongoing now through November 30th, 2021.
- Traffic Enforcement - Winter Impaired Driving campaign is Dec. 1 through Dec. 31, 2021.
- All approved Traffic Equipment and Ped&Bike Safety Items must be received and paid for by April 30, 2022
- The FFY 2023 MRS grant program terminates on September 15, 2023.

As a reminder, all FFY 2023 MRS grant paperwork and correspondence should be kept in a safe and easily accessible file at your department. Please refer to the MRS AGF for complete program guidelines.

Attachments:

- *Signed Contract*
- *Expenditure Report*

If any questions or concerns, please contact me



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2022 NOV 17 AM 9:56

Patricia M. Bernard
CHIEF OF STAFF

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

November 17, 2022

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

Honorable President Ossing and Councilors:

Re: Transfer request for unemployment payments

Honorable President Ossing and Councilors:

Enclosed for your approval is a transfer request in the amount of \$100,000.00 from the Undesignated Fund to fund mandated unemployment costs for the City and the School department as outlined in City Auditor Diane Smith's enclosed letter.

Please don't hesitate to contact me or Auditor Diane Smith with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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

November 15, 2022

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

RE: Unemployment Payments Transfer Request

Enclosed herewith is a transfer request to fund the Unemployment Payment accounts for both City and School for the remainder of the Fiscal Year. When the FY23 Budget was created we were anticipating low unemployment claims. The high cost on the school side is due to the number of teachers who were non-renewed and claimed unemployment this summer. Most of them will have jobs in the fall because of the teacher shortage, so costs should drop dramatically. The high cost on the city side is due to an individual receiving payments that are being contested. Until a decision is made, we are required to make the payments each month.

Please contact me if you should have any further questions regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Diane Smith', is written over the word 'Sincerely,'.

Diane Smith, CGA
City Auditor

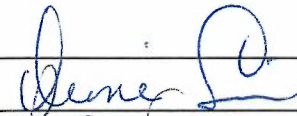

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Finance/Treasurer		FISCAL YEAR: 2023							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$6,006,264.80</u>	<u>\$100,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$50,000.00</u>	<u>11970006</u>	<u>51730</u>	<u>Unemploymt Paymt-City</u>	<u>\$17,528.80</u>
	Reason:	<u>To fund unemployment payments through year-end.</u>							
					<u>\$50,000.00</u>	<u>13100003</u>	<u>51730</u>	<u>Unemploymt Paymt-School</u>	<u>\$44,611.85</u>
	Reason:								
	Reason:								
	Reason:								
	<u>\$100,000.00</u>	Total			<u>\$100,000.00</u>	Total			

Department Head signature:

Auditor signature:

Finance Director signature:



City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH
2022 NOV 17 AM 9:56

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

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

November 17, 2022

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

Honorable President Ossing and Councilors:

Re: Transfer request to fund FY23 bond payments for parks & fields

Honorable President Ossing and Councilors:

Enclosed for your approval is a transfer request in the amount of \$1,154,893.76 from the Local Options Meals Tax Revenue account to fund FY23 bond payments associated with parks and recreation improvements.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

LOCAL OPTION MEALS TAX

FY14 State Aid	\$60,975.10
FY15 State Aid	\$795,346.25
FY16 State Aid	\$877,520.33
9/30/2016 State Aid	\$232,554.39
12/31/2016 State Aid	\$225,517.35
3/31/2017 State Aid	\$218,918.28
6/30/2017 State Aid	\$226,968.72
9/30/2017 State Aid	\$237,499.87
12/31/2017 State Aid	\$235,562.25
3/31/2018 State Aid	\$231,462.05
6/30/2018 State Aid	\$264,487.50
9/28/2018 State Aid	\$266,737.22
12/31/2018 State Aid	\$266,346.66
3/26/2019 State Aid	\$280,759.99
6/30/2019 State Aid	\$268,415.21
9/30/2019 State Aid	\$283,443.19
12/31/2019 State Aid	\$283,140.81
3/31/2020 State Aid	\$279,689.96
6/30/2020 State Aid	\$140,167.25
9/30/2020 State Aid	\$184,164.09
12/31/2020 State Aid	\$202,839.47
3/31/2021 State Aid	\$182,592.96
6/30/2021 State Aid	\$246,677.30
9/30/2021 State Aid	\$295,301.72
12/31/2021 State Aid	\$288,352.35
3/31/2022 State Aid	\$276,449.83
6/30/2022 State Aid	\$301,371.37
9/30/2022 State Aid	\$317,036.91
Total Funding	\$7,970,298.38
10/6/2014 CO# 14-1005915	-\$34,000.00
6/20/2016 CO# 16-1006570A	-\$62,400.00
6/4/2018 CO# 18-1007278A	-\$398,500.00
6/17/2019 CO# 19-1007683A	-\$388,000.00
5/18/2020 CO# 20-1008003	-\$366,493.00
3/22/2021 CO# 21-1008206A	-\$3,000,000.00
3/22/2021 CO# 21-1008207A	-\$1,250,101.00
11/22/2021 CO# 21-1008448	-\$1,204,784.00
Total Transfers	-\$6,704,278.00
Available for future transfers	\$1,266,020.38

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Auditor

FISCAL YEAR: 2023

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$1,266,020.38

\$1,154,893.76

27000

33086

Fund Bal-Parks & Fields Capital

\$1,154,893.76

19910009

49715

Transfer-Meal Local Option

\$0.00

Reason: Local options meals tax funding FY23 bond payments associated with parks & fields as per the FY23 budget process

Reason:

Reason:

Reason:

Reason:

\$1,154,893.76

Total

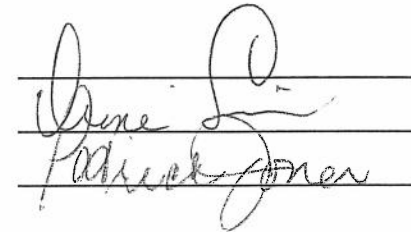
\$1,154,893.76

Total

Department Head signature:

Auditor signature:

Finance Director signature:





City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2022 NOV 17 AM 9:56

Patricia M. Bernard
CHIEF OF STAFF

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

Candace McGrath
EXECUTIVE ADMINISTRATOR

November 17, 2022

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

Honorable President Ossing and Councilors:

Re: Appointment of Richard Tomanek to the Board of Health

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Richard Tomanek to the Board of Health for a term of three years to expire on February 5, 2024, the first Monday in February pursuant to M.G.L. Chapter 111 § 26.

Mr. Tomanek will replace the late Phillip Short who was unable to finish his term but was a well-respected and valued member of the board.

Mr. Tomanek spent 45 years in the hospitality industry, and 27 as General Manager at the Embassy Suites Hotel prior to his recent retirement. In addition, he has been instrumental in the success of the Marlborough Economic Development Corp., spending 16 years on the Board of Directors and many years as Chairman.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur J. Vigeant
2022 NOV 17 AM 9:56 MAYOR

City of Marlborough
Office of the Mayor

Patricia M. Bernard
CHIEF OF STAFF

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

November 17, 2022

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

Honorable President Ossing and Councilors:

Re: Proposed TIF Agreement with PI (Physik Instrumente), L.P.

Honorable President Ossing and Councilors:

I am requesting the City Council review and accept the enclosed proposed Tax Increment Financing (TIF) agreement with PI (Physik Instrumente), L.P., who anticipate moving their operations to 130 Lizotte Drive, City Assessor's map 90, parcel 2A.

PI is a global manufacturer and supplier of precision positioning technology serving industrial automation, microscopy and life sciences, semiconductor, photonics, and large-scale scientific projects with U.S. headquarters currently in Auburn, MA.

The company will be investing approximately \$4.9 million in combined soft, real property and personal property costs at the project area which includes an existing 100,000 square foot building that has been vacant for close to three years.

In anticipation of the receipt of TIF benefits, PI will develop the site into a corporate headquarters and plan to relocate 64 permanent full-time jobs from their Auburn and Hopkinton sites and create an additional 40 permanent, full-time positions over the 10-year span of the TIF Agreement that will be open to qualified Marlborough residents.

This five-story building is a prime location for PI where they will invest for future growth in our community while bringing in tax dollars and business for our area service providers and restaurants. Additionally, this project will be less intrusive with regards to traffic than a large apartment complex that was previously proposed.

Enclosed for your review are the following: 1) preliminary application from the Commonwealth of Mass; 2) intent to apply; 3) draft resolution; 4) the TIF; and the worksheet depicting estimated real property tax savings for PI.

I am requesting review of PI's TIF application at your earliest convenience to meet their December 8th deadline with the state.

Thank you in advance for your cooperation.

Please don't hesitate to contact me or MEDC Executive Director Meredith Harris with any questions.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures



COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

Economic Development Incentive Program (EDIP)
PRELIMINARY APPLICATION

The following information is required by the Massachusetts Office of Business Development (MOBD) and the Economic Assistance Coordinating Council (EACC) to make a preliminary determination on the eligibility of a project under the Economic Development Incentive Program. Please refer to the EDIP Guidelines, www.mass.gov/hed/edip and your MOBD Regional Director for assistance with this application.

PART I. COMPANY OVERVIEW						
1. COMPANY INFORMATION						
Company Name:	PI Physik Instrumente, LP					
Project Location Address:	Street Address:	130 Lizotte Dr.				
	City:	Marlborough	State:	Massachusetts	Zip Code:	01752
Company Headquarters Location:	Headquarters Location (City, State/Province, Country):	Auburn MA USA				
FEIN # (Federal Employer Identification Number)	36-4547727					
DUA # (Dept. of Unemployment Assistance Number)	86837510					
Type of Organization:	Partnership					
Company's Taxable Year End:	31th DEC					
NAICS Code:	334519					
Is the applicant classified as a MA Department of Revenue Manufacturer?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
Company's outside of Massachusetts sales as a percentage of total sales: (a) currently (b) projected upon completion of proposed project:	(a) Current Outside of MA sales as of : 33% (b) Projected Outside of MA sales upon completion of project: 25% Additional Information (if necessary):					
2. COMPANY CONTACT						
	Full Name:	David Rego	Title:	President		
Contact (if different from above)	Full Name:	Katya Maiser	Title:	Human Resources Manager		
Contact Address:	Street Address:	16 Albert St.				
	City:	Auburn	State:	Massachusetts	Zip Code:	01501
Telephone Number:	(508) 832-3456					
Email Address:	k.maiser@physikinstrumente.com					

COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

3. COMPANY DESCRIPTION & HISTORY

Please provide a brief description and history of the company.

PI (Physik Instrumente) is a global leader in precision automation, motion control, nano-positioning, piezo motor and piezo transducer technologies. PI started more than 50 years ago at a leading Quantum Optics and Physics lab in Germany. Continuous company growth during that time lead to establishing a USA subsidiary with headquarters in Massachusetts and now employees nearly 100 people in the US to run R&D, manufacturing/production and technical support for our customers. We provide innovative solutions for all leading companies and research institutes in high tech fields such as the semiconductor, photonics, pharmaceutical, medical and aerospace industry, to name a few. PI products can be found on earth, in space and even on Mars. As a leader in quality, PI has been ISO 9001 certified for almost 30 years.

PART II. ECONOMIC DEVELOPMENT PROJECT

1. PROPOSED BUSINESS EXPANSION PROJECT

Please provide a description of the proposed expansion project. Please be sure to include reason for expansion/relocation, scope of project overall (ex. capital improvements to property, project timeline, square footage, misc. enhancements, etc.)

We are purchasing on 10/31/2022 a mostly vacant building at 130 Lizotte Dr Marlborough with the intent to develop it for our use to consolidate our Headquarters and Manufacturing facilities which are currently growing at a pace that our current facilities will not allow. This is a 100,000 sq ft space on 5 floors that we will need to spend considerable money upgrading and renovating to meet our business needs. This includes : Exterior work: parking lot upgrades, landscaping and grading for new dock door New Capital Items: Repair and replace HVAC Units. New Freight elevator New loading dock door Interior Renovations:: creating clean rooms and manufacturing space creating modern offices and work spaces for engineering and administration upgrading wiring and internet We will also install a fitness facility for our staff, solar panels, and other green amenities to support our business goals. Other projects may include an on site child care facility for both our staff and the community.

(a) Do you plan to use MA-based contractors and suppliers for this project? Please list names and locations of contractors/suppliers already identified.

Primary work as outlined in the next screen has been bid by WD Walker Development & Construction Management based in Marlborough, MA. It is our intent to use as many other MA based contractors as possible with the goal of hiring those who can get the work done as soon as possible.

2. PROJECT TIMELINE

(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:	(b) Date the applicant expects to begin the project:	(c) Date the applicant expects to complete the project:	(d) Date the applicant expects to open the facility:
10/14/2022	11/01/2022	03/31/2023	06/30/2023

Additional Information (if necessary) on Project Timeline:

We will have a staged move-in of our various facilities and operations. First, to move our currently rented space and heavy equipment from Hopkinton MA which includes engineering, shipping, machining, and manufacturing operations as soon as reasonable, projected for March 31, 2023. Second, to move our headquarters operation in as a second stage with the ideal being to have all operations settled in no later than June 30, 2023. Contractor availability may make a more extended timeline but we would expect that to be no later than Fall 2023.

10/31/23 12/1/2023



COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

3. INCENTIVE NEED

Please provide a description of your project's need for this incentive.

We knew the facility was in need of renovation when we purchased it, however, it was far greater than we realized. The incentive would help us defray the unexpected costs of upgrades and improvements to meet our company needs and to find a new permanent home for us in Marlborough.

4. INVESTMENT BREAKDOWN

Please provide a breakdown of the expected investment required and associated costs.

