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CITY OF MARLBOROUGH

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CITY OF MARLBOROUGH
City Council Agenda

Monday, December 19, 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, December 5, 2022.
2. PUBLIC HEARING on 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, Order No. 22-1008741.
 - a) Communications from various residents, re: Support of the Application for Special Permit by Octo48, LLC, 269 Mechanic Street.
3. PUBLIC HEARING on the Proposed Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, Order No. 22-1008721.
4. Communication from the Mayor, re: Gift Acceptance in the amount of \$100.00 from the Women's Fellowship First Church awarded to the Conservation Commission to be used for conservation land maintenance and continued work on the trails.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$608.48 from the MetroWest Health Foundation awarded to the Health Department to be used for tobacco outreach programs.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$1,250.00 from the Marlborough Foundation awarded to the Council on Aging to be used to assist seniors with heating costs this winter.
7. Communication from the Mayor, re: Proposed 10-year Lease Agreement between the City of Marlborough and First Church in Marlborough (Congregational) for Union Common.
8. Communication from the Mayor, re: Appointment of Joseph Delano to the Board of Registrars for a 3-year term to expire on April 1, 2024, replacing Lucinda Zomar.
9. Communication from the Mayor, re: Reappointments to the Library Board of Trustees for 3-year terms of Fred Haas to expire January 7, 2025, Nena Bloomquist to expire August 26, 2024, and Samantha Khosla to expire April 2, 2024.
10. Communication from the Mayor, re: Appointment of Jason Homer to the Library Board of Trustees for a 3-year term to expire from date of Council confirmation, replacing Karen Bento who recently resigned.

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.

11. Communication from Building Commissioner Tin Htway, re: Compliance of free-standing pylon sign, Shell Gas Station, 431 Lincoln Street.
12. Communication from Assistant Building Commissioner William Paynton, re: Request for Approval of a Flat Wall Sign, Phoenix BJJ (Front Entrance), 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
13. Communication from Assistant Building Commissioner William Paynton, re: Request for Approval of a Flat Wall Sign, Phoenix BJJ (Rear Entrance), 160 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
14. Communication from the Public Employee Retirement Administration Commission (PERAC) re: Required FY24 Appropriation in the amount of \$10,650,851.00.
15. Communication from Kevin Gillis on behalf of Northborough Capital Partners, LLC, re: Proposed Order to accept Jenks Lane as a public way and to accept the municipal easements.
16. Communication from Attorney Falk on behalf of JW Capital Partners, LLC, re: Request to Extend Time Limitations on the Application for Site Plan Approval, to build a mix-use project at 57 Main Street in the Marlborough Village District, until 11:00 PM on March 29, 2023, Order No. 22-1008694.
17. Application for Special Permit from Stephen Copper, on behalf of Alliance Health & Human Services to renovate 10,490 sf of the existing building to provide twelve (12) rest home beds at 720 Boston Post Road East within the Wayside District.
18. Minutes of Boards, Commissions and Committees:
 - a) School Committee, November 22, 2022.
 - b) Conservation Commission, November 17, 2022.
 - c) Council on Aging, October 11, 2022.
 - d) Historical Commission, October 20, 2022.
 - e) OPEB Trust, November 29, 2022.
 - f) Planning Board, November 7, 2022.
19. CLAIMS:
 - a) Kristiana Medrano, 1 South Point Drive, #1, Dorchester, pothole or other road defect.

REPORTS OF COMMITTEES:**UNFINISHED BUSINESS:****From City Council**

20. **Order No. 22-1008701B: Proposed amendment to City Code, Chapter 125, 'Personnel' §6. Salary Schedule and Proposed Job Description pursuant to Chapter 125 'Personnel' §5 Preparation of Classification Descriptions to create a new position entitled Treasury/Payroll Manager within the Finance Department.**

Recommendation of the Finance Committee is to APPROVE. Action was POSTPONED to the December 19, 2022, City Council meeting; Advertising requirement has been met.

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, DECEMBER 5, 2022**

The regular meeting of the City Council was held on Monday, December 5, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:27 PM.

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

ORDERED: That the Minutes of the City Council meeting, November 21, 2022, **FILE**; adopted.

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

That 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 **WITHDRAWN AND FILED**; adopted.

That the Petition from National Grid to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane, Order No. 22-1008738, all were heard who wish to be heard, hearing closed at 8:04 PM; adopted.

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

Suspension of the Rules requested – Motion by Councilor Landers, seconded by the Chair to remove from the Public Services Committee Order No. 22-1008738 – granted.

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

ORDERED: That the Petition from National Grid to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The Engineering Division will issue a road opening permit for this work, which will include a requirement to review and approve the exact hand hole and conduit locations prior to start of work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.
4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.

5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

That the PUBLIC HEARING on the 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, Order No. 22-1008739, all were heard who wish to be heard, hearing closed at 8:17 PM, adopted.

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

That the PUBLIC HEARING on the 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, Order No. 22-1008723, all were heard who wish to be heard, hearing closed at 8:29 PM, adopted.

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

That the TAX CLASSIFICATION PUBLIC HEARING with the Board of Assessors to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2023, all were heard who wish to be heard, hearing closed at 9:08 PM, adopted.

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

Assessors Present: Silverstein, Steinberg & Valade.

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

ORDERED: That the Transfer Request in the amount of \$46,650.00 (Forty-six thousand, six hundred and fifty dollars) which moves funds from Sale of Graves to Reduce the FY 2023 Tax Levy, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Mayor's Office				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$46,650.00	\$46,650.00	27000	33020	Sale of Graves	\$46,650.00			To reduce FY23 Tax Levy	\$0.00	
Reason:		Sale of Graves revenue from FY22 to reduce FY23 tax levy								
	\$46,650.00	Total			\$46,650.00	Total				

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

ORDERED: That the Transfer Request in the amount of \$838,369.97 (Eight hundred thirty-eight thousand, three hundred sixty-nine dollars & ninety-seven cents) which moves funds from Overlay Reserve to Reduce the FY 2023 Tax Levy, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Mayor's Office				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$838,369.97	\$838,369.97	10000	32200	Overlay Reserve	\$838,369.97			To reduce FY23 Tax Levy	\$0.00	
Reason:		Excess overlay from FY19 to reduce FY23 tax levy								
	\$838,369.97	Total			\$838,369.97	Total				

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

ORDERED: That the Marlborough City Council votes in accordance with MGL Chapter 40, §56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2023 tax rates and set the Residential Factor at 0.8237 with a corresponding CIP shift of 1.45 pending approval of the City's annual tax recap by the Massachusetts Department of Revenue, **APPROVED**; 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 \$3,000,000.00 from the MassWorks Infrastructure Program through the Executive Office of Housing and Economic Development awarded to the Department of Public Works to be used for various road and intersection improvements throughout the city; 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 \$49,182.00 from the MA Division of Fisheries and Wildlife awarded to the Conservation Commission to be used for continued restoration in the Natural Desert Area; 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** Grant Acceptance in the amount of \$23,100.00 from the MA Cultural Council awarded to the Cultural Council to be used to support arts programs throughout the community; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road, in proper legal form, Order No. 22-1008695, **FILE** and **MOVED TO AGENDA ITEM #18**; adopted.

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

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Notice of 2023 Commission meeting dates, **FILE**; adopted.

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

ORDERED: That the Communication from Department of Public Utilities, re: Petition of MA Electric Company & Nantucket Electric Company d/b/a National Grid for Approval to Exclude Mystic Cost-of-Service Agreement Costs, **FILE**; adopted.

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

ORDERED: That the Communication from Department of Public Utilities, re: Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of an Alternative Basic Service Procurement Plan, **FILE**; adopted.

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

ORDERED: That the Communication from Colonial Power Group, re: Response to Department of Public Utilities relative to increased number of complaints regarding aggregation programs, **FILE**; adopted.

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

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

- a) School Committee, November 8, 2022.
- b) Conservation Commission, November 3, 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) Joseph Mikula, 211 West Hill Road, pothole or other road defect.
- b) Patrice Tivnan, 47 Sunshine Drive, pothole or other road defect.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Monday, November 28, 2022
Minutes and Report**

This meeting convened at 7:00 PM and was held in the City Council Chamber and open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and was 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 Irish, Perlman, Oram and Brown. Councilor Dumais was absent.

Non-Voting Members: Councilors Navin, Doucette, Landers, Ossing. Councilors Wagner and Robey were absent.

Mayor Vigeant and PI's David Rego were present to address the proposed TIF Agreement and City Council Resolution.

Order No. 22-1008736: Communication from Mayor Vigeant together with City Council Resolution and Proposed Tax Increment Financing (TIF) Agreement with PI (Physik Instrumente) LP, a global manufacturer and supplier of precision positioning technology, to operate at 130 Lizotte Drive, City Assessors Map 90 Parcel 2A.

The Mayor and David Rego addressed the proposal. 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. They 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. PI will develop the site into a corporate headquarters with a 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.

Reports of Committee Continued:

Ward Councilor Brown spoke in support of the TIF, favoring the manufacturing use over the apartment and self-storage proposals that were brought to her attention in the recent past. Councilors Oram, Perlman, Doucette and Landers were supportive of the TIF for various reasons. Mr. Rego stated he hopes to become a longtime member of the community and to work with local schools to train new technicians. Councilor Oram noted the savings of \$201,000 is not critical when balanced by other benefits the company will contribute to the community. Councilor Perlman questioned transportation and whether transportation services have been considered. The Mayor replied that MEDC has been encouraging businesses to promote commuter service and if PI has interested employees, MEDC will work with them.

The Mayor reminded councilors that the TIF is based on new value and additional jobs that will be created according to requirements set by the state. The tax adjustment is only on the new investment, not the tax base. If the company does not meet the requirements set forth in the agreement, there is no tax adjustment. Councilor Irish thanked the Mayor for reiterating the company will pay all taxes due for the base value of the property as required. The added value to the city is that the company owns the building and will be making an additional investment of \$4.9M – those are plusses for the city as well.

On a motion by Councilor Brown, seconded by the Chair, the committee recommends approval of the City Council Resolution and the TIF Agreement. Vote 4-0 (Dumais absent).

Councilor Doucette questioned the need to approve the TIF at the next regular meeting. Chair Irish replied he would be submitting the report of committee and seeking a suspension of the rules to approve the Council Order. Members of the Finance Committee were in support of the suspension of the rules to approve the TIF and the Council Resolution.

On a motion by Councilor Perlman, seconded by the Chair, and approved 4-0 (Dumais absent), the meeting adjourned at 7:49 PM.

Suspension of the Rules requested – granted.

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

ORDERED: 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.

APPROVED; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Appointment of John Harmon as Director of Human Resources for a 3-year term to expire from date of Council confirmation, referred to the **PERSONNEL COMMITTEE;** adopted.

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

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), filed with the City Clerk on September 28, 2022, to grant a location on a new utility pole located in the public right of way adjacent to 385 Farm Road in Marlborough, which pole is to replace an existing pole currently designated as National Grid pole #34, in order for Verizon Wireless to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility"), all as depicted on plans submitted with Verizon Wireless' petition and in photo simulations submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon Verizon Wireless, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. Verizon Wireless shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of Verizon Wireless, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to Verizon Wireless for its Small Cell Facility.
3. Verizon Wireless shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #34 becomes a double pole in the future, Verizon Wireless shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #34 becomes a double pole; provided, however, that if Verizon Wireless is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, Verizon Wireless shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.

5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of Verizon Wireless in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) Verizon Wireless installs the rod immediately adjacent to National Grid pole #34 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) Verizon Wireless restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #34 facing away from the roadway.
8. Any future modification of the Small Cell Facility by Verizon Wireless shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #34 shall result in Verizon Wireless moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.
11. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #34 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #34, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. Verizon Wireless shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Each year on July 1st, Verizon Wireless shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
13. Each year on July 1st, Verizon Wireless shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
14. If the Small Cell Facility is no longer in use, it shall be removed by Verizon Wireless, at its expense, within 60 days. If the Small Cell Facility is not removed by Verizon Wireless within 60 days of it no longer being in use, Verizon Wireless shall pay a fine of \$100.00 per day until such installation is removed by Verizon Wireless.

- 15. Prior to commencement of construction and/or installation of the Small Cell Facility, National Grid shall replace the existing pole #34 with a new pole as further described in the plans attached hereto. Notwithstanding anything to the contrary, the Small Cell Facility shall not be placed on said existing pole, and this Grant of Location only authorizes the Small Cell Facility to be placed on the new replacement pole.
- 16. Failure by Verizon Wireless to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of Verizon Wireless' petition granted herein.

APPROVED; adopted.

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

ORDERED: That the Reappointment of Cheryl Soucy to the Disabilities Commission for a 3-year term to expire October 21, 2024, **APPROVED;** adopted.

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

ORDERED: That the Appointment of Adrian Gilbert to the Historical Commission for a term expiring three years from City Council confirmation, **APPROVED;** adopted.

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

ORDERED: That the Appointment of N. Paul Tonthat to the Community Development Authority (CDA) for a 3-year term to expire on March 25, 2025, **APPROVED;** adopted.

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

ORDERED: That the Reappointment of Paul Sliney to the Community Development Authority (CDA) for a 3-year term to expire on March 9, 2025, **APPROVED;** adopted.

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

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

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

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.

APPROVED; adopted.

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

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

ORDERED: That the Job Description pursuant to Chapter 125 “Personnel” §5 “Preparation of Classification Descriptions” of the Code, relative to the position of Substance Use Prevention Coordinator and Intervention Specialist, **APPROVED**; adopted.

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

ORDERED: That the Proposed amendment to City Code, Chapter 125, ‘Personnel’ §6. Salary Schedule and Proposed Job Description pursuant to Chapter 125 ‘Personnel’ §5 Preparation of Classification Descriptions to create a new position entitled Treasury/Payroll Manager within the Finance as submitted by the Mayor, **POSTPONED UNTIL THE DECEMBER 19, 2022, CITY COUNCIL MEETING**; 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
Treasury/Payroll Manager (40 hours per week)	\$72,500.00	\$73,950.00	\$75,429.00	\$76,937.58	\$78,476.33	\$80,045.86	\$81,646.78

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 9:27 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 21, 2022

ORDERED:

That there being no objection thereto set **MONDAY DECEMBER 19, 2022**, as the **DATE FOR PUBLIC HEARING**, on the 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, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 03/19/23 which falls on a Sunday, therefore 03/20/23 would be considered the 90th day.

ADOPTED

ORDER NO. 22-1008741

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 DEC 15 AM 10:50

December 12, 2022

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

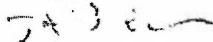
RE: 269 Mechanic Street

Dear Councilor Ossing:

This letter concerns the application by Action Precision Machining to locate a machine shop at 269 Mechanic Street. I am the owner of properties located at 247 Mechanic Street and 257 Mechanic Street, which directly abut the driveway providing access to 269 Mechanic Street.

I am in full support of Action Precision's application. The machine shop will be an improvement to the neighborhood and reduce the truck traffic associated with the prior use of the property.

Sincerely,



Stephen Crete

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 DEC 15 AM 10:50

December 11, 2022

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

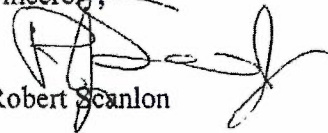
RE: 269 Mechanic Street

Dear Councilor Ossing:

This letter concerns the application by Action Precision Machining to locate a machine shop at 269 Mechanic Street. I own the property located at 259 Mechanic Street, which directly abuts 269 Mechanic Street.

I am in full support of Action Precision's application. The new machine shop use will be less detrimental to the neighborhood than the prior use of the property.

Sincerely,



Robert Scanlon

2022 DEC 15 AM 10:50

December 11, 2022

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

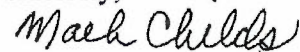
RE: 269 Mechanic Street

Dear Councilor Ossing:

This letter concerns the application by Action Precision Machining to locate a machine shop at 269 Mechanic Street. I am the owner of the property located at 271 Mechanic Street, which directly abuts 269 Mechanic Street.

I am in full support of Action Precision's application. The machine shop will be an improvement and less detrimental to the neighborhood than the prior use of the property.

Sincerely,



Mark Childs



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 7, 2022

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, be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, DECEMBER 19, 2022.**

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.~~



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 7, 2022

ORDERED:

PAGE 2

- (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.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 7, 2022

ORDERED:

PAGE 3

~~(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), (e), (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.

ADOPTED

ORDER NO. 22-1008721



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 DEC 15 AM 11:25

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

December 15, 2022

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

Honorable President Ossing and Councilors:

Re: Grant acceptance for the Conservation

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$100.00 from the Women's Fellowship First Church.

I'd like to thank the Women's Fellowship First Church for their gift to support trail efforts.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Conservation Commission

4-2

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

September 19, 2022

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

RE: Acceptance of Gift of \$100 to Conservation Maintenance Fund
Donation for Conservation Purposes

Dear Mayor Vigeant,

The Conservation Commission received a gift of \$100 from the Women's Fellowship First Church for doing a program for them about Marlborough trails. They asked that the gift be used to help our trail efforts. They were thrilled to learn all about the many miles of woods trails and bike path the city can boast about.

As required by MGL Ch. 44 Section 53A the acceptance and expenditure of this gift requires your approval as well as the approval of City Council. We request that these funds be accepted and placed in the Conservation Maintenance Fund account #845- 00005-54000 to be used for conservation land maintenance and continued work on the city trails.

If you have any questions on the above, please let me know.

Sincerely,

Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Diane Smith

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Conservation DATE: 9-19-22

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Gift

GRANTOR: Women's Fellowship First Church

GRANT AMOUNT: \$100

GRANT PERIOD: N/A

SCOPE OF GRANT/ Funds gifted for conservation purposes

ITEMS FUNDED Any Conservation project

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

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 None

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



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 DEC 15 AM 11:25

City of Marlborough
Office of the Mayor

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

December 15, 2022

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

Honorable President Ossing and Councilors:

Re: Grant acceptance for the Board of Health for tobacco control

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$608.48 from the Metrowest Health Foundation.

This grant funding is part of a regional collaborative that began in 2014 from the MetroWest Tobacco Control Coalition to address policies for smoking risks, promoting smoke free housing, cessation programs and education.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH

BOARD OF HEALTH

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

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

December 12, 2022

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

RE: Request for City Council to Approve the Expenditure by Board of Health of \$608.48 for additional MetroWest Tobacco Control Grant Activities

Dear Mayor Vigeant,

On behalf of the Board of Health, please at your convenience submit to the City Council for approval the expenditure of \$608.48 for tobacco control activities. This amount is a refund from a MetroWest Health Foundation grant for a regional tobacco control district that Marlborough was a part of for a period from 2014 -2016. The town of Natick was the fiscal agent and grant administrator. I have attached some historical documents relative to this grant for your information.

We anticipate using these excess funds for tobacco education outreach.

Thank you for your consideration.

Sincerely,

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

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Health Department DATE: 12/12/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John Garside, Director of Public Health

NAME OF GRANT: MetroWest Health Foundation Tobacco Control

GRANTOR: MetroWest Health Foundation

GRANT AMOUNT: \$608.48

GRANT PERIOD: January 1, 2014 - December 31, 2016

SCOPE OF GRANT/
ITEMS FUNDED Tobacco Control Efforts. This is a refund of unexpended funds to communities in the district, to be used for future tobacco control efforts.

Part-time staff persons, compliance inspections, model regulations

IS A POSITION BEING
CREATED: There were 2 part-time positions working out of the Town of Natick

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: No

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



OFFICE OF THE BOARD OF HEALTH

Natick Health Department
13 East Central Street
Natick, MA 01760



Public Health
Prevent. Promote. Protect.

Phone 508-647-6460
health@natickma.org

Fax 508-647-6466
<https://www.natickma.gov/>

Karla H. Sangrey, PE, Chair
Peter A. Delli Colli, DMD, Vice Chair
Donald J. Breda, PE, Clerk
Paige Meisheid, MD, Physician to the Board
Michael K. Boudreau, MPA, RS/REHS, Director of Public Health

December 7, 2022

Town of Marlborough
Board of Health
140 Main St.
Marlborough MA 01752

RE: Regional Tobacco Control Grant
MetroWest Health Foundation Grant

Attention: Mr. John Garside

Enclosed please find a check in the amount of \$608.48 that represents your town/city's remaining portion of the above mentioned grant. Please use the funds for anything tobacco related such as prevention, education, and/or inspections for your town or city.

As discussed at previous meetings, because no funds have been expended since 2019 it is time to dissolve the grant by dividing the remaining balance of \$5,476.32 between the nine (9) participating towns. This generous grant began in the year 2014 and in an effort to reduce tobacco use provided in excess of \$100,000.00 to our region.

If you have any questions, please feel free to reach out to Jessica Cliff at jcliff@natickma.org.

Sincerely,

Natick Board of Health
Michael K. Boudreau, MPA, RS/REHS
Director of Public Health

ENC:jmc

METROWEST HEALTH FOUNDATION

161 Worcester Road, Suite 202
Framingham, MA 01701
508.879.7625 fax: 508.879.7628
www.mwhealth.org

November 22, 2013

Mr. James White
Town of Natick - Board of Health
13 East Central Street
Natick, MA 01760

RE: Tobacco Control Through a Regional Collaborative #29-01

Dear Jim:

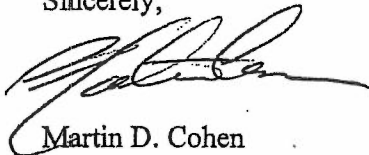
I am pleased to inform you that the MetroWest Health Foundation and its Framingham Union and Leonard Morse Grants Panels have approved a grant of \$110,572.75 to the Town of Natick - Board of Health for the Tobacco Control Through a Regional Collaborative project. This grant is being made in response to your proposal to the Foundation dated October 11, 2013.

Grants funds will be available over a 36-month period beginning January 1, 2014.

This grant is subject to the terms and conditions contained in the attached Agreement to Grant Terms and Conditions. If these correctly set forth your understanding of this grant, please indicate your organization's agreement by having an appropriate officer of your organization sign and return a copy of the Agreement to the Foundation.

On behalf of the Foundation, I congratulate you on this grant award and look forward to working with you to implement this important endeavor.

Sincerely,



Martin D. Cohen
President

MDC:c

Attachments

The Metrowest Health Foundation is an independent philanthropy addressing the health needs of the following communities:
Ashland, Bellingham, Dover, Framingham, Franklin, Holliston, Hopedale, Hopkinton, Hudson, Marlborough, Medfield, Medway, Mendon,
Milford, Millis, Natick, Needham, Norfolk, Northborough, Sherborn, Southborough, Sudbury, Wayland, Wellesley and Westborough.



MetroWest Tobacco Control Coalition

August 4, 2014

Dear Board of Health Members:

Ashland

Franklin

Hudson

Warren

Westborough

Worcester

Natick

Southborough

Uxbridge

Nine local communities have joined together and have been selected to receive a three (3) year grant from the MetroWest Health Foundation, one being your community. The purpose of the grant is to develop and implement a Regional Tobacco Control Program. The Town of Natick and the Natick Health Department have volunteered to take on the role as both fiscal agent and administrator of the grant.

To satisfy the requirements of the grant and the needs of the individual Health Departments, we have hired 2 consultants on a part time basis to perform the bulk of the duties:

Bianca Pierre has been chosen as the Tobacco Coordinator and comes to us with 10 years of experience working exclusively in tobacco control and compliance for the Boston Public Health Commission. She is a great resource and we look forward to her taking the lead role and lending direction to the program.

Teresa (Terry) Curran has a background in social work and outreach, recently was Project Coordinator for the Town of Carlisle implementing a grant to address policies for smoking risks, second hand smoke and smoke free housing. Terry takes the role of Tobacco Education Coordinator and will assist communities with education needs and cessation programs.