Investment Type	Cost
Other (New freight elevator)	\$450,000
Other (Interior renovations)	\$1,750,000
Other (high bay area/clean rooms)	\$450,000
Other (Parking Lot seal & strip)	\$125,000
Other (New loading dock door)	\$75,000
Other (Landscape and grading for new dock door)	\$35,000
Other (New roof)	\$400,000
Land Furniture + Fixtures	\$ 450,000
Construction	\$ 715,000
Machinery & Equipment	\$
Other (HVAC Units (repair/replace))	\$500,000
Total	\$3,785,003 4,950,000

Additional Information (if necessary) on Investment:

5. MASSACHUSETTS EMPLOYMENT

(a) Is the applicant new to Massachusetts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(i) If no, where are the existing Massachusetts facilities?	Auburn MA and Hopkinton MA
(ii) If no, what is the applicant's full-time, permanent employment in Massachusetts (total of all MA facilities)?	64 full-time permanent MA employees as of 10/14/2022

6. PROJECT LOCATION EMPLOYMENT, JOB CREATION & WORKFORCE ANALYSIS

Please take note to comply with EACC Policy 2022-1 On-Site Work Policy when detailing job retention and creation in application. See: <https://www.mass.gov/doc/eacc-policy-2022-1-on-site-work-policy/download>

Please note: If project is approved, these job retention and creation numbers and dates will become part of the executed EDIP Tax Incentive contract, and will be used to measure the applicant's future program compliance.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

(a) MASSACHUSETTS & FACILITY EMPLOYMENT			
(i) Company-wide Permanent Full-Time Employment in Massachusetts (Total of all MA Facilities) at Date of Application:	(ii) Permanent Full-Time Employment at Project Location at Date of Application:	(iii) Permanent Full-Time Employees to be transferred from other Massachusetts Locations to Project Site (if any)	(iv) Total Permanent Full-Time Existing Jobs to be Retained at Project Location (Sum of questions 6. (a) ii & iii):
57	0	57	57
Total number of existing full-time employees that are MA residents and work at the project site:			53
Number of full-time employees that are MA residents working on-site at project facility location two days or more per week:			53
Total number of existing full-time employees that are non-MA residents and work at the project site:			4
Number of full-time employees that are non-MA residents working on-site full-time at project facility location:			2
Please complete the Permanent Full-Time Employee 3-Year History below.			
Calendar Year End	Permanent Full-Time Employee Headcount in Massachusetts	Permanent Full-Time Headcount at Facility	
2019	48	23	
2020	50	25	
2021	52	23	
Please explain any fluctuation in employment:			
Headcount for permanent full time employees is fairly evenly split between the two facilities (Auburn/Hopkinton) for each year. These 2019: 23 Auburn, 25 Hopkinton. 2020: 25 in each 2021: 23 Auburn, 29 Hopkinton			
(b) JOB CREATION SCHEDULE AT PROJECT LOCATION			
Please indicate the number of Permanent Full-Time Jobs to be created in total and by year. If job creation timeline exceeds five years, please complete the "Extended Job Creation Schedule" and attach as an addendum.			
Permanent Full-Time Jobs to be Created (net new to facility and Massachusetts):	16 20 40		
2023	5 20		
2024	2 5		
2025	2 5		
2026	2 5		
2027	2 5		

COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

If any employees proposed to be counted for job creation compliance are anticipated to work remotely for any period of time, please list how many and describe how those jobs will comply with EACC Policy 2022-1 On-Site Work Policy:
 *If the company has an existing remote worker policy, please submit along with this application.
 remote workers not anticipated

(c) WORKFORCE ANALYSIS

For the full-time permanent jobs to be created, please fill-in the chart below:

Category of Job:	Number of Jobs	Average Annual Salary of Each Job	Does the Employer provide healthcare benefits?	Does the employer provide a pension, IRA, and/or 401K?
Management	1	\$100,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Professional	810	\$80,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Skilled-labor	620	\$70,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Unskilled-labor	23	\$60,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	0	\$0	<input type="checkbox"/>	<input type="checkbox"/>

Notes on Employment:

7. FACILITY

(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?

Lease Own Rent

(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?

	2023	2024	2025	2026	2027
100k Mgmt	0	1			
80k Professional	10	2		2	2
70k Skilled	10	2	5	3	3
60k Unskilled	-				
Other	-				
40 =	20	5	5	5	5

COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

8. INCENTIVES & FINANCING		
(a) Please indicate which incentives the applicant is seeking in relation to the expansion project.	State Investment Tax Credit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Local Real Estate Tax Incentive	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	State Abandoned Building Renovation Deduction <small>*Building must be 75% or more vacant and have been vacant for a minimum of 2 years.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Other If Other, details:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Is the applicant seeking tax incentives from the Massachusetts Life Science Center?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If, yes please explain:	
(c) Please provide detailed information on any other sources of public or quasi-public funding that has been received or will be sought to contribute towards the financing of the proposed expansion.	none at this time	
(d) Has the applicant or related businesses or any shareholder of applying entity previously been approved as a "Certified Project" by the Economic Assistance Coordinating Council (EACC)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, what is the Project (i) name; (ii) municipality; (iii) approval date?	(i) Project Name:	
	(ii) Project Municipality:	
	(iii) Project Approval Date:	

[Handwritten marks: asterisks and "CONF."]

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 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

<p>(e) Please indicate whether the applicant has utilized other sources of public or quasi-public funding in the past. If applicable, please explain specific use of funding and amount. If other, please give details on the funding source.</p>	<p>Select Funding Source:</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Life Science Center Incentives</p> <p><input checked="" type="checkbox"/> Workforce Training Fund</p> <p><input type="checkbox"/> MA Growth Capital Corporation Financing</p> <p><input type="checkbox"/> MassDevelopment Financing</p> <p><input type="checkbox"/> MassWorks Infrastructure Grant</p> <p><input type="checkbox"/> Other</p>
	<p>If applicable or other, please explain:</p>

PART III. LABOR AFFIRMATION

1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS

As an applicant requesting Certified Project approval, PI Physik Instrumente, LP affirms that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

As an applicant requesting Certified Project approval, PI Physik Instrumente, LP affirms that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

2. COMPANY DISCLOSURE

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

<p>(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>
<p>(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>
<p>(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>

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 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

V. AUTHORIZATION & CERTIFICATIONS	
1. CERTIFICATE OF GOOD STANDING	
<p>Provide proof of good tax standing in the Commonwealth of Massachusetts via a <i>Massachusetts Department of Revenue</i> Certificate of Good Standing for <u>each of the businesses</u> intending to take advantage of the state tax incentives.</p> <p>*Applications will not advance to the supplemental round until a Certificate of Good Standing is received. The certificate must be dated within 6 months of the anticipated EACC meeting that the project is coming forth for review.</p> <p>To obtain a Certificate of Good Standing visit: https://www.mass.gov/how-to/request-a-certificate-of-good-standing-tax-compliance-or-a-corporate-tax-lien-waiver</p>	<p>Attached <input checked="" type="checkbox"/></p> <p>Date of DOR Application for Certificate of Good Standing:</p>
2. CERTIFICATE OF COMPLIANCE	
<p>Provide proof of good standing with the <i>Massachusetts Department of Unemployment Assistance</i> by obtaining a Certificate of Compliance for <u>each of the businesses</u> intending to take advantage of the state tax incentives</p> <p>*Applications will not advance to the supplemental round until a Certificate of Compliance is received.</p> <p>To obtain a Certificate of Compliance visit: http://www.mass.gov/lwd/unemployment-insur/employers/</p> <p>From here, log into your DUA account and click on "Payment Information" and then you will see a link for "Request Employer Certificate of Compliance."</p>	<p>Attached <input checked="" type="checkbox"/></p> <p>Please explain why you can't provide a certificate of compliance:</p>

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

3. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We, PI Physik Instrumente, LP of the applicant business applying for "Certified Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided here in is true and complete and that it reflects the applicant's intentions for investment, job creation and sales to the best of my/our knowledge after having conducted reasonable inquiry. I/We understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Local Incentive Only Project if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information I/We make this certification under the pains and penalties of perjury. I/we agree to submit a Calendar Year Annual Report to the Massachusetts Office of Business Development to give updates on the progress of the project.

The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:



Katya Maiser

HR Manager

10/16/2022

Name

Title

Date

updated Katya

HR Manager

11/4/2022



Date 10/14/2022

Mayor Arthur G. Vigeant
Office of the Mayor
140 Main St.
Marlborough MA 01752

RE: Intent to Apply For Massachusetts Economic Development Program (EDIP) in (Municipality)

Dear Mayor Vigeant,

This letter is PI Physik Instrumente, LPs letter of intent as required pursuant to the Economic Development Incentive Program, (EDIP). Our company is commonly referred to by its initials as "P.I."

On 10/12/2022, my company met and spoke with Meredith Harris and subsequently met and spoke again with Meredith on 10/14/2022 and Kevin Kuros to discuss the Marlborough local and State EDIP Programs and the various incentives available.

About our company:

PI Physik Instrumente, LP is a global leader in precision automation, motion control, nano-positioning, piezo motor and piezo transducer technologies. PI started more than 50 years ago at a leading Quantum Optics and Physics lab in Germany. Continuous company growth during that time lead to establishing a USA subsidiary with headquarters in Massachusetts and now employees nearly 100 people in the US to run R&D, manufacturing/production and technical support for our customers. We provide innovative solutions for all leading companies and research institutes in high tech fields such as the semiconductor, photonics, pharmaceutical, medical and aerospace industry, to name a few. PI products can be found on earth, in space and even on Mars.

We are a high tech engineering and manufacturing company whose current US headquarters has been in Auburn MA for over 20 years. We outgrew our Auburn facility in 2014 and expanded our manufacturing operation by renting a facility in Hopkinton MA, which we have now also outgrown. After an extensive search over the last 3 years for suitable real estate in the area in and around Marlborough we have identified and made an offer on the facility at 130 Lizotte Dr. Marlborough which we firmly believe will be our long term and permanent home for our US headquarters for our growing business.

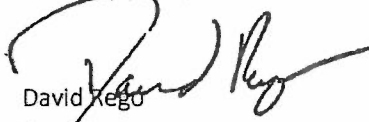
We have plans to upgrade and develop this property to the tune of over \$1M and move into it mid-year 2023. We expect to add both engineering and manufacturing positions as well as professional positions

PI

over the next several years to accommodate our growing business. For numbers, a modest projection of 20 new positions over the next 3-5 years will be added. We have more than sufficient space to grow to even double our size as needed within this facility though we do not foresee that kind of growth any time soon! Still, it will be nice to know that for the foreseeable future we will have more than enough room to grow.

PI Physik Instrumente, LP is therefore requesting that you accept this letter as the formal letter of intent required under the Economic Development Incentive Program, (EDIP).

Sincerely yours,



David Rego
President

cc: Kevin Kuros, Regional Director, MOBD
Meredith Harris, MEDC

Date 10/14/2022

To Whom it May Concern

This letter is PI Physik Instrumente, LP's letter of due diligence. Our company is commonly referred to by its initials as "P.I."

On 10/12/2022, my company met and spoke with Meredith Harris and subsequently met and spoke again with Meredith on 10/14/2022 and Kevin Kuros to discuss the Marlborough local and State EDIP Programs and the various incentives available.

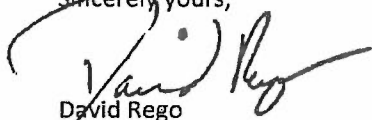
About our company:

PI Physik Instrumente, LP is a global leader in precision automation, motion control, nano-positioning, piezo motor and piezo transducer technologies. PI started more than 50 years ago at a leading Quantum Optics and Physics lab in Germany. Continuous company growth during that time lead to establishing a USA subsidiary with headquarters in Massachusetts and now employees nearly 100 people in the US to run R&D, manufacturing/production and technical support for our customers. We provide innovative solutions for all leading companies and research institutes in high tech fields such as the semiconductor, photonics, pharmaceutical, medical and aerospace industry, to name a few. PI products can be found on earth, in space and even on Mars.

We are a high tech engineering and manufacturing company whose current US headquarters has been in Auburn MA for over 20 years. We outgrew our Auburn facility in 2014 and expanded our manufacturing operation by renting a facility in Hopkinton MA, which we have now also outgrown. After an extensive search over the last 3 years for suitable real estate in the area in and around Marlborough we have identified and made and offer on the facility at 130 Lizotte Dr. Marlborough which we firmly believe will be our long term and permanent home for our US headquarters for our growing business.

PI Physik Instrumente, LP is therefore requesting that you accept this letter as the formal letter of due diligence required under the Economic Development Incentive Program, (EDIP).

Sincerely yours,



David Rego
President

cc: Kevin Kuros, Regional Director, MOBD
Meredith Harris, MEDC

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 90, Parcel 2A (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve the PI (Physik Instrumente) L.P. application for an EDIP Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves PI (Physik Instrumente) L.P.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for ten (10) years.

2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with PI (Physik Instrumente) L.P. and authorizes submission of the tax increment financing agreement (attached hereto) to the Massachusetts Economic Assistance Coordinating Council.

ADOPTED
 In City Council
 Order No 22-
 Adopted

Approved by Mayor
 Arthur G. Vigeant
 Date:

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH, AND
PI (PHYSIK INSTRUMENTE) L.P.**

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**") and PI (Physik Instrumente) L.P. (the "**Company**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company is a Georgia foreign limited partnership having its principal office located at 1105 W. Peachtree Street NE Suite 1000, Atlanta, Georgia, 30309, and its U.S. headquarters located at 16 Albert Street, Auburn, Massachusetts, 01501, and is authorized to do business in Massachusetts; and

WHEREAS, the Company is the current fee owner of a +/- 5.10 acre parcel of land with building(s) at 130 Lizotte Drive, Marlborough, MA 01752 as further depicted on Marlborough City Assessor's Map 90, Parcel 2A (the "Property") and which is shown on the map attached to this Agreement;

WHEREAS, the Company intends to invest \$4.9 million in combined soft, real property and personal property costs (the "Project") in the Property which includes a 100,000 square foot building (hereinafter, the Property including the building and all associated improvements, is defined as the "Project Area"); and

WHEREAS, the Company also owns a +/- 8.92 acre parcel of land depicted on Marlborough City Assessor's Map 90, Parcel 83, which parcel is not included as part of the Property or Project Area;

WHEREAS, the Company plans to relocate 64 permanent full-time jobs to the Project Area; and

WHEREAS, beginning on the effective date of this Agreement, the Company plans to create, according to the schedule set forth herein, and maintain, over the term of the TIF Agreement, 40 permanent, full-time jobs at the Project Area open to qualified residents of Marlborough; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) under Chapter 23A and Chapter 40 Section 59 of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals of the City; and

WHEREAS, by letter dated [redacted] 2022, the Mayor recommended the TIF Agreement to the Marlborough City Council; and

WHEREAS, on [redacted] 2022, the Marlborough City Council voted to approve the TIF Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on [redacted], 2022 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").

2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company by the City in accordance with Chapter 23A, Section 3E, as amended; Chapter 40, Section 59, as amended; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws and the applicable regulations thereunder. The Exemption shall be for a period of ten (10) years (the "Exemption Term"), commencing on July 1, 2023 (the beginning of fiscal year 2024) and ending on June 30, 2033 (the end of fiscal year 2033). The Exemption shall pertain only to real property taxes for the Project Area, and shall provide an exemption from taxation of the new incremental value of the Project Area resulting from the Project, as determined by the City of Marlborough Assessor, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

Fiscal Year	Real Property Exemption Percentage
2024	100%
2025	100%
2026	90%
2027	85%
2028	75%

2029	65%
2030	50%
2031	40%
2032	30%
2033	25%

3. The base valuation for the Project Area shall be the Project Area's assessed valuation in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. The Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Agreement which is expected to be December 8, 2022. Therefore, the exemption is expected to commence on July 1, 2023, which is the beginning of fiscal year 2024. Accordingly, the base year for this TIF Agreement will be fiscal year 2023.
4. The base valuation shall be adjusted annually by an inflation factor, which is based on a portion of the increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59(iii) of the Massachusetts General Laws. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.
5. The Exemption shall not apply to personal property taxes.