The grant work is still in its infancy stage. We began the hiring and planning phase in February and March of this year. We have conducted baseline compliance check inspections of all the permitted retail tobacco vendors in each community; a copy of the spreadsheet is attached. Additional compliance inspections are planned to be conducted on a semi-annual basis. We are currently working on model regulations as a guide to assist communities in upgrading the key points of local tobacco regulations and to help maintain consistency throughout the communities of the Coalition. Three towns have recently revised their local regulations to reflect current trends regarding tobacco product use and sales.

I will periodically update you of the progress and status of the Coalition. If you have any questions feel free to contact me at the Natick Board of Health at 508-647-6460 or by email: jwhite@natickma.org.

Very truly yours,

James M. White, Jr. RS/REHS
Director of Public Health
Town of Natick



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 DEC 15 AM 11:25

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

December 15, 2022

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

Honorable President Ossing and Councilors:

Re: Grant acceptance for the Council on Aging

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$1,250.00 from the Marlborough Foundation.

I'd like to thank the Marlborough Foundation for their generous gift to assist seniors with heating costs this winter.

Thank you in advance for your cooperation.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Council on Aging and Senior Center

40 New Street
 Marlborough, Massachusetts 01752
 Telephone (508) 485-6492 Facsimile (508) 460-3726

Patricia A. Pope
 EXECUTIVE DIRECTOR

December 2, 2022

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

Re: Gift from The Marlborough Foundation

Dear Mayor Vigeant,

The Council on Aging has received a \$1250.00 gift donation from The Marlborough Foundation. We would like to thank The Marlborough Foundation for their very generous gift. Once approved by the City Council, this donation will be used towards assisting seniors with heating costs this winter.

I am available should you or the Councilors have any questions.

Sincerely,

Patricia A. Pope
 Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 2-Dec-22

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia Pope

NAME OF GRANT: Marlborough Foundation Gift

GRANTOR: Marlborough Foundation

GRANT AMOUNT: \$1,250.00

GRANT PERIOD: until expended

SCOPE OF GRANT/
ITEMS FUNDED Gift will be used to assisted senior with increased fuel costs this
winter

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: as soon as possible

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



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

Office of the Mayor

DEC 15 AM 11:29

Patricia M. Bernard
CHIEF OF STAFF

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 15, 2022

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

Re: Acceptance of lease agreement between the City and First Church

Honorable President Ossing and Councilors:

I am pleased to submit for your review and approval a new ten-year lease agreement between the First Church and the City of Marlborough.

There has been additional language in the lease pertaining to the sale and consumption of wine and beer at Union Common during public events, as well as lengthening the term of the lease.

I would like to thank City Solicitor Jason Grossfield for his efforts as well as the First Church for allowing the City to use this beautiful parcel of land in the heart of downtown for public events for all to enjoy.

If you have any questions, please feel free to contact my office.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Legal Department

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

JASON D. GROSSFIELD
CITY SOLICITOR

JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL

December 15, 2022

Arthur G. Vigeant
Mayor
City of Marlborough
140 Main Street, 4th Floor
Marlborough, MA 01752

Re: “Union Common” Lease by and between First Church in Marlborough (Congregational) and City of Marlborough

Dear Mayor Vigeant:

Enclosed please find a proposed City Council order to authorize a new lease relative to the continued use of Union Common as a public park.

I have reviewed the proposed order and lease and they are in proper legal form. Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosures

ORDERED:

That pursuant to Section 14 of Chapter 40 of the General Laws, the Marlborough City Council hereby authorizes the Mayor to enter into a lease for a term of ten (10) years for that parcel of land known as the "Union Common" shown as Assessors Map 70, Parcel 292, bounded by Main Street, Bolton Street, and High Street, and the land of John P. Rowe and Mildred M. Rowe, now or formerly, and Herman Sanders and Amanda Sanders, now or formerly, for the purposes of a public park.

ADOPTED

In City Council
Order No. 22-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

LEASE

THIS LEASE, made as of this 1st day of January, 2023, by and between the CITY OF MARLBOROUGH, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 ("LESSEE" or "City"), and the FIRST CHURCH IN MARLBOROUGH (CONGREGATIONAL), having a mailing address of 37 High Street, Marlborough, MA 01752 ("LESSOR") (collectively, the "parties").

WHEREAS, LESSOR is the owner of a certain parcel of real property identified as Map 70, Parcel 292 in the records of the Board of Assessors of the City of Marlborough with the parcel of land thereon known as the, "Union Common", bounded by Main Street, Bolton Street and High Street, and the land of John P. Rowe and Mildred M. Rowe, now or formerly, and Herman Sanders and Amanda Sanders, now or formerly, hereinafter referred to as the "Premises", said Premises shown on the map attached hereto as Exhibit "A", and,

WHEREAS, LESSEE seeks to continue to use the premises for the purposes of a public park; and

WHEREAS, LESSOR and LESSEE desire to enter into this Lease for the Premises;

NOW THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties hereto agree as follows:

1. TERM: The LESSEE shall have and to hold the Premises for a ten (10) year term commencing on January 1, 2023 ("Commencement Date") and expiring at midnight on the December 31, 2032.
2. RENT: LESSEE agrees to pay as an annual rental a sum equal to the amount of taxes assessed on said land, which amount of taxes is zero and the amount of the LESSEE'S payment is therefore zero, in each year during the term of this lease.
3. LESSEE'S DUTIES.: LESSEE agrees to:
 - (a) Light the Premises;
 - (b) Take reasonable precautions to keep the Premises free from disorderly persons or conditions (including existing trees) which constitute a nuisance;
 - (c) Keep sidewalks abutting Premises clear of snow, and maintain fences in proper repair consistent with their existing condition as of the Commencement Date;
 - (d) Maintain the existing brick walkway on the Premises in a suitable condition for use as a public park including making any necessary repairs for said purpose, in LESSEE's sole discretion and at LESSEE's cost;
 - (e) Not to permit vehicles, except for maintenance and emergency vehicles, to be operated on the Premises;
 - (f) Not to permit maintenance, landscaping or other repair work to be performed on Sundays on the Premises, by LESSEE or its agents, employees, or independent contractors, unless express written consent of LESSOR is first obtained;
 - (g) Not to permit smoking or use of any kind of tobacco products on the Premises;
 - (h) Not to permit the use, possession, sale or distribution of marijuana and products

containing marijuana and products containing tetrahydrocannabinol, including but not limited to any type of synthetic tetrahydrocannabinol or any similar substance or chemical, as provided by law;

(i) Not to permit any person to consume any alcoholic beverage or possess an open container of any alcoholic beverage while in the park, as defined in Massachusetts General Laws, Chapter 138, Section 1, except as follows:

(1) Permission is granted to the LESSEE and its' invitees or authorized third-parties, for the sale and consumption of alcoholic beverages on the Premises provided that:

(i) Alcoholic beverages shall only be sold and consumed as part of a public community event;

(ii) Only wine and beer may be sold and consumed;

(iii) LESSEE shall be responsible for the review and approval of such requests in accordance with applicable law;

(iv) Sale and consumption shall be conducted in accordance with all applicable laws;

(v) At least fourteen (14) days prior to such event, LESSEE shall provide to LESSOR notice of the event, and a copy of the certificate of insurance provided by any third-party selling alcohol showing proof of liquor liability insurance and that LESSOR is an additional insured as to same;

(vi) Glass containers are prohibited; and

(vii) On all days of the week, such event shall be held no earlier than 12:00 PM and shall conclude by 10:00 PM. On Sundays, no event shall be held between 1:00 PM and 4:00 PM. LESSEE may request permission to hold an event within the prohibited hours on a case-by-case basis subject to LESSOR's approval which shall not be unreasonably withheld.

4. USE: The Lessee shall use the Premises for public park purposes. If Lessee performs its obligations herein, Lessee shall have the right to quiet enjoyment for use of the Premises.

(a) Lessor's Reserved Rights.

(1) Lessor reserves to itself the right to maintain the existing sign located adjacent to the existing flagpole on the Premises. Notwithstanding anything to the contrary herein, Lessor shall be solely responsible for any use, maintenance, or liability arising from or relating to said sign.

(2) Lessor may use a portion of the Premises from time to time upon notice to Lessee and consistent with Lessee's procedures for public use of the Premises.

5. ALTERATIONS AND IMPROVEMENTS: The LESSEE shall not make permanent changes or permanent additions to the Premises, without express written permission of LESSOR. At the conclusion of the term of this Lease, the Premises will be left by the Lessee in the same condition as at the beginning of the term, except for those permanent changes or additions consented to in writing by Lessor per this section.

6. ASSIGNMENT: The LESSEE or LESSOR shall not assign or sublet the whole or any part of the Premises without the other party's prior written consent.

7. INDEMNIFICATION AND LIABILITY: The LESSEE shall, to the extent permitted by law, indemnify and save harmless the LESSOR from any liability occasioned through Lessee's use of the Premises. Upon request, Lessee shall provide Lessor with evidence of any insurance.

8. TERMINATION FOR CONVENIENCE. Either party may terminate this lease by first giving ninety (90) days written notice to the other party, provided that if LESSEE commences any repair or replacement of any portion of the brick walkway, then LESSOR shall not have the right to terminate this lease for convenience.

9. DEFAULT: In the event that either party shall default in the observance or performance of any other of its covenants, agreements or obligations hereunder and such default shall not be corrected within ten (10) days after written notice thereof, then if either party shall default and fail to cure said default, the non-defaulting party, without being under any obligation to do so and without thereby waiving such default, may remedy such a default for the account at the expense of the defaulting party. If the non-defaulting party makes any expenditures or incurs any obligations for payment of money in connection therewith, including but not limited to, reasonable attorney's fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations insured with interest at the rate of 12 % per annum and costs, shall be paid to the non-defaulting party by the defaulting party.

10. NOTICES: All notices required or permitted hereunder shall be in writing and shall be deemed duly served if (i) by hand with receipt of delivery; (ii) mailed by certified mail, return receipt requested, postage prepaid, or (iii) sent by reputable overnight courier which provides evidence of delivery, addressed, if to LESSOR, at 37 High Street, Marlborough, MA 01752, and if to LESSEE at the following addresses:

City of Marlborough
Attn: Mayor's Office
140 Main Street – Fourth Floor
Marlborough, MA. 01752

With a copy to: Legal Department at the same address.

11. AMENDMENTS: This Lease contains the entire agreement between the parties, and all negotiations, considerations, representations and understandings between the LESSOR and the LESSEE are incorporated herein and may be modified or altered only by agreement in writing between the LESSOR and the LESSEE.

12. PARAGRAPH HEADINGS: The paragraph headings throughout this Lease are for convenience only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation or construction of meaning of the provisions of this Lease.

13. INVALIDITY OF PARTICULAR PROVISIONS: If any term or provision of this Lease or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and shall be enforceable to the fullest extent permitted by law.

14. RIGHT OF FIRST REFUSAL: LESSOR may not sell or transfer the Premises, unless LESSOR has received a bona fide offer to purchase the Premises (whether solicited or not) and LESSOR provides LESSEE a right of first refusal to purchase the Premises as set forth in this section. LESSOR shall give LESSEE at least sixty (60) days' prior written notice of any proposed sale or transfer of the Premises. Such notice shall be accompanied by a copy of an executed, legally binding purchase agreement (the "Purchase Agreement") between LESSOR and the proposed purchaser setting forth the terms and conditions of such proposed sale. LESSEE shall have the right, but not the obligation, to purchase the Premises from LESSOR on the same terms as are described in the Purchase Agreement by notifying LESSOR, within sixty (60) days of the receipt of such notice, of its intention to purchase the Premises, and by executing and delivering to LESSOR a purchase contract for the purchase of the Premises on the same terms and conditions as the Purchase Agreement, except that the date for settlement of the purchase of the Premises shall be either the settlement date set forth in the Purchase Agreement or a date which is not less than one hundred and twenty (120) days from the date of LESSOR's notice to LESSEE of the Purchase Agreement, whichever is later. If LESSEE does not give timely notice of its intention to purchase the Premises or, having given such notice, does not purchase the Premises, LESSOR may then sell the Premises to the proposed purchaser named in the Purchase Agreement on the terms set forth in the Purchase Agreement. If LESSOR does not then sell and convey the Premises as provided for in the Purchase Agreement, any further transaction shall be deemed a new determination by LESSOR to sell and convey the Premises and the provisions of this section shall be applicable thereto. If LESSEE purchases the Premises pursuant to this section, this Lease shall terminate on the date title vests in Lessee. This right of first refusal shall remain in effect for the entire term of this Lease and shall be applicable to any sale of the Premises by the LESSOR, its successors, or its assigns.