B. THE COMPANY'S OBLIGATIONS

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will develop the Project Area into a corporate headquarters, manufacturing, and research & development site; and
 - (b) As part of owning the Project Area, the Company agrees to make capital improvements which are currently estimated to be approximately \$4.9 million in combined soft, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvements and investment;
 - (c) The Company agrees to timely pay all of the taxes owed to the City by the Company, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to relocate (from Auburn, MA and Hopkinton, MA) and maintain 64 existing permanent full-time jobs at the Project Area, throughout the life

of the Agreement. The Company agrees to create and maintain 40 new permanent full-time jobs at the Project Area for permanent full-time employees (as "permanent full-time employee" is defined in Chapter 23A Section 3A of the Massachusetts General Laws), to begin employment at the Project Area as set forth in the schedule below, and whose employment by the Company commences on or after the effective date of this Agreement ("New Permanent Full-Time Employees"). The retained jobs and new jobs shall be performed, and maintained, in said building at the Project Area until the termination of this TIF Agreement. The retained jobs and new jobs shall not be performed remotely. The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent
2024	20
2025	25
2026	30
2027	35
2028	40
2029	40
2030	40
2031	40
2032	40
2033	40

The Company shall maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at the Project Area to the City of Marlborough Board of Assessors, MEDC, and Mayor and to EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2024 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus report for fiscal

year 2024, ending on June 30, 2024, shall be submitted by the end of December 2024. In addition to information that may be required by the EACC pursuant to G.L. c. 40 § 59(viii), the annual report shall be comprised of the following information:

- (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
- (b) The specific number of Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
- (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough;
- (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company shall provide the City with any and all information reasonably related to the Project Area including the Company's improvements to the Project Area as the City may deem necessary to monitor the Company's compliance with this TIF Agreement.

The Company shall also submit any reports required by law, including annual reports required through the Commonwealth's on-line portal, with a written copy to the City.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2026 is 15 instead of 30, then the real property tax exemption percentage otherwise applicable for FY 2026 would be $(15/30) \times 90\% = 45\%$. Therefore, the Exemption for FY 2026 would be reduced to 45% rather than 90% as set forth in the schedule.

The Exemption percentages applicable to the tax Exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Section B of this TIF Agreement, and the City further determines that such failure continues or remains uncured for one hundred eighty (180) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such revocation, the City shall have the right, upon written notice to the Company, to terminate the Tax Increment Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be effective upon receipt.
5. In addition to discontinuance of benefits as set forth in Paragraph B(4) above, if the Agreement is revoked because the Company has failed to satisfy any of the requirements in Section B, then, pursuant to Massachusetts General Laws Chapter 23A, Section 3F(e), the City may recapture the value of any taxes not paid due to the Exemption provided herein. Said recapture shall be made through a special assessment on the Company in the municipal fiscal year that follows the EACC's decision to revoke project certification. The assessment, payment, and collection of said special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to Massachusetts General Laws Chapter 59, Section 75, notwithstanding the time period set forth in said

Chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment.

6. The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public of a proposed move from, vacation of, abandonment of, or other failure to maintain operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company, and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company.
7. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 7. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 7 shall be in the Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to G.L. c. 40 § 59(v)(d), this Agreement shall be binding upon the Company and its successors and assigns, and upon any subsequent owner of the Property and its successors and assigns, and upon the City and its successors and assigns.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first and the applicable regulations thereunder.
3. No other building or structure (or portion thereof) at the Property shall be eligible for a Tax Increment Financing Exemption, unless specifically authorized by a separate tax increment financing agreement. The parties acknowledge and agree that there is no public construction contemplated by this Agreement and, therefore, no betterment schedule referred to in Massachusetts General Laws Chapter 40, Section 59 is required.

4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be December 8, 2022, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the EDIP Local Incentive-Only Application and TIF Agreement.
6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City and Company, as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
 City Hall, 4th Floor
 Attention: Mayor's Office
 140 Main Street
 Marlborough, MA 01752

With a copy to: Legal Department at same address

With a copy to: Marlborough Economic Development Corporation
 91 Main Street, Suite 204
 Marlborough, MA 01752

COMPANY: David Rego, President
 16 Albert Street, Auburn, MA 01501

7. This TIF Agreement may be executed in counterparts by the parties, and each such counterpart shall be considered an original and all such counterparts shall constitute one and the same instrument.
8. This TIF Agreement may be amended, changed, modified, or altered only by a written instrument signed by the parties to this TIF Agreement. This Agreement and the terms contained herein shall not be altered or modified unless approved by the EACC.
9. This TIF Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. The rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the Commonwealth of Massachusetts.

WITNESSETH, the execution and delivery of this Agreement by the Company and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

COMPANY
PI (PHYSIK INSTRUMENTE), L.P.

By: _____

Dated: _____, 2022

Name: _____

Title: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2022, before me, the undersigned notary public, personally appeared _____ of PI (PHYSIK INSTRUMENTE), L.P. and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF AUTHORITY

The undersigned, _____, hereby certifies as follows:

1. The undersigned is the _____ of the Company.
2. The undersigned hereby certifies that _____ of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation this Agreement.

The undersigned has executed this certificate as of this date.

Name:
Title:
Dated: _____

CITY OF MARLBOROUGH

By: _____

Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2022

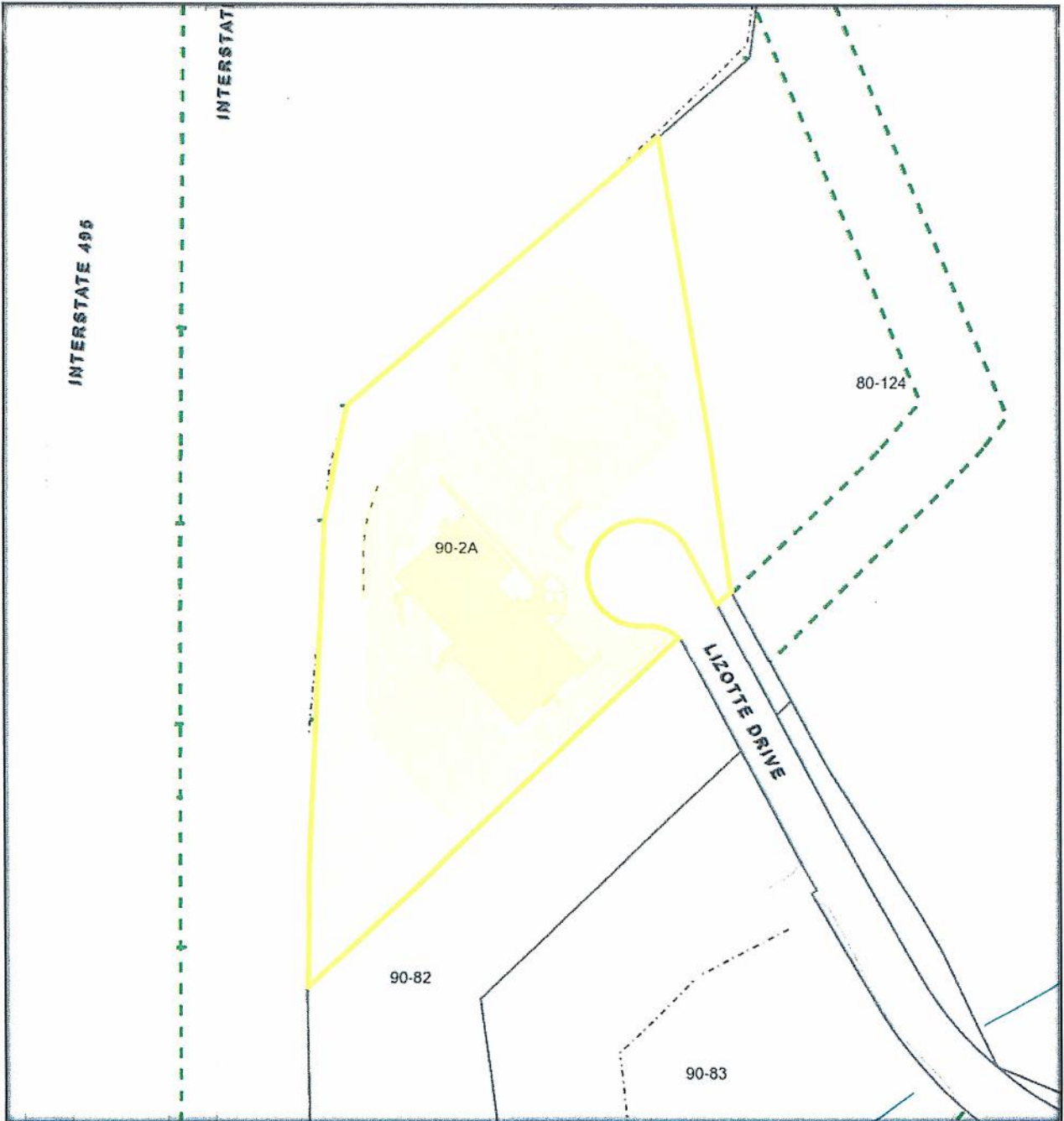
COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2022, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

ATTACHMENT
Property Map





Estimated Real Property Tax Savings PI - USA - 130 Lizotte Drive, Marlborough, MA

	Year	Base Valuation	Improvement Value	Est. New Assessment	Tax Rate	Tax From New Development	Tax @ 100% Value	TIF Payment Each Year	TIF % Exemption	Taxes Paid Each Year	TIF Benefit Each Year	
Fiscal Year	2023	Base	\$6,423,700		\$22.17	-	\$142,413	-	-	\$142,413	-	
	2025	1	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$30,513	100%	\$142,413	\$30,513
	2026	2	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$30,513	100%	\$142,413	\$30,513
	2027	3	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$27,461	90%	\$145,465	\$27,461
	2028	4	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$25,936	85%	\$146,990	\$25,936
	2029	5	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$22,884	75%	\$150,042	\$22,884
	2030	6	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$19,833	65%	\$153,093	\$19,833
	2031	7	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$15,256	50%	\$157,670	\$15,256
	2032	8	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$12,205	40%	\$160,721	\$12,205
	2033	9	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$9,154	30%	\$163,772	\$9,154
	2034	10	\$6,423,700	\$1,376,300	\$7,800,000	\$22.17	\$30,513	\$172,926	\$7,628	25%	\$165,298	\$7,628
Totals								\$201,383		\$1,670,290	\$201,383	
											Gross Savings	\$201,383

Assuming:

* Base Assessment	\$6,423,700
** Initial improvement value captured by the TIF	\$1,376,300
*** Tax Rate	\$22.17
****Average TIF Exemption	66%
*****Square Footage	100,000
Improvement value predicated on per sq/ft	\$78.00



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
 2022 NOV 17 AM 11:47

JASON D. GROSSFIELD
 CITY SOLICITOR

JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
 PARALEGAL

November 17, 2022

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

Re: City Council Order No. 22-1008724: EMC Sign Special Permit, Aubuchon Realty Company, Inc., 661 Boston Post Road East

Dear Honorable President Ossing and Councilors:

As requested, enclosed please find a proposed Decision on an EMC Sign Special Permit with respect to the above referenced application, which I understand is pending before the City Council. I have reviewed the proposed draft decision and placed it into 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:

IN CITY COUNCIL

**DECISION ON AN
ELECTRONIC MESSAGE CENTER SIGN SPECIAL PERMIT**

ORDER NO. 22-1008724

Application of:
Aubuchon Realty Company, Inc.

Locus:
661 Boston Post Road East, Marlborough, MA
Parcel 27A on Assessors Map 61

The City Council of the City of Marlborough hereby GRANTS the Application for an Electronic Message Center (EMC) Sign Special Permit to Aubuchon Realty Company, Inc. (the “Applicant”) for the property located at 661 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, 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. On November 8, 2021, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a drive-thru facility for a coffee shop restaurant at the Site.
4. In accordance with Chapter 526 of the Code of the City of Marlborough (the “Sign Ordinance”), specifically Section 526-13 entitled “Electronic Message Center Signs; Digital Display Signs”, the Applicant seeks an EMC Sign Special Permit to operate an Electronic Message Center (EMC) Sign (the “Sign”) to serve as a menu ordering screen for the coffee shop restaurant at the Site.
5. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for an EMC Sign Special Permit (the “Application”) for the Sign.
6. The Sign would consist of one menu ordering screen 50 inches tall and 38 inches wide, as shown on the signs specifications attached as **“Attachment A.”**

7. The Sign would be located along the drive-thru lane for the coffee shop restaurant at the Site, as shown on the site plan attached as “Attachment B.”

8. The City Council held a public hearing on the Application on Monday, November 21, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on November 21, 2022.

9. The Applicant, through its representatives, presented testimony at the public hearing detailing the proposed Sign.

**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 City Council for an application for an EMC sign special permit under the Sign Ordinance.

B. The City Council finds that the proposed Sign complies with the standards set forth in Section 526.13.B of the Sign Ordinance.

C. The City Council, pursuant to Section 526-13.B(16) of the Sign Ordinance, finds that: (a) all other signage on the Site is in compliance with zoning requirements, (b) in addition to other signs at the Site, the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street, (c) the Sign does not substantially block visibility of signs on abutting lots, (d) the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots, (e) the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood, (f) the scale and/or location of the Sign is appropriate, and (g) the dimensions of the Sign comply with the area limitations of the Sign Ordinance.

D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the applicant an EMC Sign Special Permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. The Sign shall be operated in accordance with the Sign Ordinance.
2. The Sign shall be turned off when the coffee shop restaurant is not open for business.
3. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application and hearing process before the City Council are incorporated into and become part of this EMC Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.
4. The Applicant shall take measures necessary to ensure compliance with the City of Marlborough Noise Ordinance (Chapter 431 of the City Code) at the Site.

ADOPTED
In City Council
Order No.
Adopted

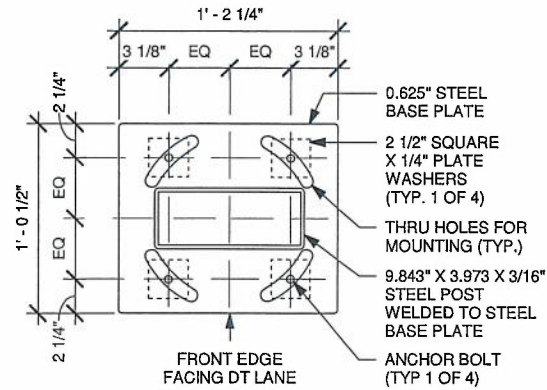
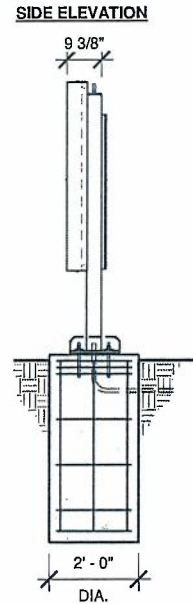
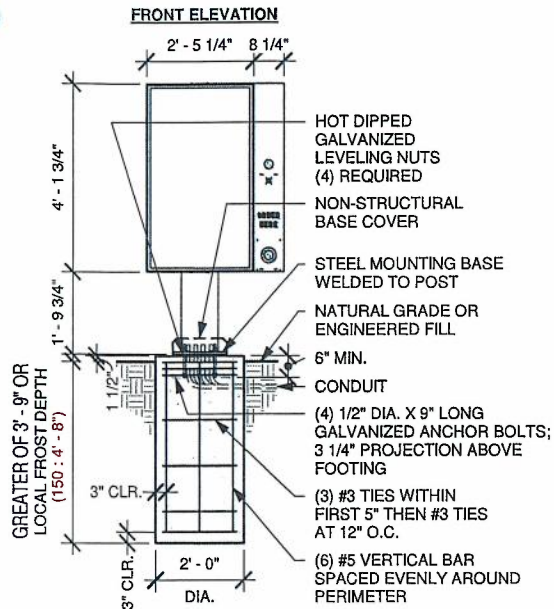
Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

DOS - INSTALL ONLY Note: - All steel shall be galvanized

Qty. 1

1



BASE PLATE

Scale: 1 1/2" = 1'-0"

DT DIGITAL ORDER SCREEN POST GROUND FOOTING

Scale: 3/8" = 1'-0"



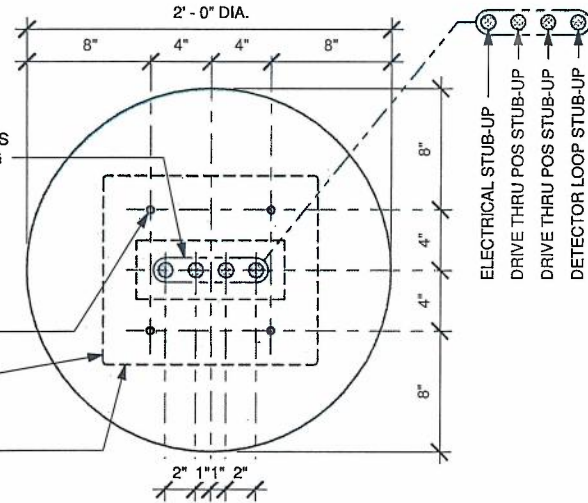
CONDUIT STUB-UPS 3" ABOVE FOOTING

ALL ANCHORS TO BE PROVIDED BY G.C.

(4) ANCHOR BOLTS

BASE OUTLINE

DRIVE THRU LANE FACE THIS SIDE



BOLT PATTERN (TOP VIEW)

Scale: 1 1/2" = 1'-0"

HILTON DISPLAYS
125 HILLSIDE DRIVE - GREENVILLE SC 29607
P 800 353 9133 - F 864 242 2204
www.hiltondisplays.com

QID 21-58469

JOB NAME

Starbucks 66846

LOCATION

**661 Boston Post Rd.
Marlborough, MA 01752**

CUSTOMER CONTACT

SALESMAN / PM

Joe Nolasco

DESIGNER

Brady Taylor

DWG. DATE

1-24-22

REV. DATE / REVISION

SCALE

As Noted

FILE

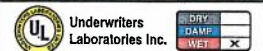
**2021/Starbucks/Locations/
Marlborough MA/21-58469/
SB Marlborough MA 21-58469**

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SLS/PM: LANDLORD:

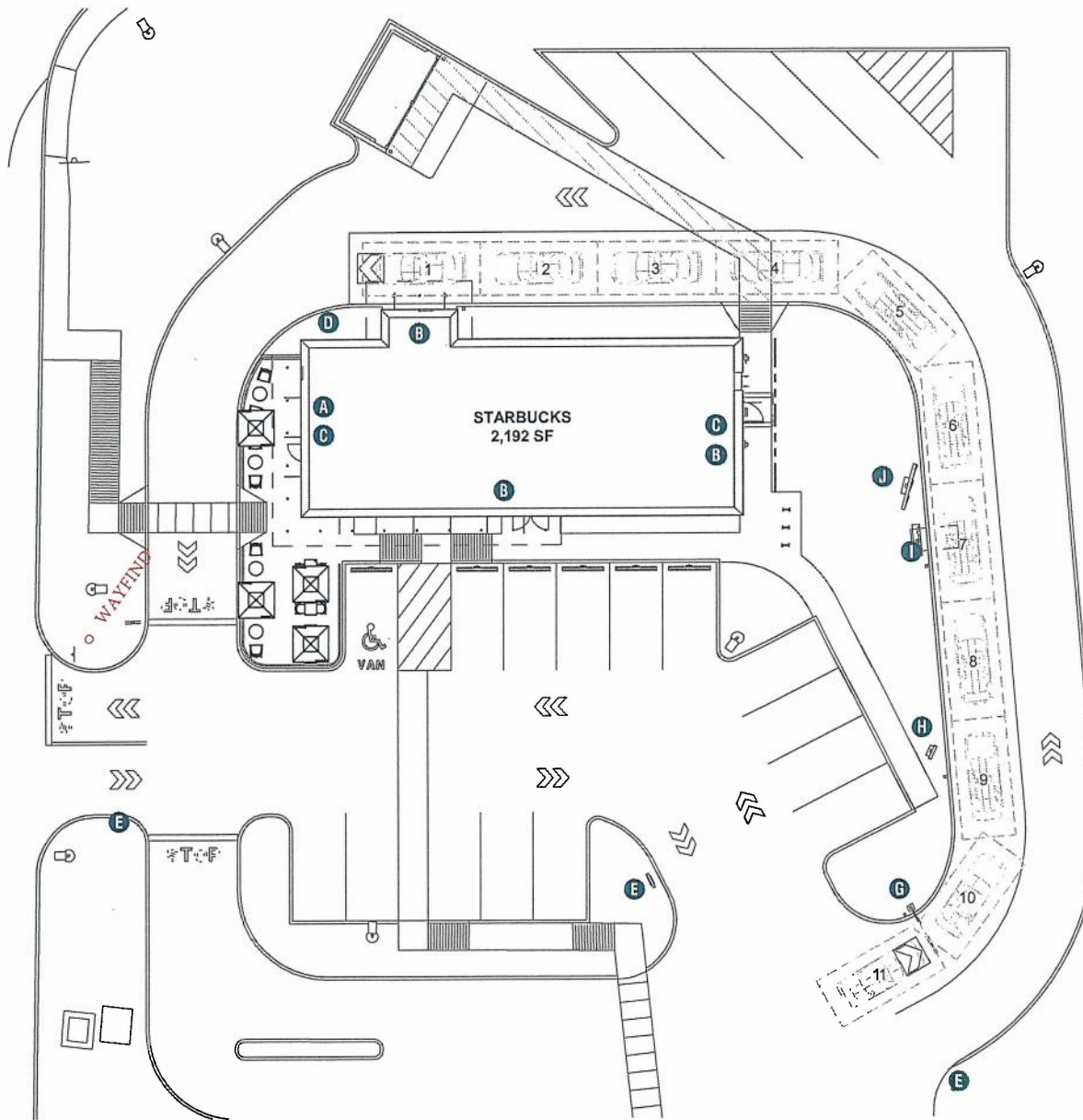
THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



Attachment B

SITE PLAN

- A** 16" CHANNEL LETTERS
- B** 60" SIREN
- C** DT CABINET
- D** DIRECTIONAL TY/EO
- E** DIRECTIONAL DT
- F** MONUMENT PANEL
- G** CLEARANCE BAR
- H** PRE-MENU BOARD
- I** DOS/CANOPY
- J** MENU BOARD



HILTONDISPLAYS
 125 HILLSIDE DRIVE • GREENVILLE SC 29607
 P 800 353 9132 • F 864 242 2204
 www.hiltondisplays.com

QID 21-58469

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Joe Nolasco

DESIGNER

Brady Taylor

DWG. DATE

1-24-22

REV. DATE / REVISION

SCALE

As Noted

FILE



**2021/Starbucks/Locations/
 Marlborough MA/21-58469/
 SB Marlborough MA 21-58469**

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SLS/PM: LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.

 Underwriters Laboratories Inc. 



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
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 2022 NOV 17 AM 11:47

JASON D. GROSSFIELD
 CITY SOLICITOR

JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
 PARALEGAL

November 16, 2022

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

Re: City of Marlborough v. Town of Northborough (Worcester Superior Court No. 1685CV01772) - Request to Enter Executive Session

Dear Honorable President Ossing and Councilors:

I respectfully request that this Honorable City Council convene in Executive Session. The purpose of the session is to discuss strategy with respect to the above-referenced litigation as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough.

Enclosed please find a proposed order, to be conducted by roll call vote, in order to enter into executive session. The open meeting law requires that the public body chair declare that an open meeting may have a detrimental effect on the litigating position of the public body. The order must specify whether the City Council will or will not re-convene in open session after the executive session.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
 City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

ORDERED:

Moved that the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *City of Marlborough v. Town of Northborough* (Worcester Superior Court No. 1685CV01772), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City’s litigating position.

The City Council will [or will not] re-convene in open session after the executive session.

Be and is herewith APPROVED.



City of Marlborough Planning Board

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH
2022 NOV 10 AM 7:30

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
William Fowler

Administrative Offices
135 Neil St.
Marlborough, MA 01752

Katlyn Miller, Administrator
(508) 624-6910 x33200
kmiller@marlborough-ma.gov

November 8, 2022

Mr. Michael Ossing, President
Marlborough City Council
140 Main St.
Marlborough, MA 01752

RE: Council Order #22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs and Entryway/Porches

Honorable President Ossing and Members:

At its regularly scheduled meeting on November 7, 2022, the Planning Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Russ, seconded by Mr. Elder, the Board voted to send a favorable recommendation to the City Council without further guidance on the proposed Council Order No. 22-1008679. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Sincerely,

Barbara L. Fenby
Chairperson

cc: City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 NOV 15 AM 8:35

nationalgrid

November 14, 2022

Town of Marlborough

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Emily O'Brien; 100 E Ashland Street; Brockton, MA 02302

1508-897-5577.

Very truly yours,

Helton Lopes
Supervisor, Distribution Design

Enclosures

Questions contact – Dana Larson 508-482-1243

Petition of the Massachusetts Electric Company d/b/a National Grid Of NORTH ANDOVER,
MASSACHUSETTS

For Electric conduit Location:

To the Board of Selectmen of Marlborough, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Cook Lane – Marlborough – Massachusetts.

The following are the streets and highways referred to: Plan number # 30686427
Cook Lane - National Grid to install conduit from P14 to hand hole at 157 Cook Lane.

Location approximately as shown on plan attached

Massachusetts Electric Company d/b/a
NATIONAL GRID *Helton Lopes*

BY _____
Engineering Department

Dated: November 14, 2022

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 14th day of November 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Cook Lane – Marlborough – Massachusetts. Plan number # 30686427.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Cook Lane - National Grid to install conduit from P14 to hand hole at 157 Cook Lane.

I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20
....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:

..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid for permission to construct the underground
electric conduits described in the order herewith recorded, and that I mailed at least seven days
before said hearing a written notice of the time and place of said hearing to each of the owners of
real estate (as determined by the last preceding assessment for taxation) along the ways or parts of
ways upon which the Company is permitted to construct the underground electric conduits under
said order. And that thereupon said order was duly adopted.

.....
.....
.....

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 14th day of November 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Cook Lane – Marlborough – Massachusetts. Plan number # 30686427.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Cook Lane - National Grid to install conduit from P14 to hand hole at 157 Cook Lane.

I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20
.....,, 20

Received and entered in the records of location orders of the City/Town of
Book Page

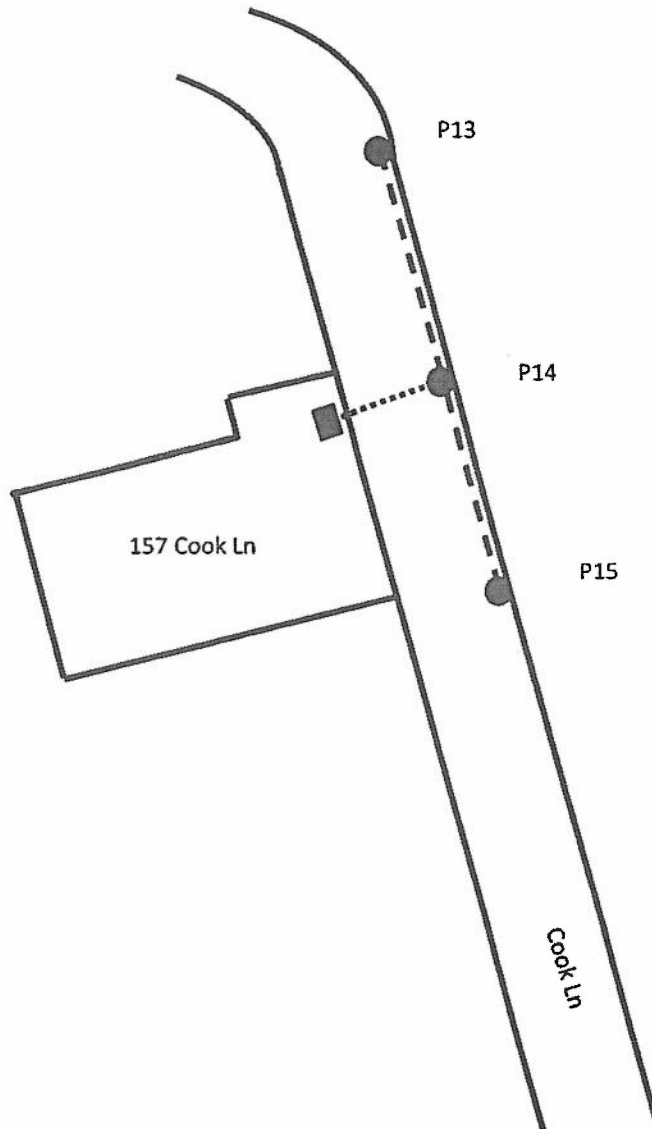
Attest:

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at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid for permission to construct the underground
electric conduits described in the order herewith recorded, and that I mailed at least seven days
before said hearing a written notice of the time and place of said hearing to each of the owners of
real estate (as determined by the last preceding assessment for taxation) along the ways or parts of
ways upon which the Company is permitted to construct the underground electric conduits under
said order. And that thereupon said order was duly adopted.

.....
.....
.....



Install hand hole on property of 157 Cook Ln, install conduit from P14 to hand hole.



<p style="text-align: center;">LEGEND</p>	<p>City of Marlborough</p> <p>EASEMENT</p> <p>157 Cook Ln Marlborough , MA</p>	<p>DATE: 11/10/22</p>
<p>● Existing Public JO Pole</p>		<p>DESIGNER: D.LARSON</p>
<p>..... Underground Cable</p>		<p>WR-30686427</p>
<p>■ Hand Hole</p>	<p>Exhibit 'A' not to scale. The said facilities to be established by and upon the installation and erection of the facilities thereof.</p>	<p>Nationalgrid</p>
<p>- - - Existing overhead cable</p>		

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 NOV 15 AM 10:11



November 15, 2022

Town of Marlborough

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Emily O'Brien of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Emily O'Brien; 100 E Ashland Street; Brockton, MA 02302. Phone 508-897-5577

Very truly yours,

Helton Lopes
Supervisor, Distribution Design

Enclosures

Questions contact – Dana Larson 508-482-1243

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Marlborough, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Manning St - National Grid to install 1 JO Pole on Manning St beginning at a point approximately 10 feet northeast of the centerline of the intersection of Mechanic St. Install new push brace on Manning St off of Pole #18 Mechanic St. Need to brace Pole # 18 with wires going down on Manning St.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Manning St - Marlborough - Massachusetts.