15. RECORDING: The parties agree that a Notice of Lease may be recorded with the Middlesex South Registry of Deeds, and each party shall execute any such notice upon request of the other party.

16. DCAMM DISCLOSURE. LESSOR shall file a disclosure of beneficial interest in real property form as required by applicable laws of the Commonwealth, prior to execution of this Lease.

17. FORCE MAJEURE: Except with respect to the payment of monetary sums due from one party to the other, each party to this Lease shall be excused from performance of its other obligations hereunder for such period of time that such party is prevented from performing the same for causes beyond its reasonable control, such as acts of God, strikes, and the like (but financial inability shall never be deemed to be a cause beyond the reasonable control of such party), provided: (i) the party so delayed shall promptly notify the other of the reason for any such delay; and (ii) the party thus delayed shall complete performance of such obligations within a reasonable period of time after the cessation of the cause of such delay and with all due diligence.

18. GOVERNING LAWS: This Lease shall be governed exclusively by the provisions herein and by the laws of the Commonwealth of Massachusetts, as the same may from time to time exist.

IN WITNESS THEREOF, the said parties hereunto set their hands and seals on the date first written above.

FOR THE LESSOR:

FOR THE LESSEE:

By its Mayor:

George M. Pellerin

Arthur G. Vigeant, Mayor, in his official capacity

Title: Co-Chair of Trustees
Duly Authorized

CITY AUDITOR:

Stephen J. Powers

Diane Smith

Title: Co-Chair of Trustees
Duly Authorized

FINANCE DIRECTOR:

Patrick Jones

CHIEF PROCUREMENT OFFICER:

Krista Holmi

APPROVED AS TO FORM:

 Jason D. Grossfield., City Solicitor OR
 Jeremy P. McManus, Asst. Solicitor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ___ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, Mayor of the City of Marlborough, Massachusetts as aforesaid, known to me personally to be the person whose name is signed on the preceding document, and acknowledged to me that _____ signed it voluntarily on behalf of the City of Marlborough, Massachusetts, in his official capacity and not as an individual, for its stated purpose.

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ___ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, Co-Chair of Trustees of the First Church in Marlborough (Congregational) as aforesaid, known to me personally to be the person whose name is signed on the preceding document, and acknowledged to me that _____ signed it voluntarily on behalf of the First Church in Marlborough (Congregational), in his official capacity and not as an individual, for its stated purpose.

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ___ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, Co-Chair of Trustees of the First Church in Marlborough (Congregational) as aforesaid, known to me personally to be the person whose name is signed on the preceding document, and acknowledged to me that _____ signed it voluntarily on behalf of the First Church in Marlborough (Congregational), in his official capacity and not as an individual, for its stated purpose.

Notary Public:
My Commission Expires:

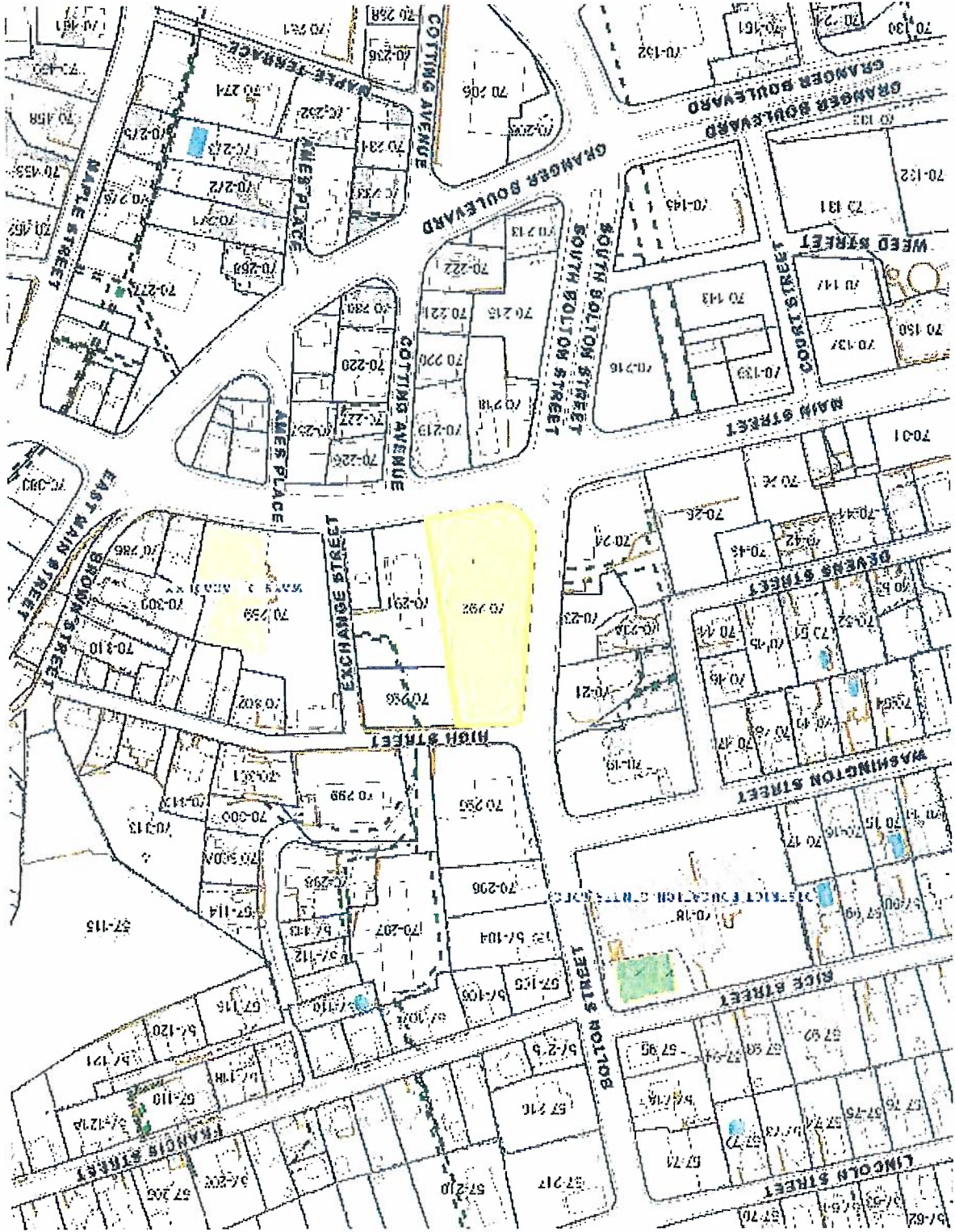


EXHIBIT "A"



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

DEC 15 AM 11:25
Patricia M. Bernard
CHIEF OF STAFF

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

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 15, 2022

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

Re: Appointment of Joseph Delano to the Board of Registrars

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Joseph Delano to the Board of Registrars for a three-year term to expire April 1, 2024, pursuant to M.G.L. 51 § 15 pending City Council approval.

Mr. Delano will be replacing Ms. Zomar. He is a registered republican and will satisfy the requirement on the Board of Registrars. Mr. Delano spent 11 years as a member of our City Council and is a well-respected, local small business owner specializing in financial management. With his combined experience, he will be beneficial in keeping us in compliance with election regulations.

I would like to take this opportunity to thank Lucinda Zomar for her commitment to this board and assisting with elections.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DEC 15 AM 11:25

Arthur G. Vigeant
MAYOR
Patricia M. Bernard
CHIEF OF STAFF

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

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 15, 2022

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

Re: Re-appointments to the Library Board of Trustees

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the re-appointments of the following Trustees based on their lapsed terms each for a three-year term subject to City Council approval:

1. Fred Haas to expire 1/07/25
2. Nena L. Bloomquist to expire 8/26/24
3. Samantha M. Khosla to expire 4/2/24

I will plan on sending down additional reappointments in the coming weeks.

If you have any questions, please feel free to contact my office.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



City of Marlborough
Office of the Mayor

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

2022 DEC 15 AM 11:25
Patricia M. Bernard
CHIEF OF STAFF

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

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 15, 2022

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

Re: Appointment to the Library Board of Trustees

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Jason Homer to the Library Board of Trustees for a term of three years expiring on the date of City Council approval. Mr. Homer will replace Karen Bento who recently resigned.

Mr. Homer, a former employee of the Marlborough Public Library (MPL) is currently the Library Director for the City of Worcester. He has served through a recent renovation project and graciously gave me a tour of the technology upgrades and improvements Worcester has made. Mr. Homer has expressed his excitement about our library expansion project and his willingness to serve his community. We are fortunate to have someone with his experience contribute to the Library Board of Trustees.

I would like to thank Ms. Bento for her service and longstanding commitment to MPL and our City residents.

If you have any questions, please feel free to contact my office.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Patricia Bernard

From: marlboroughma via marlboroughma <cmsmailer@civicplus.com>
Sent: Thursday, December 8, 2022 6:12 PM
To: Patricia Bernard
Subject: Form submission from: Board or Commission Interest Form

Submitted on Thursday, December 8, 2022 - 6:11pm

Submitted by anonymous user: 24.60.63.19

Submitted values are:

Name: Jason Homer

Address: 45 Hillcrest Road

Employment: City of Worcester

Job Title: Executive Director Worcester Public Library

Committee or Board of Interest: Library Trustees

Have you ever served on a board or commission before? Not in the City, but yes, many Boards

If yes, when and where? Worcester Cultural Coalition, Central MA Library Advocates

How did you hear about Board and Commissions? Former employee looking to give back

The results of this submission may be viewed at:

<https://www.marlborough-ma.gov/node/68681/submission/38726>

Steven KerriganRECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

From: City Council
Sent: Wednesday, December 14, 2022 6:14 PM
To: Steven Kerrigan; Wilson Chu
Cc: Mike Ossing; Karen Boule
Subject: For City Council December 19, 2022 Agenda: Update from Building Commissioner Htway confirming Compliance of free standing pylon sign, Shell Gas Station, 431 Lincoln Street

2022 DEC 15 AM 7:35

From: "Tin Htway"**Subject: 431 Lincoln Street - Shell Oil gas station free standing pylon sign**

Good Afternoon Karen,

The message at the bottom of the sign has been removed and is now "blank" white space. I am comfortable that the sign now complies with the Special Permit and the Sign Permit BP-2020-001216, issued 9/23/2020. The City Council can determine what allowable messaging can be placed upon the bottom of the pylon sign.

Best Regards,

Tin Htway, CBO
Building Commissioner
Marlborough Building Department
140 Main Street
City Hall, 2nd Floor
Marlborough, MA 01752
(508) 460-3776





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
City of Marlborough
Commonwealth of Massachusetts
2022 DEC 12 PM 12:35



William Paynton, MCBO
Assistant Building Commissioner
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30203
Fax: (508) 460-3736
Email: wpaynton@marlborough-ma.gov

City Council Sign Approval Form

12/8/2022

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

Address of Location seeking approval at 160 APEX DRIVE
PERMIT NUMBER: SP-22-47

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

HRMUOD Hospitality and Recreation
YES
NO

William Paynton, MCBO
Assistant Building Commissioner

CC File
City Council
Commissioner Htway

Sign Permit · Add to a project

 **Expiration Date**

 **Active**



SP-22-47



Details

Submitted on Dec 1, 2022 at 1:47 pm



Attachments

8 files



Activity Feed

Latest activity on Dec 8, 2022



Applicant

Kevin Rosenberg



Location

160 APEX DR, MARLBOROUGH, MA 01752



Timeline

Add New ▾

Sign Permit Fee

Paid Dec 1, 2022 at 1:48 pm

Dec 31

Application Review

Completed Dec 1, 2022 at 2:12 pm

Sign Design Review

On Hold



Sign Permit

Document

Sign Inspection

Inspection



Permit Application Status

Staff please update during the application process.

Permit Application Status
Building Plans Under Review

Location Information

Name of Business *

Phoenix BJJ

Name of Owner of Business *

Daniel Phoenix

Telephone Number of Business *

518-423-5730

Is this a 1 or 2 Family Dwelling? *

No

Sign Information

Type of Sign *

Flat Wall

Please check all that apply:

Special Permit Approval

Variance Approval

New or Replacement? *

New

Cost of sign(s) (\$) *

4,500

Is this sign illuminated? *

Yes

Please provide UL Listing for appliance

UL # 6475699

Dimension Information

Façade Dimensions (linear feet)

Façade Dimensions Length *

20

Sign Dimensions

Sign Length *

7.66

Sign Width *

3.75

Area

28.725

Location of Sign on Building *

Fascia above rear entrance door

Installer Information

Company Name *

Expose Signs and Graphics Inc

Installer Telephone # *

5083810941

Installer Email *

accounting@exposesigns.net

Notice

Please be aware that an Electrical Permit shall also be needed for the installation of any sign(s) which are to be illuminated. (527-CMR 12.00)

If you had applied for the Planning Board for a Variance, the recorded Variance must be submitted with this application in the attachments step.

Applicant Signature

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

Applicant Signature *

Andrew Clark
Dec 1, 2022

Title of Applicant *

Installer

Property Owner Authorization

Property Owner Contact Information

Contact Title

Owner

Contract Telephone Number (Business)

518-423-5730

Contact Telephone Number (Cell)

Contact Email

daniel_phoenix@hotmail.com

Authorized Agent Full Name

Daniel Phoenix

Authorized Agent Street Address

160 Apex Drive 3C

Authorized Agent City/Town

Marlborough

Authorized Agent State

MA

Authorized Agent Zip

01752

Telephone Number (contact) 

5184235730

 **Signature (for permit)**

Building Official Signature

JOB# 19764

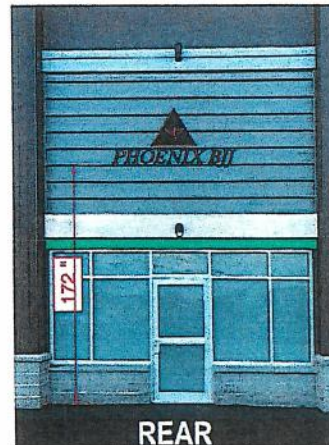
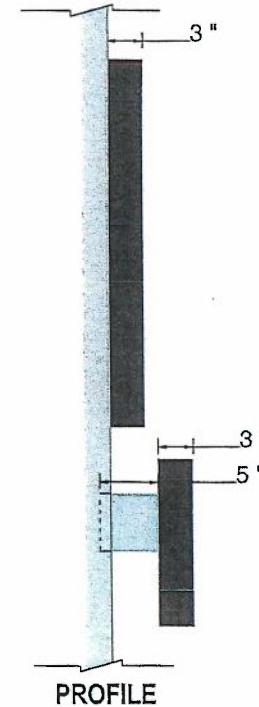
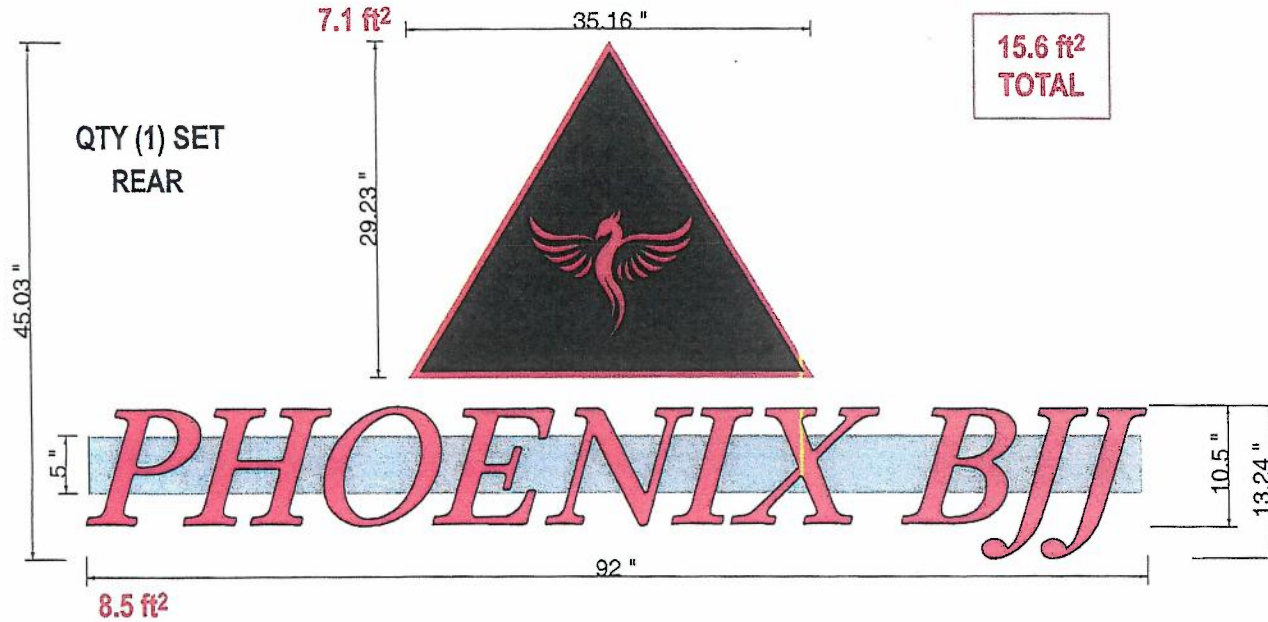
PO#

ITEM# 2

DUE DATE:

PROOF DATE: 11/29/22

PERMIT ILLUMINATED
(ELECTRICAL DONE BY OTHERS)



NOTES:

- ASSUMES LOCATION CAN BE REACHED WITH 40' LIFT
- INSTALL WILL NEED ACCESS TO INTERIOR BEHIND MOUNTING LOCATION
- ELECTRICAL FEED AND MAIN CONNECTION DONE BY OTHERS

LOGO: VECTOR FORMAT - PROVIDED BY CUSTOMER

- SPEC TBD (PAINTED) RACEWAY
- BLACK / TRIMCAP
- 3630-22 BLACK VINYL
- BLACK (PAINTED) RETURNS (BOTH)
- 2793 RED

DESCRIPTION:

ITEM 1: QTY (2) SETS

UL 5"D FABRICATED CHANNEL LETTERING & LOGO CABINET,
RED LED ILLUMINATED - 7100 K
3/16" RED 2793 ACRYLIC FACES,
BLACK LITE-BLOC KNOCK-OUT VINYL FOR LOGO FACE,
1" BLACK TRIM CAP AROUND ALL,
PAINTED BLACK RETURNS ON ALL,
LETTERING MOUNTED TO 5" x 5" x 100"L RACEWAY,
PAINTED TO SPEC (TBD) BUILDING COLOR.

PLEASE RETURN APPROVAL(S)
FOR THIS ORDER TO:
"DESIGN@EXPOSESIGNS.NET"

LAYOUT BY: *Drian*

EXPOSE
SIGNS & GRAPHICS, INC.

3 Landing Lane • Hopedale, MA 01747
phone: 508.381.0941 fax: 508.381.3784
www.exposesigns.net

PHOENIX BJJ
ATTN: DANIEL PHOENIX

INSTALL LOCATION:

160-C APEX DR.
MARLBOROUGH, MA 01752

APPROVAL

SIGNATURE & DATE REQUIRED FOR PRODUCTION

SIGNATURE _____

DATE _____

WALKER REALTY LLC

Landlord Authorization

December 8, 2022

To Whom it May Concern:

I, Mike Costa, representative for the property located at 160 Apex Drive, Suite 3C, Marlborough, MA 01752 do hereby consent to allow **Andy Clark** of Expose' Signs & Graphics, Inc. to act on our behalf pertaining to permitting and installation of signs and/or awnings for the property named above.

Sincerely,



Mike Costa
(978) 850-4031
mcosta@raventures.net

RECEIVED *City of Marlborough*
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Commonwealth of Massachusetts
2022 DEC 12 PM 12: 35



William Paynton, MCBO
Assistant Building Commissioner
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30203
Fax: (508) 460-3736
Email: wpaynton@marlborough-ma.gov

City Council Sign Approval Form

12/8/2022

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

Address of Location seeking approval at 160 APEX DRIVE
PERMIT NUMBER: SP-22-48

Zoning District: HRMUOD Hospitality and Recreation
Meets Current Sign Code: YES
Planning Board Variance: NO

William Paynton, MCBO
Assistant Building Commissioner

CC File
City Council
Commissioner Htway

Sign Permit · Add to a project

 **Expiration Date**



SP-22-48



Details

Submitted on Dec 1, 2022 at 1:50 pm



Attachments

7 files



Activity Feed

Latest activity on Dec 6, 2022



Applicant

Kevin Rosenberg



Location

160 APEX DR, MARLBOROUGH, MA 01752



Timeline

Add New ▾

Sign Permit Fee

Paid Dec 1, 2022 at 1:51 pm

Dec 31

Application Review

Completed Dec 1, 2022 at 2:14 pm

Sign Design Review

On Hold



Sign Permit

Document

Sign Inspection

Inspection



🔒 Permit Application Status

Staff please update during the application process.

Permit Application Status

Building Plans Under Review



Location Information

Name of Business *

Phoenix BJJ

Name of Owner of Business *

Daniel Phoenix

Telephone Number of Business *

518-423-5730

Is this a 1 or 2 Family Dwelling? *

No

Sign Information

Type of Sign *

Flat Wall

Please check all that apply:

Special Permit Approval

Variance Approval

New or Replacement? *

New

Cost of sign(s) (\$) *

4,500

Is this sign illuminated? *

Yes

Please provide UL Listing for appliance

UL # 6475699

Dimension Information

Façade Dimensions (linear feet)

Façade Dimensions Length *

20

Sign Dimensions

Sign Length *

8.38

Sign Width *

4.1

Area

34.358

Location of Sign on Building *

Fascia above entrance door

Installer Information

Company Name *

Expose Signs and Graphics Inc

Installer Telephone # *
5083810941

Installer Email *
accounting@exposesigns.net

Notice

Please be aware that an Electrical Permit shall also be needed for the installation of any sign(s) which are to be illuminated. (527-CMR 12.00)

If you had applied for the Planning Board for a Variance, the recorded Variance must be submitted with this application in the attachments step.