No. 30672208 October 14, 2022

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

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

Massachusetts Electric Company d/b/a
NATIONAL GRID *Helton Lopes*

BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.

BY _____
Manager / Right of Way

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 14th day of October, 2022.

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

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Manning St - Marlborough – Massachusetts.

No. 30672208 Dated October 14, 2022. Filed with this order

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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

Manning St - National Grid to install 1 JO Pole on Manning St beginning at a point approximately 10 feet northeast of the centerline of the intersection of Mechanic St. Install new push brace on Manning St off of Pole #18 Mechanic St. Need to brace Pole # 18 with wires going down on Manning St.

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

I hereby certify that the foregoing order was adopted at a meeting of the of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

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

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of _____, 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:
City/Town Clerk

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

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Massachusetts City/Town Clerk. 20 .

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

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taxation) along the ways or parts of ways upon which the Company is permitted to erect
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City/Town Clerk.

.....
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.....
.....

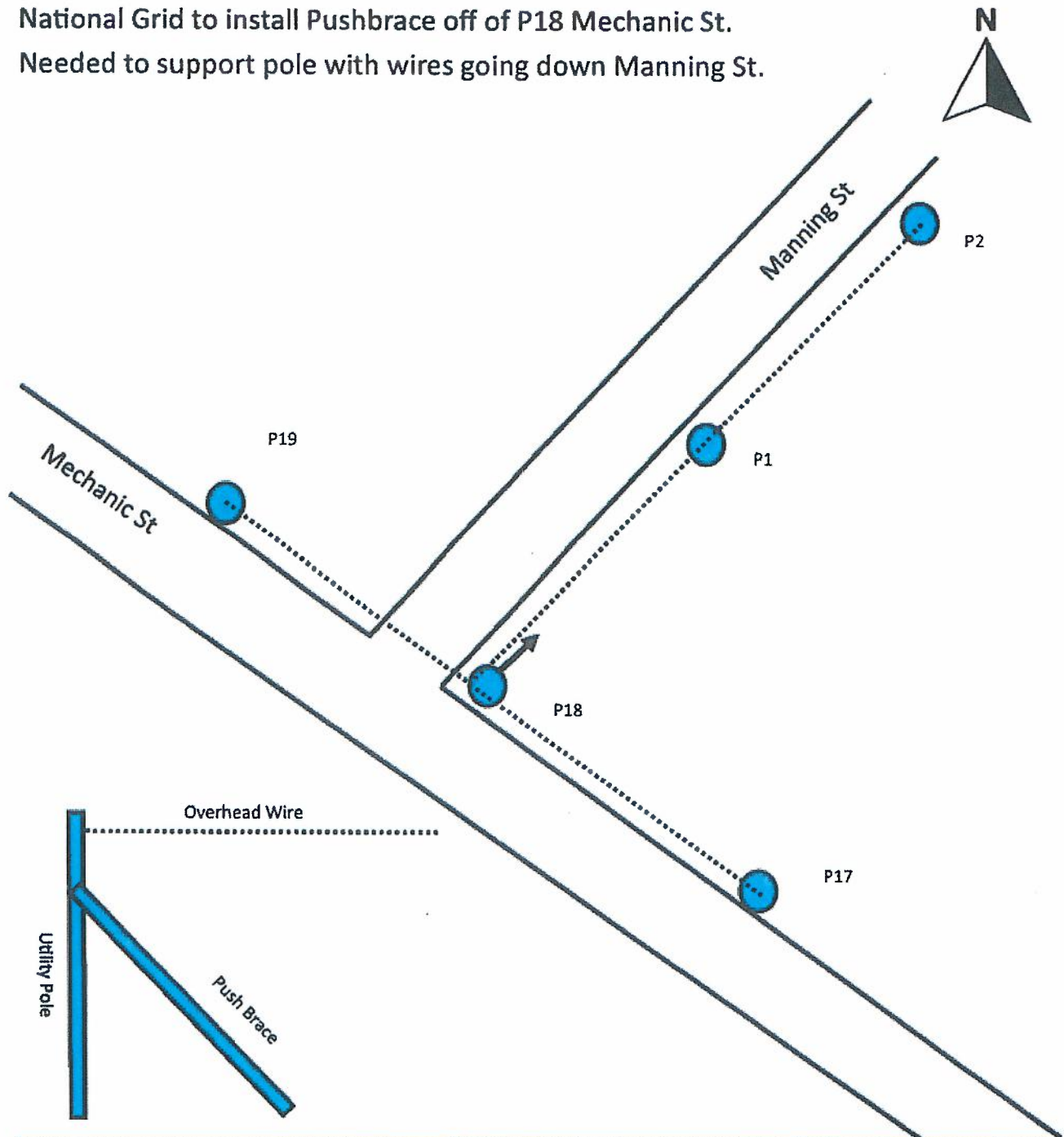
Board or Council of Town or City, Massachusetts




CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of _____, 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:
City/Town Clerk

National Grid to install Pushbrace off of P18 Mechanic St.
 Needed to support pole with wires going down Manning St.



LEGEND  Existing Public JO Pole  Proposed Public JO Pushbrace  Existing Overhead Wire	City of Marlborough Petition Manning St Marlborough , MA		DATE: 10/13/22
			DESIGNER: D.LARSON
			WR-30672208
Exhibit 'A' not to scale. The said facilities to be established by and upon the installation and erection of the facilities thereof.			Nationalgrid



Camuso Enterprises, LLC

Leigh Enterprises, Ltd.

C-Shell Enterprises, Ltd.

87 Walkers Brook Drive, Reading, MA 01867

Phone 781-942-7170

19-1

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 NOV 16 PM 4:51

City Council
City of Marlborough
140 Main St.
Marlborough, MA. 01752

November 10, 2022

Re: Hours of Operation Exemption

Dear Council Members,

I am writing this letter on behalf of Leigh Enterprises Ltd. to request an extension of our Hours of Operation exemption at Marlborough Shell, located at 431 Lincoln St., Marlborough, MA. The original permit extension was granted on February 28, 2022. It was mentioned at that time that the extension may be granted for a 5 year period at this time, and I am also requesting that the 5 years be considered.

Thank you for your consideration on this matter.

Sincerely,

William E. Camuso
431 Lincoln St.
Marlborough, Ma. 01752
(978) 846-0255
billcamuso@gmail.com



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 28, 2022

ORDERED:

PAGE 1

That the application of William Camuso on behalf of Leigh Enterprises, Ltd. (the "Petitioner" or "Holder") to issue a permit to grant an exemption to the hours of operation under City Code Chapter 342, Article 1, Section 342-2, allowing the Shell Gas Station at 431 Lincoln Street to be open for business for certain additional hours is hereby approved in part, in accordance with the following findings and subject to the below conditions:

A. Findings

The City Council hereby finds that the petition may be granted, when limited and conditioned as set forth below, so that the public convenience and welfare may be substantially served without detrimental effect upon the public health, peace or safety.

B. Permit Conditions

1. This permit authorizes a partial exemption to the hours of operation set forth in City Code 342-1 which is limited to the following: The service station located at 431 Lincoln Street, Marlborough may be open for business from 5:00 AM to 11:00 PM daily. The service station is not permitted to be open for business outside of those hours.
2. This permit is effective for a period of one (1) year from the date of approval of this permit. Thereafter, at the discretion of the City Council, it may be renewed for periods of up to five years.
3. In regard to both location and holder, the exemption shall be non-transferrable.
4. Petitioner shall install, maintain and use a video surveillance and video recording system to monitor entry ways and sales attendant positions.
5. Petitioner shall install and maintain a silent robbery/panic alarm system which must be monitored by a central alarm system. Alarm activators must be installed at all sales attendant positions.
6. Petitioner shall permit the Chief of Police or the Chief's designee to inspect, upon demand, the video surveillance, video monitoring and alarm systems. If any of the systems are found to be not in compliance with these conditions, Petitioner must limit the hours of operation of the station to between 6:00 AM and 11:00 PM until full compliance with conditions is achieved.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 28, 2022

ORDERED:

PAGE 2

7. Petitioner shall not permit or suffer any automotive repair work to be performed on the premises by any person.

ADOPTED
In City Council
Order No. 20/22-1008046D

Approved by Mayor
Arthur G. Vigeant
Date: March 2, 2022

A TRUE COPY
ATTEST:

A handwritten signature in black ink, appearing to be "A. Vigeant", written over a horizontal line.

City Clerk

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 NOV 17 AM 9:56

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

November 17, 2022

VIA HAND DELIVERY

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

Re: Special Permit Application for Action Precision Machining

Dear Councilor Ossing:

On behalf of my client Octo48, LLC, d/b/a Action Precision Machining (principal George Mongeau), I submit the enclosed application for a "Section 6 finding" special permit to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street.

This property has hosted various manufacturing and warehouse uses predating the original adoption of the Zoning Ordinance. The property was rezoned from Limited Industrial to Residence B in 2019 as a prerequisite to a sale of the property for a residential project. That sale never went through, and the property continued to be operated as a warehouse. Following the 2019 Zoning Map amendment, the building and parcel are preexisting nonconforming with respect to use, dimensional controls, and parking.

Action Precision Machining plans to relocate its machine shop operation to the property without exterior changes to the building. The change from one nonconforming use to another nonconforming use may be allowed through a Section 6 finding special permit from the City Council under Section 650-12.B of the Zoning Ordinance. The change in use also requires site plan approval from the Site Plan Committee.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc: Client

{Client Matter 32277/00001/A8089370.DOCX}

**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:

Octo48, LLC, d/b/a Action Precision Machining, 269 Mechanic Street, Marlborough, MA

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

269 Mechanic Street; Parcel Number 56-125

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:

Article IV Section 650-12 Paragraph B Sub-paragraph _____

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

Residence B

7. Specific reason(s) for seeking Special Permit

The Applicant seeks a Section 6 finding special permit pursuant to Section 650-12 of the Zoning Ordinance to alter a preexisting nonconforming warehouse use at 269 Mechanic Street to a machine shop (specifically manufacturing, precision instruments, tool and die). The use, lot, parking, and principal structure are all preexisting nonconforming. The new use will occupy the existing structure without changes to the exterior of the building.

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

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

Telephone No. 508-929-1678

Date: _____

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

Octo48, LLC, d/b/a Action Precision Machining

(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**)



CERTIFIED ABUTTERS LIST
269 MECHANIC ST: 400 FT SPECIAL PERMIT

City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

PARCEL_#	GIS NUMBER	CAMA NUMBER	PROPERTY ADDRESS	OWNER NAME	CO-OWNER	OWNER ADDRESS	O_ADDRSS_2	O_CITY	O_STATE	O_ZIP	USE_CODE
42-57	M_194963_900516	42-57	MECHANIC ST	SMITH HELEN L	RITA M FAULLER	294 MECHANIC ST		MARLBOROUGH	MA	01752	1320
43-132	M_195186_900446	43-132	28 BELLOWS CIR	SPARAGES EVAN A	DENISE V SPARAGES	28 BELLOWS CIR		MARLBOROUGH	MA	01752	1010
43-133	M_195237_900509	43-133	43 BELLOWS CIR	SZRAMIAK STEVEN S	LISA M SZRAMIAK	43 BELLOWS CIR		MARLBOROUGH	MA	01752	1010
43-134	M_195237_900461	43-134	29 BELLOWS CIR	GEROLD CHASE T	BEBERMAN BREANNA N	29 BELLOWS CIR		MARLBOROUGH	MA	01752	1010
43-135	M_195181_900501	43-135	38 BELLOWS CIR	COUGHLAN SEAN	TIFFANY TRUONG	38 BELLOWS CIR		MARLBOROUGH	MA	01752	1010
43-16	M_195056_900473	43-16	304 MECHANIC ST	DUNDON JOHN T	PATRICIA L DUNDON	304 MECHANIC ST		MARLBOROUGH	MA	01752	1010
43-19	M_195115_900496	43-19	303 MECHANIC ST	KING BRENDAN J TR	PAUL L WEISBLATT TR	ATTN UNIVERSAL ALUMINUM	303 MECHANIC ST	MARLBOROUGH	MA	01752	4000
43-20	M_195288_900437	43-20	146 HUDSON ST	EDWARDS JONATHAN L	MARY E EDWARDS	146 HUDSON ST		MARLBOROUGH	MA	01752	1010
43-21	M_195276_900470	43-21	156 HUDSON ST	ABBONDANZIO MATTHEW	CAILEY MCCARTHY	156 HUDSON ST		MARLBOROUGH	MA	01752	1010
43-27	M_195205_900565	43-27	28 ASH ST	ANSELL SANDRA A	JUDITH M PAIVA	28 ASH ST		MARLBOROUGH	MA	01752	1010
55-210	M_195014_900286	55-210	RUSSELL ST	SINIAWSKI KATHLEEN M		C/O KATHLEEN SENECAI	22 BROAD ST #319	MARLBOROUGH	MA	01752	1320
55-210B	M_194990_900260	55-210B	RUSSELL ST	CITY OF MARLBOROUGH		140 MAIN ST		MARLBOROUGH	MA	01752	9320
55-211	M_194995_900367	55-211	19 RUSSELL ST	SHELTON JEAN M		19 RUSSELL ST		MARLBOROUGH	MA	01752	1010
55-211A	M_194968_900352	55-211A	29 RUSSELL ST	LOPEZ LARRY E		29 RUSSELL ST		MARLBOROUGH	MA	01752	1010
55-212	M_194976_900426	55-212	294 MECHANIC ST	SMITH ROBERT W TR	HELEN L SMITH TR	294 MECHANIC ST		MARLBOROUGH	MA	01752	1010
56-1	M_195037_900414	56-1	288 MECHANIC ST	LYNN JENNY		288 MECHANIC ST		MARLBOROUGH	MA	01752	1010
56-10	M_195069_900176	56-10	224-A MECHANIC ST	HOLMES DOUGLAS A	CECILIA E HOLMES	224-A MECHANIC ST		MARLBOROUGH	MA	01752	1010
56-11	M_195133_900144	56-11	212 MECHANIC ST	BROWNSON JOYCE		212 MECHANIC ST		MARLBOROUGH	MA	01752	1010
56-118	M_195173_900183	56-118	219 MECHANIC ST	TOMANEK RICHARD C		1 CORTLAND DR		HUDSON	MA	01749	1010
56-119	M_195168_900197	56-119	223 MECHANIC ST	CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST STE 212		MARLBOROUGH	MA	01752	9511
56-120	M_195159_900214	56-120	227 MECHANIC ST	ASHLEY ANNE M		227 MECHANIC ST		MARLBOROUGH	MA	01752	1010
56-121	M_195151_900241	56-121	233 MECHANIC ST	BOYLE PATRICK J		233 MECHANIC ST		MARLBOROUGH	MA	01752	1010
56-123	M_195137_900272	56-123	247 MECHANIC ST	CRETE STEPHEN P	LAMPHAY S CRETE	247 MECHANIC ST		MARLBOROUGH	MA	01752	1010

56-124	M_195154_900298	56-124	MECHANIC ST	CRETE STEPHEN P	LAMPHAY CRETE	247 MECHANIC ST	MARLBOROUGH MA	01752	1320
56-126	M_195113_900305	56-126	257 MECHANIC ST	CRETE STEPHEN P	LAMPHAY CRETE	247 MECHANIC ST	MARLBOROUGH MA	01752	1010
56-127	M_195110_900318	56-127	259 MECHANIC ST	SCANLON ROBERT	ERICA WETTERLOW	259 MECHANIC ST	MARLBOROUGH MA	01752	1010
56-128	M_195108_900332	56-128	265 MECHANIC ST	MCDONOUGH RICHARD M LI EST	VERONICA M MCDONOUGH LI EST	265 MECHANIC ST	MARLBOROUGH MA	01752	1010
56-129	M_195107_900348	56-129	271 MECHANIC ST	CHILDS MARK	LAURIE CHILDS	271 MECHANIC ST	MARLBOROUGH MA	01752	1010
56-130	M_195104_900366	56-130	275 MECHANIC ST	CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST STE 212	MARLBOROUGH MA	01752	9511
56-131	M_195112_900382	56-131	277 MECHANIC ST	BOHORQUEZ JORGE ANDRES	MIRIAM M BOHORQUEZ	277 MECHANIC ST	MARLBOROUGH MA	01752	1010
56-133	M_195282_900397	56-133	134 HUDSON ST	ANDREWS ADAM	CATHERINE E ANDREWS	134 HUDSON ST	MARLBOROUGH MA	01752	1010
56-134	M_195294_900378	56-134	130 HUDSON ST	UYGUN DAVID S	GRACE E UYGUN	130 HUDSON ST	MARLBOROUGH MA	01752	1010
56-135	M_195226_900305	56-135	120 HUDSON ST	AUGER DAVID	MARIE AUGER	120 HUDSON ST	MARLBOROUGH MA	01752	1010
56-136	M_195250_900311	56-136	118 HUDSON ST	RANDALL JENNIFER	DAMON BURKE	118 HUDSON ST	MARLBOROUGH MA	01752	1010
56-137	M_195295_900303	56-137	110 HUDSON ST	BRESCIA STACEY D		110 HUDSON ST	MARLBOROUGH MA	01752	1010
56-138	M_195305_900269	56-138	104 HUDSON ST	DELMELDA GERSON C		104 HUDSON ST	MARLBOROUGH MA	01752	1110
56-15	M_195007_900161	56-15	MECHANIC ST	CARROLL AMELIA	PHILIP CARROLL & PHYLISS STILL	194 MECHANIC ST	MARLBOROUGH MA	01752	1060
56-2	M_195039_900396	56-2	280 MECHANIC ST	MENESES PATRICIO A LEAL	SILVIA JARAMILLO	280 MECHANIC ST	MARLBOROUGH MA	01752	1040
56-3	M_195039_900372	56-3	278 MECHANIC ST	FITZGERALD NANCY		1084 HAWTHORNE FARM TER	VIRGINA BEACH VA	23454	1090
56-390	M_195242_900391	56-390	18 KENNEY LN	ROJAS EDITH		18 KENNEY LN	MARLBOROUGH MA	01752	1010
56-391	M_195254_900360	56-391	1 BELLOWS CIR	DUFFY JAMES J JR	NOEMIA C DUFFY	1 BELLOWS CIR	MARLBOROUGH MA	01752	1010
56-392	M_195211_900336	56-392	2 BELLOWS CIR	EVANS MICHAEL J	CARALEE L EVANS	2 BELLOWS CIR	MARLBOROUGH MA	01752	1010
56-393	M_195194_900372	56-393	10 BELLOWS CIR	CHANG MARILYN L	RICHARD T CHANG	10 BELLOWS CIR	MARLBOROUGH MA	01752	1010
56-394	M_195190_900412	56-394	16 BELLOWS CIR	FERRANTE PHILLIP L	LUCIA LEONARDO FERRANTE	16 BELLOWS CIR	MARLBOROUGH MA	01752	1010
56-395	M_195243_900428	56-395	17 KENNEY LN	KOTE ALVANA	OREST KOTE	17 KENNEY LN	MARLBOROUGH MA	01752	1010
56-4	M_195049_900331	56-4	270 MECHANIC ST	GIORGI MARY E		270 MECHANIC ST	MARLBOROUGH MA	01752	1040
56-5	M_195065_900255	56-5	246 MECHANIC ST	Contact Town For Info					
56-5A	M_195056_900292	56-5A	260 MECHANIC ST	260 MECHANIC STREET LLC		23 BARNES CIR	MARLBOROUGH MA	01752	1010
56-6	M_195093_900237	56-6	244 MECHANIC ST	MCKINLEY 7 LLC		1 MCKINLEY SQ 7TH FLOOR	BOSTON MA	02109	1040
56-7	M_195103_900216	56-7	238 MECHANIC ST	JP MORGAN CHASE BANK NA		3415 VISION DR	COLUMBUS OH	43219	1010
56-8	M_195112_900196	56-8	230 MECHANIC ST	DEANGELI PETER J	KAROL M DEANGELI	230 MECHANIC ST	MARLBOROUGH MA	01752	1010
56-9	M_195121_900175	56-9	224 MECHANIC ST	TORRICO ROSMERY		30 NOBSCOT RD #20	SUDBURY MA	01776	1010

This is to certify that the owners listed above are as shown in the latest Assessors records.

John H. Valade
JOHN VALADE, PRINCIPAL ASSESSOR

9/23/2022
Date

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Octo48, LLC Address: 269 Mechanic Street, Marlborough, MA

Project Name: Action Precision Machining Address: 269 Mechanic Street, Marlborough, MA

1. PROPOSED USE: (describe) Machine Shop (manufacturing, precision instruments, tool and die)

2. EXPANSION OR NEW: Alternation of preexisting nonconforming use

3. SIZE: floor area sq. ft. 16,662 1st floor 6,898 all floors 16,662

buildings 1 # stories 2 lot area (s.f.) 32,814

4. LOT COVERAGE: > 30 %Landscaped area: < 70 % (Preexisting Nonconforming)

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

Normal: 6 Peak period: 12

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: 12

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

Truck deliveries 2 to 3 times 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? Existing lighting.

8. NOISE:

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

Same.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None.

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

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? Small amounts of paint thinner and lubricating oil, disposed of as needed using professional services.

***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: 11/16/2022

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Action Precision Machining

Project Use Summary: Machine Shop (manufacturing, precision instruments, tool and die)

Project Street Address: 269 Mechanic Street

Plate: _____ Parcel: 56-125

Applicant/Developer Name: Octo48, LLC, d/b/a Action Precision Machining

Plan Date: September 7, 2022 Revision Date: _____

Dear President and Members:

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

Very truly yours,

Tin Htway
Acting Director of Planning

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

\$500

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

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



Signature

11/17/2022
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

Octo48, LLC, d/b/a Action Precision Machining

Owner Name/Officer Name of LLC or Corporation

George Mongeau, Manager

Owner/Officer Complete Address and Telephone Number

269 Mechanic Street

Marlborough, MA

508-929-1678 (Attorney Brian Falk)

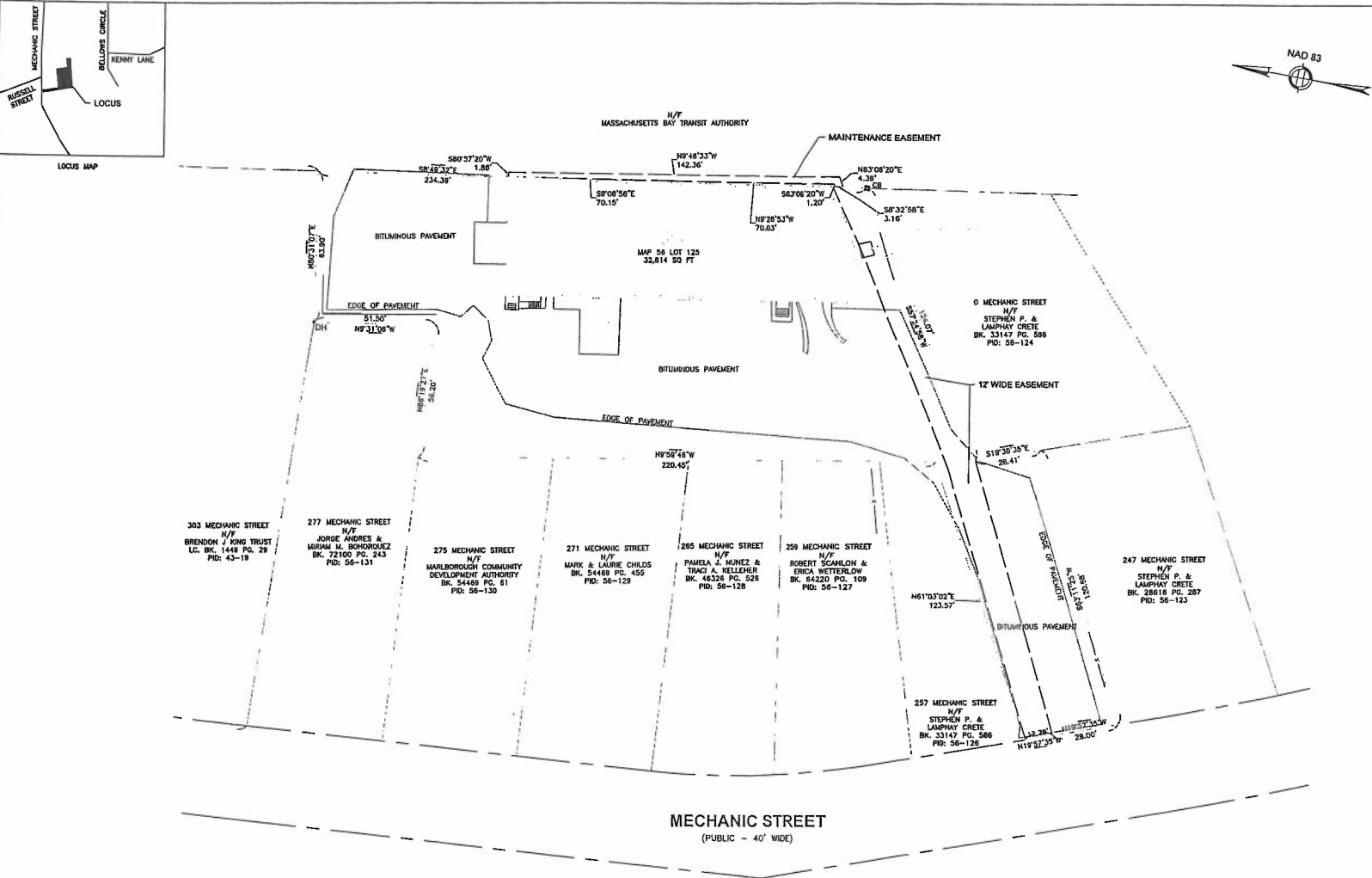
Signature of Applicant

Attorney on behalf of Applicant, if applicable


Attorney Brian Falk, on behalf of the applicant

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


Tax Collector

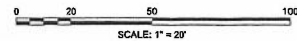


OWNER:
 CARIN GREB, LLC
 BOOK 51213 PAGE 344
 MAP 56 PARCEL 125

**PLAN OF LAND
 269 MECHANIC STREET
 MARLBOROUGH,
 MASSACHUSETTS**

SCALE: 1" = 20'
 DATE: SEPTEMBER 7, 2022

PLAN REFERENCES:
 274 OF 1984
 275 OF 1984
 1061 OF 1996
 1283 OF 1973
 279 OF 1938 (JEFFERSON ST LAYOUT)
 1131 OF 1937
 PLAN BOOK 4420-124(VL PLAN)



CHAPPELL
 ENGINEERING
 ASSOCIATES, LLC
 Civil Structural Land Surveying
 201 BOSTON POST ROAD WEST-SUITE 101
 MARLBOROUGH, MA 01752
 TEL (508) 481-7400
 www.chappellengineering.com



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Marlborough Public Schools

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

Call to Order

October 25, 2022

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

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

2. **Pledge of Allegiance:** Mrs. Bodin-Hettinger led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Superintendent Murphy reported that Whitcomb's School Principal, Angela House, will be taking a leave from early December through late February. Therefore, Rick Lacina, the current Kane School Assistant Principal, will take over Ms. House's position during her leave. Following this, Lauren Yurkus, the Kane School ETL, will take over Mr. Lacina's current position, and then Madeline VanBuskirk, the current school psychologist, will assume Ms. Yurkus' current position. These position changes will only be for the duration of Ms. House's leave; Whitcomb and Kane staff are aware of these upcoming shifts in leadership.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

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Superintendent Murphy shared that she and Dr. Skaza hold a monthly WMCT show, “Superintendent’s Corner” to reach and communicate with more community members. Mrs. Murphy provided a brief overview of the October show for the committee; four staff members, Karen Riviera, Lindsay Castro, Michelle Smith-Packard, and Kayla Flaherty-Dawson, spoke on the show about the supports they provide to students, families, and staff. The November meeting will revolve around homework across all grade levels. Superintendent Murphy noted that episodes can be accessed after they air as well.

A. Assistant Superintendent of Teacher & Learning Report

Dr. Skaza, the Assistant Superintendent of Teacher and Learning, provided an update on the district’s restorative justice training.

Dr. Skaza outlined the different tier supports within the training. Tier 1 focuses on community building, Tier 2 is for harm and conflict resolution, and Tier 3 targets high impact behaviors. Each tier is described in detail in Dr. Skaza’s report. He noted that the restorative justice trainings are provided by The Center for Restorative Justice at Suffolk University.

Dr. Skaza and Mr. Caruso discussed the logistics of the small circle concept in Tier 2. Dr. Skaza introduced Mr. Sanborn to discuss the next steps regarding the discontinuation of the Journeys resource and the transition to the program produced by Houghton Mifflin. Currently, grades 6-12 are piloting ELA curriculum resources; Mr. Reyes will join the committee at an upcoming meeting to report on this.

Mr. Sanborn, the Director of Elementary Curriculum and Instruction, highlighted the transition process from the Journeys resource. The Into Reading program will be the core ELA curriculum for reading and writing beginning the Fall of 2023.

Mrs. Bodin-Hettinger asked a few questions on behalf of Chairman Vigeant.

Superintendent Murphy articulated the rationale behind selecting the Into Reading program to take the place of Journeys.

B. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported that the Operational Services Division at the State’s Executive Office for Administration and Finance has authorized the increase in special education private schools’ tuition for FY24. This increase will impact the district’s FY24 operating budget. The specific potential impact is detailed in Mr. Dias’ report.

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Mr. Dias shared that the breakfast and lunch participation rates for FY23 have increased compared to the FY20 participation (pre-COVID). The district continues to strive for a 75% participation rate.