Applicant Signature

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

Applicant Signature *

Andrew Clark
Dec 1, 2022

Title of Applicant *
Installer

Property Owner Authorization

Property Owner Contact Information

Contact Title
Owner

Contract Telephone Number (Business)
518-423-5730

Contact Telephone Number (Cell)

Contact Email

daniel_phoenix@hotmail.com

Authorized Agent Full Name

Daniel Phoenix

Authorized Agent Street Address

160 Apex Drive Suite 3C

Authorized Agent City/Town


Marlborough

Authorized Agent State


MA

Authorized Agent Zip

01775

Telephone Number (contact) 

518-423-5730

 **Signature (for permit)**

Building Official Signature

JOB# 19764

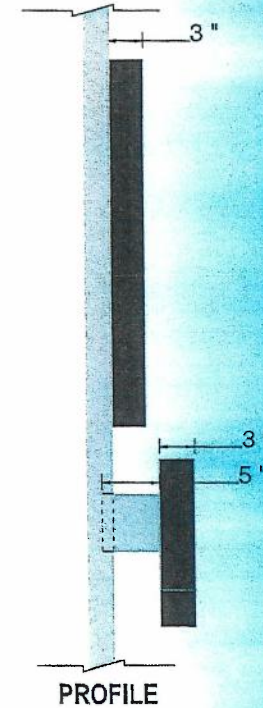
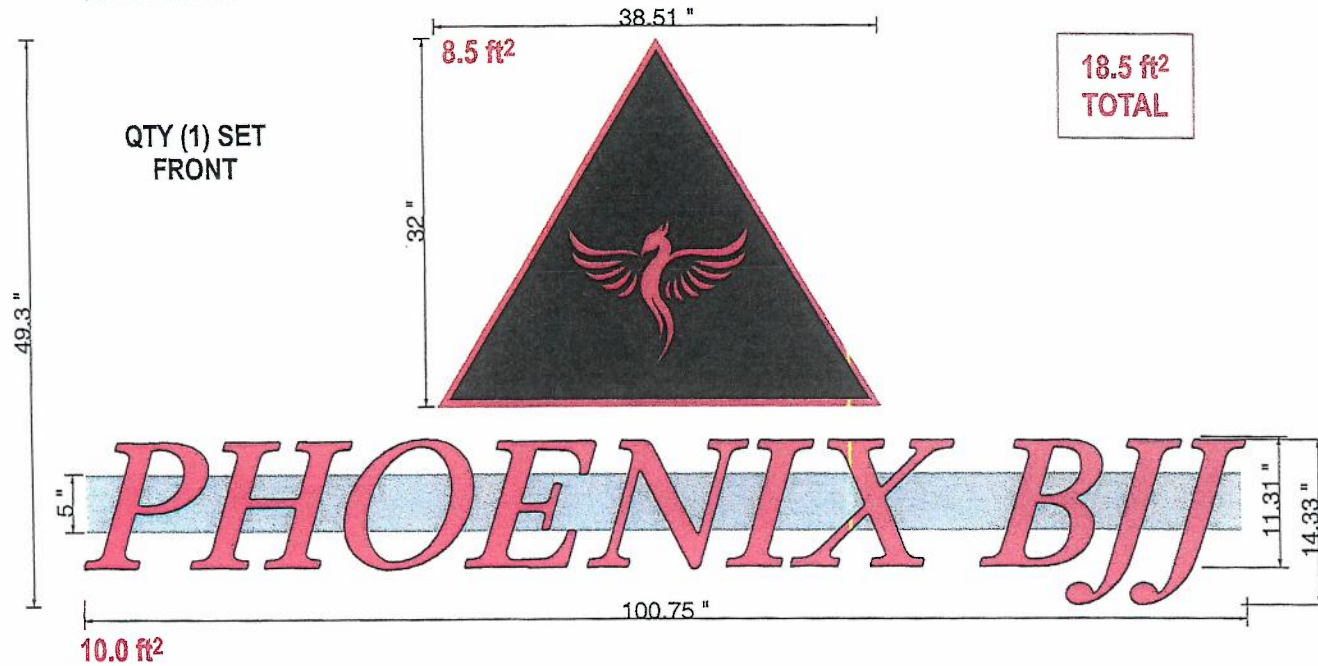
PO#

ITEM# 1

DUE DATE:

PROOF DATE: 11/21/22

PERMIT ILLUMINATED
(ELECTRICAL DONE BY OTHERS)



NOTES:

- ASSUMES LOCATION CAN BE REACHED WITH 40' LIFT
- INSTALL WILL NEED ACCESS TO INTERIOR BEHIND MOUNTING LOCATION
- ELECTRICAL FEED AND MAIN CONNECTION DONE BY OTHERS

LOGO: VECTOR FORMAT - PROVIDED BY CUSTOMER

- SPEC TBD (PAINTED) RACEWAY
- BLACK / TRIMCAP
- 3630-22 BLACK VINYL
- BLACK (PAINTED) RETURNS (BOTH)
- 2793 RED

DESCRIPTION:

ITEM 1: QTY (2) SETS

UL 5"D FABRICATED CHANNEL LETTERING & LOGO CABINET,
RED LED ILLUMINATED - 7100 K
3/16" RED 2793 ACRYLIC FACES,
BLACK LITE-BLOC KNOCK-OUT VINYL FOR LOGO FACE,
1" BLACK TRIM CAP AROUND ALL,
PAINTED BLACK RETURNS ON ALL,
LETTERING MOUNTED TO 5" x 5" x 100"L RACEWAY,
PAINTED TO SPEC (TBD) BUILDING COLOR.

PLEASE RETURN APPROVAL(S)
FOR THIS ORDER TO:
"DESIGN@EXPOSESIGNS.NET"

LAYOUT BY: *Drian*

EXPOSE
SIGNS & GRAPHICS, INC.
3 Landing Lane • Hopedale, MA 01747
phone: 508.381.0941 fax: 508.381.3784
www.exposesigns.net

PHOENIX BJJ
ATTN: DANIEL PHOENIX

INSTALL LOCATION:
160-C APEX DR.
MARLBOROUGH, MA 01752

APPROVAL
SIGNATURE & DATE REQUIRED FOR PRODUCTION
SIGNATURE _____
DATE _____

WALKER REALTY LLC

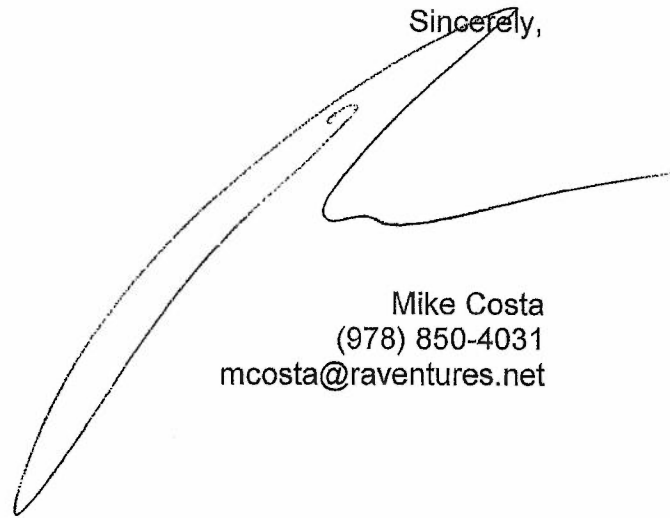
Landlord Authorization

December 8, 2022

To Whom it May Concern:

I, Mike Costa, representative for the property located at 160 Apex Drive, Suite 3C, Marlborough, MA 01752 do hereby consent to allow **Andy Clark** of Expose' Signs & Graphics, Inc. to act on our behalf pertaining to permitting and installation of signs and/or awnings for the property named above.

Sincerely,



Mike Costa
(978) 850-4031
mcosta@raventures.net

PERAC

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chair*

JOHN W. PARSONS, ESQ., *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES J. GUIDO | RICHARD MACKINNON, JR. | JENNIFER F. SULLIVAN, ESQ.

MEMORANDUM

TO: Marlborough Retirement Board

FROM: John W. Parsons, Esq., Executive Director

RE: Appropriation for Fiscal Year 2024

DATE: December 6, 2022



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 DEC -8 PM 1:30

Required Fiscal Year 2024 Appropriation: **\$10,650,851**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2024 which commences July 1, 2023.

As we indicated in PERAC Memo #26/2022, we are no longer including the Projected Appropriations page as an attachment. Attached please find the portion of the Fiscal Year 2024 appropriation to be paid by each of the governmental units within your system. The allocation by governmental unit was determined by Sherman Actuarial Services as part of their January 1, 2021 actuarial valuation.

The current schedule is due to be updated by Fiscal Year 2024.

The amounts shown in this letter reflect an assumed payment date of July 1. The Housing Authority typically makes its payments in October, November, and December (on average assumed November 15). The adjusted payment for the Housing Authority is \$101,007.

If you have any questions, please contact PERAC's Actuary, John Boorack, at (617) 666-4446 Extension 935.

JWP/jfb
Attachment

cc: Office of the Mayor
City Council
c/o City Clerk

p:\actuarial\approp\approp24\fy24 for web\marlborough approp 24.docx



Breakouts

	<u>Total</u>	<u>City</u>	<u>Fire</u>	<u>Police</u>	<u>School</u>	<u>Water and Sewer</u>	<u>Housing</u>
(1) Payroll of Active Participants	\$38,068,187	\$9,390,064	\$7,559,418	\$7,527,500	\$10,870,832	\$2,225,925	\$494,448
Percentage of Total Payroll	100.00%	24.67%	19.86%	19.77%	28.56%	5.85%	1.30%
(2) Normal Cost							
(a) Employee	3,423,826	856,455	696,165	691,710	931,172	203,609	44,715
(b) Employer	874,219	133,975	201,568	178,918	314,032	34,613	11,114
(c) Expenses	297,000	68,440	62,034	60,161	86,045	16,461	3,858
(d) Total Employer Normal Cost	1,171,219	202,415	263,602	239,079	400,077	51,074	14,972
(3) Unfunded Accrued Liability							
(a) Accrued Liability	251,772,060	64,621,258	64,834,540	61,117,360	47,204,517	11,796,408	2,197,977
(b) Assets	198,863,212	51,041,370	51,209,832	48,273,802	37,284,685	9,317,442	1,736,081
(c) Unfunded Accrued Liability	52,908,848	13,579,888	13,624,708	12,843,558	9,919,832	2,478,966	461,896
(4) Total Employer Contribution							
(a) Amortizations	8,329,222	2,137,826	2,144,882	2,021,908	1,561,638	390,253	72,714
(b) Employer Normal Cost	874,219	133,975	201,568	178,918	314,032	34,613	11,114
(c) Administrative Expenses*	<u>297,000</u>	<u>68,440</u>	<u>62,034</u>	<u>60,161</u>	<u>86,045</u>	<u>16,461</u>	<u>3,858</u>
(d) Total Appropriation	\$9,500,441	\$2,340,241	\$2,408,484	\$2,260,987	\$1,961,715	\$441,327	\$87,686
(e) As a percentage of Payroll	24.96%	24.92%	31.86%	30.04%	18.05%	19.83%	17.73%
(5) Fiscal 2023 Appropriation	\$10,275,549	\$2,531,173	\$2,604,984	\$2,445,453	\$2,121,765	\$477,334	\$94,840
Percent of Total Appropriation	100.00%	24.63%	25.35%	23.80%	20.65%	4.65%	0.92%
(6) Fiscal 2024 Appropriation	\$10,650,851	\$2,623,621	\$2,700,128	\$2,534,771	\$2,199,259	\$494,768	\$98,304
Percent of Total Appropriation	100.00%	24.63%	25.35%	23.80%	20.65%	4.65%	0.92%
(7) Fiscal 2022 Based on Payroll	\$9,187,513	\$6,462,497	N/A	N/A	\$2,604,660	N/A	\$120,356

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 DEC -8 PM 5: 06



December 8, 2022

Via: email- citycouncil@marlborough-ma.gov

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

RE: **Goodale Estates Subdivision –
Acceptance of Jenks Lane as a Public Way**

Dear President Ossing and Members:

As part of the Goodale Estates subdivision located Goodale Street, I am enclosing for your review a proposed order to accept Jenks Lane as a public way and to accept the municipal easements. Also enclosed is a copy of the acceptance plan sheets, as well as a copy of the signed deed. If the original cannot be located another original will be provided upon request.

After this matter has been referred to the Planning Board pursuant to MGL c. 41, § 81I for its report, I will be happy to meet with Public Services during its deliberations.

Thank you for your attention to this matter.

Very truly yours,

Kevin A. Gillis
Director

Enclosures

cc: Katlyn Miller, Planning Board
Thomas DiPersio, City Engineer

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that JENKS LANE be accepted as a public way

from GOODALE STREET at the westerly end of JENKS LANE to the cul-de-sac at the easterly end of JENKS LANE

and that its appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as set forth in Schedule A attached hereto and as set forth below:

DESCRIPTION

Plan entitled, "Plan of Acceptance Goodale Estates LLC Jenks Lane, City of Marlborough, Middlesex County, Commonwealth of Massachusetts," Prepared for: The City of Marlborough; Prepared By: Control Point Associates, Inc., 352 Turnpike Road, Southborough MA 01772; Dated: February 28, 2022, which plan is to be recorded herewith.