Mr. Dias provided a transportation services update, which is not much different than that of two weeks ago. There are six open routes, and one other route has a long-term absence. As of this afternoon, four drivers were supposed to take the CDL, but Mr. Dias received a notice that two drivers backed out right before the meeting. Therefore, there are only two drivers for Marlborough taking the CDL test this week.

Mrs. Bodin-Hettinger reminded the committee that the upcoming MASC conference will allow delegates to voice their concerns over the bussing issue to individuals in leadership positions that will be in attendance.

Committee members discussed the increase in special education private schools' tuition for FY24.

Mr. Dias discussed how the strike at our food supplier, Sysco, minimally impacted the district.

Mrs. Matthews noted that Sysco settled five days ago, so there is no longer a strike.

In response to a question asked by Mr. Geary, Mr. Dias explained that the bus driver shortage is hitting Marlborough harder than some other districts for a few reasons.

7. Acceptance of Minutes:

A. Minutes of the October 11, 2022 School Committee Meeting

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

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

8. Public Participation: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

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9. Action Items/Reports

A. Acceptance of Donations and Gifts

Donor's Choose. At Goodnow Elementary School, Ms. Sequenzia's classroom received \$470.54 and Ms. Thresher's classroom received \$253.03.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

Donor's Choose. At Goodnow Elementary School, Ms. Holdman's classroom received \$264.33 and Ms. Sheets' classroom received \$55.88.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

MA DESE FY23 FC460 Early College Support. MPS received \$40,200.00 through this grant.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

MA DESE FY23 FC175 Early College Full Expansion. MPS received \$8,000.00 through this grant.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

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MA DESE FY23 FC209 Improving Ventilation & Air Quality. MPS received \$954,408.00 through this grant.

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy reported that the Policy Sub-Committee has a few more policies to review before starting the process all over again. The committee should expect an email from them soon.

11. Members' Forum:

Mrs. Matthews has reviewed the warrant and asked another member to sign it.

Mrs. Hennessy shared that MIAA is discussing the logistics of the seeding processes for tournaments.

Mrs. Bodin-Hettinger shared that she was able to attend the Reality Fair again. She mentioned that the Rotary Club made it more accessible to EL students this year too.

12. Adjournment:

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to adjourn at 8:43 p.m. Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, and Ryan.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved November 8, 2022

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2022 NOV 10 AM 7:30

Conservation Commission

Meeting minutes

October 6, 2022 - 7:00 PM

140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

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

Absent: Karin Paquin

The hearing was recorded using Microsoft TEAMS

Approval of Minutes: The Commission reviewed the draft minutes of August 18, 2022, Sept. 1 and 15, 2022. On a motion by Mr. White second by Mr. Clancy to approve these minutes. The Commission voted unanimously 6-0 to approve.

Public hearings:

Request for Determination of Applicability

223 Vega Rd. - Michael & Leslie Meyers

Ms. Ryder noted that the applicant was not able to attend, however she visited the site with the homeowner and took photos of the site which she shared with the Commission. Mr. Dunbar also had visited the site. After reviewing the photos and discussing the proximity to the pond, the Commission agreed that 5 of the trees shown on the plan could be removed, however the other 5 trees were not dead or dying and were not permitted to be removed. The Commission also encouraged snags to be left for habitat if the homeowners were amenable. There being no further questions or discussion the hearing was closed. On a motion from Mr. White, second by Mr. Clancy to issue a negative determination with standard conditions as noted above. The Commission voted unanimously 6-0 to approve.

Notice of Intent

Lake Williams boardwalk – City of Marlborough

Ashley Miller, DPW Assistant Civil Engineer, Ron Strohsahl from Oxbow Associates were present. Tom DiPersio City Engineer participated virtually.

Mr. Strohsahl reviewed the project plan to add a raised helical pier boardwalk around the Rte. 20 side of Lake Williams. He noted that there are numerous projects around the state that have a similar design. This one is proposed to be 2,850' long and will have two stone dust sections near Bordering Vegetated Wetland (BVW) near the pump station. DEP has confirmed that helical piers and boardwalks that are at least 3' above the water would be considered no impact to the wetland. However, where the boardwalks ramps over BVW lower than 3' or on the ground over BVW will be considered impact and will require wetland restoration. The wetlands were flagged in August 2022 and the plans show all the resource areas, Land Under Water, BVW and water levels. The BVW impact is below the 5,000 sq. ft. threshold since most of the boardwalk has unobstructed water flow under it. They have shown on the plans on the eastern side of the courthouse an area for wetland mitigation, which is just above a very healthy BVW area with many native plants. The plan shows some erosion controls as needed, but most

Conservation Commission
Minutes – October 6, 2022

of the work will be done over the water from one section to the next, with little or no impact to the shore or the water itself. They will be encroaching over the 30' no disturb buffer zone to span from the water to the upland and asked the Commission to take that into consideration. There was discussion on how the helical piers will be installed (by machine), the weight of the machines to be used, the width of the boardwalk (8') and the longevity of the structure. Pictures were shared about how other similar boardwalks look. Several abutters were present but didn't identify themselves. Questions raised included: Will there be lighting and trash cans, how high will the railings be? What about safety and use at night and whether it is gated, will this create an attractive nuisance. The answers from both Mr. Strohsahl and Ms. Miller were, at this time no lights are proposed the use, as with other parks and conservation land is dawn to dusk. Bollards can be placed to prevent vehicle access. Only non-motorized use is allowed- (except emergency vehicles) walking, bicycles, jogging.

Additional questions from the Commission included timeline, high water mark, soil borings, invasive plant treatment, any concern about ice on the structures, what is plan if the piers hit ledge, what happens to cross braces. Ms. Miller indicated that soil borings have been done and the helical piers should work they can provide cross section of the design for the piers and can provide cross section of design for the stone dust path. After some discussion about the stone dust path, the Commission suggested this section become boardwalk too since as shown it is in the BVW which won't be a good trail. There was some discussion about the control on the invasive plant Japanese knotweed, which will need to be further investigated, since herbicide use next to this water source is prohibited. It was noted that since the contractor is not on board for this one of the possible conditions would be to have the chosen contractor to meet with the commission prior to construction, so more details can be flushed out. **After further discussion it was agreed that the hearing should be continued to the Oct. 20, 2022 meeting to provide the additional information requested.**

Notice of Intent 212-1254

846 & 850 Boston Post Rd. East - Exela Movers

At the applicants request this item was moved to the Nov. 3, 2022, meeting in hopes they can resolve the zoning issues raised by the building dept.

Notice of Intent

253 & 257 Lakeshore Dr. - Michael Smith

Mr. David Morgan from PRM Design/Build and Mr. & Mrs. Smith homeowners were present. Mr. Morgan explained that the plan is to combine the two lots, remove both houses and build a new house. Currently the two lots cover a lot of the property and don't meet any of the zoning setbacks, as they are older lake cottages. The proposed new house would sit on the lot as shown on the plans, most of the asphalt and parking areas will be removed, the cesspool serving one house will be removed. All these measures should improve overall lake water quality having overall less impact. Roof drainage is pitch to the sides of the house not the lake, the survey crew left some flags along the shoreline – however it wasn't clear what these represent. The one deviation from the zoning code and the Commission's policy is that the deck and porch will extend a little bit into the 30' no disturb buffer zone and set back. Mr. Demers asked it the

Conservation Commission
Minutes – October 6, 2022

house could slide towards 257 and thereby stay out of the 30' buffer zone all together. The answer is that they wanted to live in 257 while the new house is being built. Mr. Dunbar asked where the 100-year flood elevation landed on the site and how to confirm where the 30' buffer zone is which should be measured from the high-water mark. He also noted that 2 trees had been removed by the previous owner and 4 trees were to have been replaced, which was never done. There was much discussion about the deck and its impact on the 30' buffer zone and a request to shave off the deck to meet the policy. Mr. Moran explained that the size is to accommodate porch furniture etc. Mr. Moran asked the Commission to consider the entire net benefit of the project with the removal of large areas of paved parking and paved boat ramp and the increase in lot coverage/landscaped area when project is completed. It was noted that no foundation would be within the 30' buffer zone, only piers for the deck, porch, and stairs. There was discussion about cantilevering the deck to avoid footings in the 30' buffer zone. Mr. Demers noted that the house and deck can all be designed outside the 30' no disturb zone and he'd like to see the revised plan.

Janet Vigeant abutter at 249 Lakeshore Dr. spoke in favor of this house, noting it will be healthier for the lake and she noted she didn't see any impact the piers would have on the lake. She asked the Commission to allow this house design.

Chairman Clancy noted that this would be a very nice house on the lake and an improvement over existing condition. He asked what would be under the deck. After some additional discussion it was determined that the following still needs to be provided for review: 1. Deck and porch cantilevered so footings are NOT within the 30' buffer zone- a note needs to be added to the plans. 2. A landscape plan- even conceptual, showing areas where planting will be installed. Plan should indicate the location with a note that landscaping plant species will be provided at a later date and before final occupancy. This will make it clear to any contractor and other departments what is expected. 3. A phased demolition plan notes. 4. Identify on the plans where the 261.2 (spillway elevation) and the 262' elevation (100-year flood plain elevation) lands on the property. The spillway elevation can be used to measure from that spot to get the 30' setback. Also confirm what the flags along the shoreline represent. **The hearing was continued to the next meeting on Oct. 20, 2022.**

Abbreviate Notice of Intent

21 Blaiswood Ave. - Helvecio Carvalho

At the applicants request the hearing was continued to Oct. 20th as he is still waiting for the survey of his property.

Draft Order of Conditions:

- 212-1253 0 Red Spring Rd. "draft" Special Conditions" – Robert Durand – Red Spring Road Homeowners Association, Inc. The Commission reviewed the draft conditions and made some amendments to clarify. On a motion by Mr. White, second by the Chair to approve the Order of Conditions as drafted and amended, the Commission voted unanimously 6-0 to approve.

Conservation Commission
Minutes – October 6, 2022

Emergency Certificate:

- Ratify – Phelps St. culvert at Mowry Brook- Ms. Ryder noted that a large hole had formed in Phelps St. above the culvert. To avoid collapse, the culvert was relined and grout added to fill in the void to stabilize the culvert from further deterioration. Some upstream and downstream culvert reinforcement was also added. As this was an emergency, she issued an Emergency Certificate for the work. On a motion by Mr. Skarin, second by the Chair to approve and ratify the Emergency Certificate, the Commission voted unanimously 6-0 to approve.


Discussion/Correspondence:

- 541 Pleasant St. – Progress report. Ms. Ryder noted that Attorney White had e-mailed a plan from a landscaper on steps to control the invasive plants at 541 Pleasant St.; copies were provided to the Commission. The Commission noted that this is only the beginning of a plan, and more details need to be added in order for this to be a plan they can approve. Ms. Ryder will convey.
- Letter to Mayor Vigeant dated Sept. 19, 2022, RE: Acceptance of Gift of \$100 to Conservation Maintenance Fund Donation for Conservation purpose. The Commission accepted and placed this item on file.
- Letter from Hannigan Engineering, Inc. Christopher Anderson, RE: Update - Hillside School-Lower Campus DEP 212-1250, 192 Robin Hill St. Ms. Ryder noted this was a slight change to the septic system on the plans, but no changes are within 100' buffer zone. The Commission accepted and placed on file.

Next Conservation Commission meetings: October 20th and November 3, 2022

Adjournment: There being no further business on a motion by Mr. White, second by Chairman the Commission voted unanimously 6-0 to adjourn.

Respectfully submitted,


Priscilla Ryder

Conservation/ Sustainability Officer

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Conservation Commission
Meeting minutes

2022 NOV 10 AM 7:30

October 20, 2022; 7:00 PM

140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

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

Absent: None

The hearing was video recorded using Microsoft TEAMS

Review plans:

DEP 212-1215 - 107 Simarano Dr. Green District

John Shipe of Shipe Consulting Group was present representing the owners. He brought Dave Logger from Samco Eco Contraction, Dave Cowell of Hancock Associates and Griffin Perry from Plumb House Inc. who is the contractor doing the construction on the site. Mr. Shipe explained that Phase 1 of the Green District is now occupied, the trails are graded and ready for woodchips. Phase 2 is graded, and they are about to file for the building permits. As part of the Order of Conditions the applicant was required to return to discuss, dog park design, walking bridge designs and they have a new request to remove additional invasive non-native plants in the wetland. The Commission reviewed a preliminary bridge span document which will be mounted on helical piers, outside the wetland area. If for any reason they hit refusal after a few feet, the footings will be sona tubes with a supporting post. The bridges/crossings will be low enough to the ground that cross bracing will not be required. These plans still need to be submitted to and reviewed by the City Engineer, they just wanted some reaction from the Commission. The Commission indicated they would wait for City Engineers review but conceptually looks good. Mr. Shipe then showed the detailed dog park design, which uses turf grass with stone under and an area any waste would have to flow through before reaching the drain. This will allow for nutrient and ammonia removal from the dog waste. No rubber filling will be used. Mr. Shipe was asked to see how the Talia dog park is holding up, as this design mimics that design. Mr. Shipe will inquire and provide a response.

The last item was invasive plant removal proposed in the wetland near the pool area. As explained by Mr. Cowell and outlined in a memo by him with a diagram, there is an infestation of oriental bittersweet that is killing the trees as well as glossy buckthorn, invasive honeysuckle, and several other non-native plants. There are some native shrubs including winterberry which can be saved. The intent is NOT to create a vista, but to improve the wetland vegetated health with healthy trees, shrub, and herbaceous layer. He outlined the process to cut and dab with herbicide the invasive plants, to remove and then monitor these areas, and then when sufficiently controlled plant specific plant species. The Commission asked where the invasive plants removed would be taken. Mr. Cowell noted this would be specified by the contractor and could be approved by the Commission. Since this work is similar to the invasive plant removal work along the trail, Mr. Cowell asked that this change be considered a minor change that could be approved by the Commission as such. After some discussion about the end result and the

Conservation Commission
Minutes – October 20, 2022

condition that all work would be done by hand, no machinery (except handheld) can be used in this area. **The Commission asked Ms. Ryder to draft a letter to approve these minor changes which will be reviewed at the next meeting on Nov. 3rd.**

Public hearings:

Request for Determination of Applicability

221 Lakeshore Dr. - Susan Plourde

Ms. Plourde explained that she has changed her proposal slightly and will not be adding onto the wall as described in the permit. She will only be reinforcing the existing wall which is undermined beneath. They will reinforce the base and repair the cracks in the wall. She'd like to remove the stairs too. The wall was built in 1946. She acknowledged that she owes the Commission at least two trees for the trees she had removed last year. Once the wall is repaired, she will add landscaping as required, she didn't want to put it in before the wall was repaired. After some discussion about the wall design and filling in the steps which are currently a safety hazard, the Commission determined that with proper dewatering, pumping in the concrete to reinforce the wall, removing, and filling in the step area and adding a wall section and adding trees and shrubs this project wouldn't have an impact on the lake. **On a motion by Mr. White, second by the Chair to issue a negative determination with standard conditions and those noted by the Commission, voted unanimously 7-0 to approve. Ms. Ryder was asked to provide a list of trees and shrubs that could be planted as well.**

Request for Determination of Applicability

28 Boivin Dr. - Robert Valchuis

Mr. Valchuis was present and noted that he has started this lot and hadn't realized until he got his engineered plans that a small corner of the lot clips the 100' buffer zone to the adjacent wetland. He apologized for the delay in filing, which he did once he realized his oversight. He is building a house with a pool on this lot. The wetland is over the hill, but his project drains towards Boivin Dr. so nothing will flow to the wetland. Right now, a huge pile of rocks occupies the small section of 100' buffer zone. The rocks will be used to retain the slope and all excess not used will be removed from the site. The Commission noted that this is a minor impact. On a motion by Mr. White, second by the Chair to issue a negative determination with standard conditions, the Commission voted unanimously 7-0 to approve.