Title to the roadways shown as Jenks Lane on said plan, and title to all the municipal easements shown on said plan as "Municipal Easement" and set forth in Exhibit A attached hereto, has been granted to the City of Marlborough in a quitclaim deed from Northborough Capital Partners, LLC, a Rhode Island limited liability company that has re-domesticated to Florida, with an address of 4 Courthouse Lane, Suite 16, Chelmsford, Massachusetts 01824, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

JENKS LANE be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

ADOPTED
In City Council
Order No. 22-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

SCHEDULE A

MUNICIPAL EASEMENT

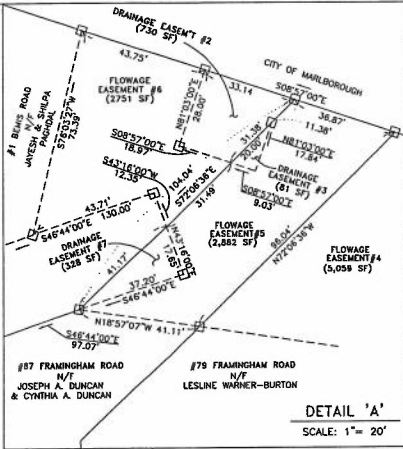
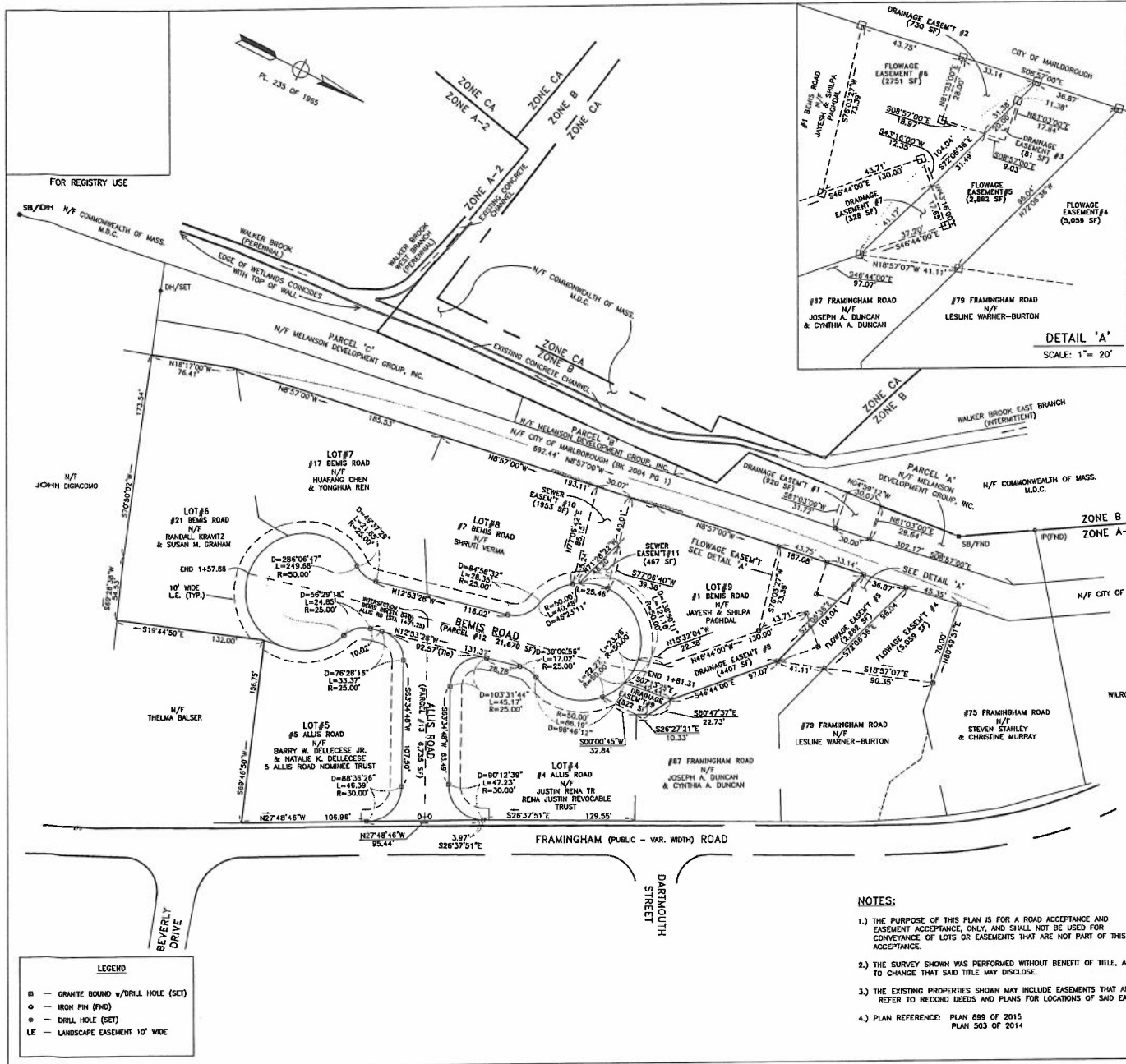
INCLUDING THE PERPETUAL RIGHTS TO A DRAIN EASEMENT OVER, UNDER, AND UPON THE FOLLOWING DESCRIBED LAND, FOR THE PURPOSE OF INSTALLATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, AND MAINTENANCE OF DRAINAGE PIPES AND OTHER DRAINAGE FACILITIES OF ALL TYPES AND KINDS FOR DRAINAGE OF SURFACE AND SUBSURFACE WATER TO AND FROM SAID ROADWAY, AS SHOWN ON THE PLAN (RECORDED PLAN NO. 1099 OF 2016) AS THE "DRAIN EASEMENT AND EXCLUSIVE USE EASEMENT" AREA, AND MORE PARTICULARLY DESCRIBED AS:

1. ALONG THE DIVIDING LINE WITH LOT 1 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 66 DEGREES - 49 MINUTES - 32 SECONDS, AND AN ARC LENGTH OF 34.99 FEET, THENCE;
2. ALONG THE DIVIDING LINE WITH SAID LOT 1, LOT 2 & LOT 3 (N/F LANDS OF GOODALE ESTATES, LLC), NORTH 81 DEGREES - 58 MINUTES - 58 SECONDS EAST, A DISTANCE OF 142.42 FEET TO A POINT, THENCE;
3. ACROSS LOT 1, THE FOLLOWING 4 COURSES:
 - NORTH 71 DEGREES – 06 MINUTES – 12 SECONDS WEST, A DISTANCE OF 93.50 FEET TO A POINT, THENCE;
 - NORTH 25 DEGREES – 37 MINUTES – 26 SECONDS WEST, A DISTANCE OF 50.67 FEET TO A POINT, THENCE;
 - NORTH 45 DEGREES – 47 MINUTES – 49 SECONDS WEST, A DISTANCE OF 44.29 FEET TO A POINT, THENCE;
 - NORTH 31 DEGREES – 11 MINUTES – 30 SECONDS WEST, A DISTANCE OF 93.73 FEET TO A POINT, THENCE;
4. SOUTH 81 DEGREES – 58 MINUTES – 47 SECONDS WEST, A DISTANCE OF 90.15 FEET TO THE POINT AND PLACE OF BEGINNING.

AND RESERVING TO THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS AN EXCLUSIVE USE EASEMENT OVER THE PREVIOUSLY DESCRIBED DRAINAGE EASEMENT. SAID EXCLUSIVE USE EASEMENT SHALL BE USED AND ENJOYED BY THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS, BUT SHALL BE LIMITED SUCH THAT NO PERMANENT OR SEMI-PERMANENT OBSTRUCTION MAY BE PLACED IN THE AREA OF SAID DRAINAGE EASEMENT, AND ANY USE OF THE EXCLUSIVE USE EASEMENT AREA SHALL FIRST REQUIRE THE CONSENT OF THE CITY ENGINEER CONFIRMING IT WILL NOT IMPEDE THE DRAINAGE EASEMENTS RIGHTS OF THE CITY OF MARLBOROUGH. THE CITY OF MARLBOROUGH AND ITS SUCCESSORS SHALL ALSO HAVE THE RIGHT TO REMOVE IMPEDIMENTS TO ALL RIGHTS UNDER THE DRAINAGE EASEMENT INCLUDING BUT NOT LIMITED TO THE

OPERATION AND MAINTENANCE OF THE DRAINAGE EASEMENT AREA, SUCH AS TREES, ASPHALT AND SIDEWALKS.

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A PLAN PREPARED BY BRUCE SALUK & ASSOCIATES, INC. ENTITLED "DEFINITIVE PROPERTY PLAN-GOODALE ESTATES, MARLBOROUGH, MA" DATED JULY 19, 2016, RECORDED IN THE MIDDLESEX COUNTY REGISTRY OF DEEDS AS PLAN NO. 1099 OF 2016.



ACQUISITION CHART 1 OF 2 *

PARCEL NO.	PROPERTY OWNER	TYPE OF ACQUISITION	PURPOSE	REGISTRY OF DEEDS		CITY OF MARLBOROUGH MAP		AREA (SQ. FT.)
				BOOK	PAGE	MAP	PARCEL	
1	MELANSON DEVELOPMENT GROUP, INC.	PERMANENT EASEMENT	DRAINAGE EASEMENT	57433	136	93	93	920
2	JAYESH & SHILPA PACHDAL	PERMANENT EASEMENT	DRAINAGE EASEMENT	89964	96	93	117	730
3	JOSEPH A. DUNCAN CYNTHIA A. DUNCAN	PERMANENT EASEMENT	DRAINAGE EASEMENT	63850	435	93	115	81
4	LESLINE WARNER-BURTON	PERMANENT EASEMENT	FLOWAGE EASEMENT	64425	276	93	114	5,059
5	JOSEPH A. DUNCAN CYNTHIA A. DUNCAN	PERMANENT EASEMENT	FLOWAGE EASEMENT	63850	435	93	115	2,882
6	JAYESH & SHILPA PACHDAL	PERMANENT EASEMENT	FLOWAGE EASEMENT	89964	96	93	117	2,751
7	JOSEPH A. DUNCAN CYNTHIA A. DUNCAN	PERMANENT EASEMENT	DRAINAGE EASEMENT	63850	435	93	115	328
8	JAYESH & SHILPA PACHDAL	PERMANENT EASEMENT	DRAINAGE EASEMENT	89964	96	93	117	4,407
9	JUSTIN RENA TR REMA JUSTIN REV. TRUST	PERMANENT EASEMENT	DRAINAGE EASEMENT	89411	223	93	87	822
10	SHRUTI VERMA	PERMANENT EASEMENT	SEWER EASEMENT	68828	554	93	118	1,953
11	JAYESH & SHILPA PACHDAL	PERMANENT EASEMENT	SEWER EASEMENT	89964	96	93	117	467
12	MELANSON DEVELOPMENT GROUP, INC.	FEE	ACCEPTANCE BEMIS ROAD	57433	136	93	300	21,870
13	MELANSON DEVELOPMENT GROUP, INC.	FEE	ACCEPTANCE ALLIS ROAD	57433	136	93	300	6,735

* Melanson Development Group has reserved, to its benefit, the fee simple in Allis Road and Bemis Road and also reserved, to its benefit, the rights in the municipal easements shown on this Plan.

I certify that the property lines shown hereon are the lines dividing existing ownerships and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown. The certification shown hereon is intended to meet Registry of Deeds requirements and is not a certification to the title or ownership of the properties shown.

I certify that this plan conforms to the rules and regulations of the Registry of Deeds of the Commonwealth of Massachusetts.