Notice of Intent

Lake Williams boardwalk – City of Marlborough

At the request of the DPW they asked that this hearing be continued to the Nov. 3rd meeting to allow time to update their plans.

Notice of Intent

253 & 257 Lakeshore Dr. - Michael Smith

Mr. Smith the homeowner was present. He explained that based on the last meeting he has some answers as follows: High water mark - The top of the spillway is 261.2 and the flags along the shore just below the wall represent this elevation. 30' measurement is from here.

Conservation Commission
Minutes – October 20, 2022

Second house - The second house will be removed as required by zoning once the new house is built. There was no way to have two houses, the lots will be combined. As noted at the last meeting much of the hardscape – driveways, boat ramp will be removed and landscaped. The grading was reviewed again. Mr. Smith provided additional photos that were reviewed to better illustrate existing conditions. The Commission had a long discussion about the encroachment into the 30' no touch buffer zone. Mr. Demers noted that the project could be redesigned to be outside this zone. Mr. Skarin noted that overall, there will be less impervious area on the site so less impact, he wasn't as concerned with the 30' buffer zone encroachment. Mr. Clancy asked if the post could be outside the 30' zone. It was noted by the applicant that cantilevering the deck was expensive. After much discussion by all the Commission members it was ultimately determined that the new design has less impervious surface so overall is an improvement to the site. Also, with additional landscaping and trees (as previously required) this site should improve upon current conditions. There being no further questions or concerns from the Commission or the public the hearing was closed. The Commission reviewed a set of draft conditions and debated the deed language condition and amended many of the conditions to reflect the previous discussion. On a motion by Mr. Skarin, second by the Chair to approve the Order of Conditions as drafted and amended. The Commission voted 6-1 to approve an Order of Conditions. Voting in the affirmative: Mr. Clancy, Mr. Skarin, Mr. White, Ms. Paquin, Mr. Dunbar, and Mr. Williams. Voting to deny was Mr. Demers.

Request for Determination of Applicability

41 Boivin Dr. – Mahmoud & JP Eltorai

Mr. Eltorai was present and said he had reviewed the draft conditions and had no issues. He noted that the 7 hazard trees the Commission approved for removal have already been removed. There being no further discussion or comments from the public, the hearing was closed. The Commission reviewed the draft conditions regarding use of goats to remove invasives and restore the wetlands. On a motion from Mr. White, second by the Chair, to issue a negative determination with conditions as drafted and amended, the Commission voted unanimously 7-0 to approve.

Notice of Intent -212-1254 (continued – Nov. 3, 2022)

846 & 850 Boston Post Rd. East - Exela Movers

At the applicants request prior to the meeting, this hearing was continued to Nov. 3, 2022

Abbreviate Notice of Intent (continued – Dec. 15th)

21 Blaiswood Ave. - Helvecio Carvalho

At the applicants request prior to the meeting since he is still waiting for survey information, the hearing was continued to Dec. 15, 2022 meeting.

Extension Permit:

- DEP 212-1215 Green District – requesting a 2 yr. extension- this item was continued to the next meeting Nov. 3rd.

Conservation Commission
Minutes – October 20, 2022

Discussion/Correspondence:

- **Panther Trail walks** scheduled for Saturday Oct. 22 & 29th starting at 10:00 AM, Ms. Ryder, Ms. Paquin and Mr. Dunbar will lead these upcoming walks on various parts of the trail.
- **Violations** - 96 Crowley Dr. Ms. Ryder and Mr. Dunbar recounted the three rain events at which muddy water was leaving this construction site. The site contractors have been responsive and are taking action to control but were not proactive in this effort. The Commission asked Ms. Ryder to issue fines for each event and to ask the applicants to attend the next meeting to discuss.

Next Conservation Commission meetings: November 3rd and November 17th, 2022

Adjournment: There being no further business on a motion by Mr. White, second by the Chairman, the Commission voted unanimously 7-0 to adjourn.

Respectfully submitted,


Priscilla Ryder

Conservation/ Sustainability Officer

Marlborough Historical Commission Meeting Minutes

July 22, 2022

Location: City Hall 140 Main Street Council Committee Meeting Room

Board Attendees: Brendan Downey, Pamela Wilderman

Absent: Sarah Hough

Other Attendees: Adrian Gilbert, Robert Valchuis

Meeting called to order 7:05 PM

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2022 NOV 14 AM 5:36

1. A motion was put forth and seconded to approve the June minutes.
 - Downey AYE
 - Wilderman AYE
 - The motion passed.
2. 28 Bovin Drive Barn Preservation
 - a. Mr. Valchuis walked the commission through his plan for the property and explained why he would like a preservation restriction for the barn.
 - b. There was a brief discussion around the pros and cons of what precedent this sets, and it was agreed that it was a generally positive thing and that the Historical Commission should encourage this type of activity.
 - c. The city solicitor has reviewed and returned the preservation documents for signature. There is no notary present in the meeting so Brendan and Pam will connect early on the week of 7/25 at city hall to execute the docs.
3. Correspondence & Communications.
 - a. 197 Stow Road Sale (MACRIS ID: MRB.1095).
 - i. We received notice from the seller's attorney that 197 Stow Road is under agreement and there is a closing set for later in July. Because the house has a state of Massachusetts preservation requirement the Marlborough Historical Commission has to review the property to make sure there have been no major changes to the property. Brendan will meet with the owner and perform a walkaround of the property while Pam produces the documents for signature.
 - b. 591 Brigham St. (MACRIS ID: MRB.1136).
 - i. The owner contacted code enforcement about a preconstruction meeting and wants to know the original occupancy of the house. They have proof that "a Felton" (William Felton House) was married at the property. We verified that there was some part of the hose that is from c1800, but we can't tell if the property is any older than that.
4. Historical house marker inquiries.
 - a. We did not discuss this initiative as we did not have the full board in attendance.
5. New Business.
 - a. 487 Lincoln St. The property has changed hands and the new owners intend to continue with the project the prior owners started. The original project had a stipulation for the special permit. The city must be advised of any major changes. There has been recent construction activity and it will be important to monitor the project as it continues forward.
6. On the Motion to adjourn meeting at 8:13 PM, the Commission voted as follows:
 - Downey AYE
 - Wilderman AYE
 - The motion passed. Meeting adjourned.

Respectfully submitted,

Brendan Downey

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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1A

2022 NOV -9 PM 3: 24

Call to Order

October 3, 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. August 22, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the August 22, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

B. September 12, 2022

On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to accept and file the September 12, 2022, meeting minutes with minor typo corrections. Yea: Fay, Hodge, LaVenture, and Fenby. Nay: 0. Abstain: Elder, Fowler and Russ. Motion carried. 4-0.

2. Chair's Business

A. Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.

The Board set the public hearing date for November 7, 2022.

City Council President, Michael Ossing said he would present the proposed zoning change at the public hearing.

B. Unaccepted Streets

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the September 29, 2022, correspondence into the record.

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

Mr. Fay requested this agenda item remain on the agenda until further notice.

Dr. Fenby and Mr. DiPersio discussed the developer's acceptance procedures when submitting to City Council.

Mr. LaVenture suggested a procedural sheet be created for easier processing/tracking of the acceptance process.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 342 Sudbury Street

i. Correspondence from Kevin O'Malley

Mr. LaVenture read the September 26, 2022, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board vote to accept and file the correspondence.

Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. LaVenture requested the full address be included on the subject line of update correspondences.

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B. Commonwealth Heights

- i. Correspondence from Chief Code Enforcement Officer, Pamela Wilderman, Code Enforcement
Mr. LaVenture read the September 27, 2022, correspondence into the record.
On a motion by Mr. Elder, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

C. Goodale Estates

- i. Correspondence from Kevin Gillis, Northborough Capital Partners, LLC
Mr. LaVenture read the September 20, 2022, correspondence into the record.
On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. Gillis explained, Mr. DiPersio provided the following comments that needed to be addressed:

- Paving at the top of the circle
- A couple of landscaping areas that didn't perform well
 - o Mr. Gillis explained he hired two people to address this.
- Final adjustments to the acceptance plans
 - o Mr. Gillis explained the adjustments have been made and revised plans were submitted to Engineering for review.

Mr. Fay addressed concerns regarding some deterioration near a catch basin and a depression in the pavement at the bottom of the road. – See photos attached.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board vote to accept and file the September 20, 2022, correspondence from Kevin Gillis. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

- ii. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
Mr. LaVenture read the September 29, 2022, correspondence into the record.
On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board vote to accept and file the correspondence and to move forward with the next steps in the acceptance process. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. DiPersio assured the Board that Engineering would complete an in-depth investigation of the subdivision. He explained, the legal department has the documentation for the right-of-way transfer to the City and that he would confirm with the Legal Department that these documents are in proper legal form.

6. Preliminary/Open Space/Limited Development Subdivision

A. Informal Discussion

547 Stow Road Sketch Plan of Land Open Space Development

Name of Engineer: Vito Colonna, Connorstone Engineering (59 Granite Lane, Chester, NH 03036)

- i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
Mr. LaVenture read the September 29, 2022, correspondence into the records.
On a motion by Mr. Elder, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

- ii. Locus/Roadway Widths Plan

**MINUTES
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- iii. Open Space Concept Plan
- iv. Conventional Plan
- v. Truck Turning Exhibit

Mr. Colonna confirmed the Truck Turning Exhibit included fire trucks.

Chuck Black, Kendal Homes, Inc. (PO Box 766, Southborough, MA 01772) spoke on behalf of 547 Stow Road. Mr. Black explained Mr. Colonna has confirmed that emergency vehicles could safely enter and leave the proposed subdivision with the current road width of Stow Road of 17 feet, and asked for confirmation that the Board would grant a waiver for a 17-foot pavement width on Stow Road if/when they submit a formal submission.

Mr. Fay explained the Board is not against the subdivision but until the Board sees the plan as whole in a formal submission, the Board cannot guarantee the waiver will be granted. The Board members agreed with Mr. Fay. Dr. Fenby explained the Board isn't saying no at his time, and that the Board is looking forward to working with Mr. Black and Mr. Colonna.

7. Definitive Subdivision

A. Tobin 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 City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the September 29, 2022, correspondence into the record.

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

ii. Draft Covenant

The Planning Board Administrator explained additional revisions were made to the covenant which clarified ownership and corrected grammar. Michael Carney explained the changes are regarding the assignee being transferred from the estate to the developers. He explained their attorney is reviewing the documents.

iii. Draft Certificate of Vote

The Administrator and explained the same changes were made to the certificate of vote.

Mr. Carney explained right now they are acting as representatives of the owners of property, and that the property transaction will happen "once approved", so the developers are the assignee.

The Board requested confirmation from the Legal Department that both the covenant and certificate of vote are in proper legal form.

Mr. DiPersio explained the owner needs to provide a municipal lien certificate as required in the rules and regulations in § A676-10 F.(5). He reminded the board they will need to vote at the October 17, 2022, meeting.

iv. Revised plans

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8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

- i. Memo – Special Permit Standards for Open Space Developments
- ii. Memo – Waiver Standards
- iii. Memo – Zoning Standards

Mr. LaVenture explained the memos include Mr. Fay’s revisions.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to adopt the three individual memoranda for the record, which are items to be used in the review of various applications. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

11. Calendar Updates

- A. Tobin Drive (FKA: Pettes Drive/Colchester Drive) (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. Extension granted, vote by **October 17, 2022**, meeting.

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

Dr. Fenby endorsed the following memos:

- i. Memo – Special Permit Standards for Open Space Developments
- ii. Memo – Waiver Standards
- iii. Memo – Zoning Standards

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. 7-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 NOV -9 PM 3:24

1A

Call to Order

October 17, 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: Sean Fay, Phil Hodge, George LaVenture, Chris Russ, Matthew Elder and William Fowler. Members Absent: Barbara Fenby. Meeting support provided by City Engineer, Thomas DiPersio.

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to nominate Mr. Fay as Chair Pro-Tem. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

1. Draft Meeting Minutes

A. October 3, 2022

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the October 3, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. *No Discussion Required* – Public Hearing Date set for November 7, 2022

Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.

Mr. Fay and Mr. Fowler notified the Board they would not be attending the November 7, 2022, meeting.

B. Unaccepted Streets – *No Updates*

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the October 12, 2022, correspondence into the record.

On a motion by Mr. Elder, second by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Fay addressed concerns regarding seeding this late in the year and Mr. DiPersio said if the developer was to hydro-seed soon it would likely be OK. Mr. Fay asked about the impression in the road and Mr. DiPersio explained he believed this was from Eversource, and that he would have someone check the road condition after it rains to see if it is properly draining. Mr. Fay explained his concerns are ice.

On a motion by Mr. Elder, second by Mr. LaVenture, the Board voted to notify the developer to complete the items listed in Mr. DiPersio's correspondence and that the Board would not reduce the bond until these items are addressed. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

6. Preliminary/Open Space/Limited Development Subdivision

A. Howe's Landing Subdivision / Acceptance of Gikas Lane as a Public Way

i. Communication Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the September 28, 2022, correspondence into the record.

On a motion by Mr. Elder, second by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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ii. Referral from City Council

Mr. Fay asked if the cracks on Gikas Lane had been repaired. Mr. DiPersio explained he's asked the developer to make these repairs, but they have not been done. He explained he had previously made a recommendation about the road, stating that he didn't believe the cracks were indicative of any structural problems, but that the developer should crack seal them. He told the Board he would determine the current condition of the road and would provide a report at the November 7, 2022, meeting addressing the cracks and any other issues he sees, so the Board could make their recommendation. .

On a motion by Mr. Elder, second by Mr. Russ, the voted to not take any action on the acceptance of Gikas Lane and to keep this item on the November 7, 2022, agenda. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

7. Definitive Subdivision

A. Tobin 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. Request for extension on decision

Mr. LaVenture read the October 12, 2022, correspondence from Carol Dennison, WSP, into the record.

On a motion by Mr. LaVenture, second by Mr. Elder, the Board voted to accept and file the correspondence and to grant the extension for the decision on the definitive subdivision submission for (0 Stevens Street) to November 7, 2022. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Bourque explained the plans were submitted today and that they would provide confirmation regarding the review status of the certificate of vote, and the municipal lien certificate.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

11. Calendar Updates

- A. Tobin Drive (F.K.A: Pettes Drive/Colchester Drive) (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. Extension granted, vote by **October 17, 2022**, meeting.

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

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