Bruce Saluk
December 12, 2018
Date
Bruce M. Saluk
Professional Land Surveyor
#35415



PLAN OF ACCEPTANCE
OF ALLIS, BEMIS ROAD
AND MUNICIPAL
EASEMENTS

MARLBOROUGH, MASSACHUSETTS
PREPARED FOR
THE CITY OF MARLBOROUGH

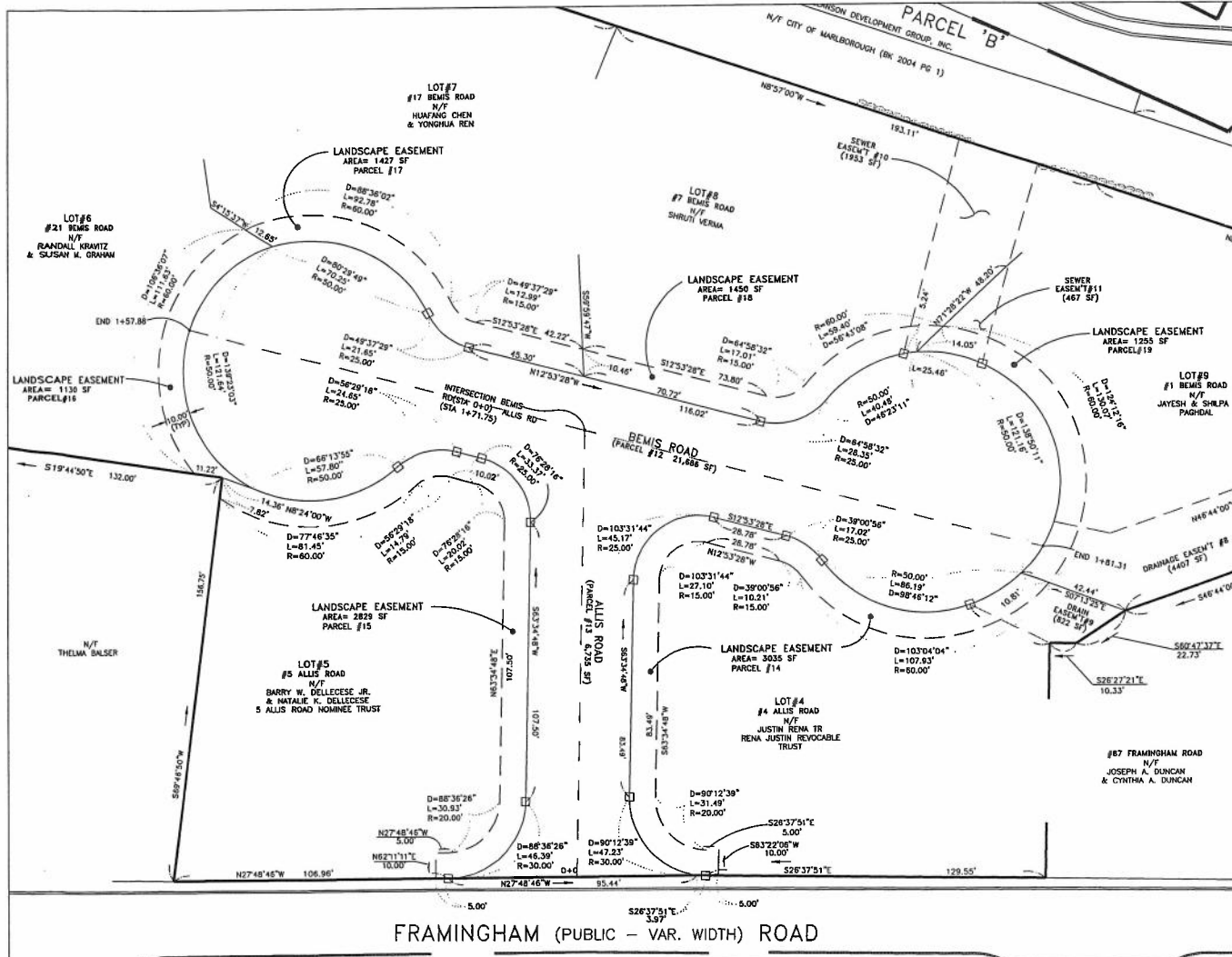
BRUCE SALUK & ASSOCIATES, INC.
CIVIL ENGINEERING & LAND SURVEYING
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752

JUNE 1, 2018
REVISED OCTOBER 15, 2018
REVISED DECEMBER 12, 2018



NOTES:

- 1) THE PURPOSE OF THIS PLAN IS FOR A ROAD ACCEPTANCE AND EASEMENT ACCEPTANCE, ONLY, AND SHALL NOT BE USED FOR CONVEYANCE OF LOTS OR EASEMENTS THAT ARE NOT PART OF THIS CITY ACCEPTANCE.
- 2) THE SURVEY SHOWN WAS PERFORMED WITHOUT BENEFIT OF TITLE, AND IS SUBJECT TO CHANGE THAT SAID TITLE MAY DISCLOSE.
- 3) THE EXISTING PROPERTIES SHOWN MAY INCLUDE EASEMENTS THAT ARE NOT SHOWN. REFER TO RECORD DEEDS AND PLANS FOR LOCATIONS OF SAID EASEMENTS.
- 4) PLAN REFERENCE: PLAN 899 OF 2015
PLAN 503 OF 2014



FOR REGISTRY USE

ACQUISITION CHART 2 OF 2

PARCEL NO.	PROPERTY OWNER	TYPE OF ACQUISITION	PURPOSE	REGISTRY OF DEEDS		CITY OF MARLBOROUGH		AREA (SQ. FT.)
				BOOK	PAGE	MAP	PARCEL	
14	JUSTIN RENA TS & RENA JUSTIN REV. TRUST	PERMANENT EASEMENT	LANDSCAPE EASEMENT	69411	223	93	87	3035
15	BARRY & NATALIE DELLESE, TRS.	PERMANENT EASEMENT	LANDSCAPE EASEMENT	70351	459	93	116	2829
16	KRAVITZ RANHA & SUSAN GRAHAM	PERMANENT EASEMENT	LANDSCAPE EASEMENT	69012	84	93	120	1130
17	HUANGFANG CHEN & REN YONGHUA	PERMANENT EASEMENT	LANDSCAPE EASEMENT	68728	478	93	119	1427
18	SHIRUI VERMA	PERMANENT EASEMENT	LANDSCAPE EASEMENT	68826	554	93	118	1450
19	JAYESH & SHILPA PAGHIAL	PERMANENT EASEMENT	LANDSCAPE EASEMENT	69964	96	93	117	1255

* Melrose Development Group has reserved, to its benefit, the fee simple in Allis Road and Bemis Road and also reserved, to its benefit, the rights in the municipal easements shown on this Plan.

I certify that the property lines shown hereon are the lines dividing existing ownerships and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown. The certification shown hereon is intended to meet Registry of Deeds requirements and is not a certification to the title or ownership of the properties shown.

I certify that this plan conforms to the rules and regulations of the Registry of Deeds of the Commonwealth of Massachusetts.

Bruce M. Saluk
 Bruce M. Saluk
 Professional Land Surveyor
 #35415
 December 12, 2018
 Date



PLAN OF ACCEPTANCE
 OF ALLIS, BEMIS ROAD
 AND MUNICIPAL
 EASEMENTS

MARLBOROUGH, MASSACHUSETTS
 PREPARED FOR
 THE CITY OF MARLBOROUGH

BRUCE SALUK & ASSOCIATES, INC.
 CIVIL ENGINEERING & LAND SURVEYING
 576 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01752

AUGUST 27, 2018
 REVISED OCTOBER 15, 2018
 REVISED DECEMBER 12, 2018



LEGEND

- — GRANITE BOUND w/DRILL HOLE (SET)
- — GRANITE BOUND (SET)
- — IRON PIN (FND)
- — DRILL HOLE (SET)

QUITCLAIM DEED

NORTHBOROUGH CAPITAL PARTNERS, LLC, a Rhode Island limited liability company with an address of 4 Courthouse Lane, Suite 16, Chelmsford, Massachusetts 01824, for consideration paid of less than One Hundred Dollars (\$100.00) grants to the **City of Marlborough**, a municipal corporation with a mailing address of 140 Main Street, Marlborough, MA 01752, with QUITCLAIM COVENANTS, the following described property:

That certain parcel of land located in Marlborough, County of Middlesex, Commonwealth of Massachusetts, commonly known as Jenks Lane, as more particularly bounded and described as set forth on Exhibit A attached hereto and made a part hereof and as shown on a plan entitled "Goodale Estates a Definitive Subdivision Plan, Marlborough, Massachusetts" recorded at the Middlesex South Registry of Deeds in Plan Book 1099 of 2016, together with a Drainage Easement subject to an Exclusive Use Easement, as further described therein.

MEANING AND INTENDING TO CONVEY and hereby conveying a portion of the same premises conveyed to the Grantor by Deed in Lieu of Foreclosure dated October 18, 2018 and recorded in Book 71768, Page 336 of the South Middlesex County Registry of Deeds, said premises transferred hereunder not being "all or substantially all" of the assets of Grantor.

IN WITNESS WHEREOF, NORTHBOROUGH CAPITAL PARTNERS, LLC has caused this QUITCLAIM DEED to be executed by Kevin A. Gillis, a duly authorized Managing Director/Manager this 11th day of February, 2020.

Northborough Capital Partners, LLC

By: [Signature]
Kevin A. Gillis,
Managing Director/Manager

STATE OF FLORIDA
Lee County

February 11th, 2020

As of the above date, before me, the undersigned notary public, personally appeared Kevin A. Gillis, as Managing Director/Manager of Northborough Capital Partners, LLC, and proved to me through satisfactory evidence of identification, which was a copy of a state driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public:
My commission expires: 02/24/2024

FOR REFERENCE ONLY:
Jenks Lane
Marlborough, MA

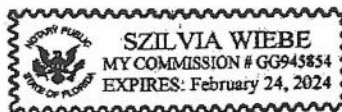


Exhibit A

ROAD DESCRIPTION

COMMENCING AT A POINT ON THE EASTERLY SIDELINE OF GOODALE STREET (PUBLIC - VARIABLE WIDTH), SAID POINT BEING ON THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF MARLBOROUGH AND THE TOWN OF HUDSON, SAID POINT ALSO BEING A CORNER IN COMMON WITH LANDS N/F OF HUDSON GOLF, LLC (HUDSON, MA-MAP 46, LOT 2), RUNNING THENCE, ALONG SAID EASTERLY SIDELINE OF GOODALE STREET, SOUTH 31 DEGREES - 11 MINUTES - 30 SECONDS EAST, A DISTANCE OF 210.58 FEET TO THE POINT OF BEGINNING, RUNNING THENCE:

1. ALONG THE DIVIDING LINE WITH LOT 1 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 66 DEGREES - 49 MINUTES - 32 SECONDS, AND AN ARC LENGTH OF 34.99 FEET, THENCE;
 2. ALONG THE DIVIDING LINE WITH SAID LOT 1, LOT 2 & LOT 3 (N/F LANDS OF GOODALE ESTATES, LLC), NORTH 81 DEGREES - 58 MINUTES - 58 SECONDS EAST, A DISTANCE OF 348.02 FEET TO A POINT OF TANGENCY, THENCE;
 3. ALONG THE DIVIDING LINE WITH SAID LOT 3, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 56 DEGREES - 15 MINUTES - 04 SECONDS, AND AN ARC LENGTH OF 29.45 FEET TO A POINT OF REVERSE CURVATURE, THENCE;
 4. ALONG THE DIVIDING LINE WITH SAID LOT 3, LOT 4, LOT 5, LOT 6 & LOT 7 (N/F LANDS OF GOODALE ESTATES, LLC), MAP 2, LOT 9 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 292 DEGREES - 30 MINUTES - 08 SECONDS, AND AN ARC LENGTH OF 306.30 FEET TO A POINT OF REVERSE CURVATURE, RUNNING THENCE, ALONG THE DIVIDING LINE WITH SAID LOT 28, THE FOLLOWING THREE (3) COURSES:
 - ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 56 DEGREES - 15 MINUTES - 04 SECONDS, AND AN ARC LENGTH OF 29.45 FEET, THENCE;
 - SOUTH 81 DEGREES - 58 MINUTES - 58 SECONDS WEST, A DISTANCE OF 305.22 FEET TO A POINT OF TANGENCY, THENCE;
 - ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 113 DEGREES - 10 MINUTES - 28 SECONDS, AND AN ARC LENGTH OF 59.26 FEET TO A POINT ON THE EASTERLY SIDELINE OF GOODALE STREET, THENCE;
 5. ALONG SAID EASTERLY SIDELINE OF GOODALE STREET, NORTH 31 DEGREES - 11 MINUTES - 30 SECONDS WEST, A DISTANCE OF 108.78 FEET TO THE POINT AND PLACE OF BEGINNING.
-

CONTAINING 26,962 SQUARE FEET OR 0.62 ACRES, MORE OR LESS.

MUNICIPAL EASEMENT

INCLUDING THE PERPETUAL RIGHTS TO A DRAIN EASEMENT OVER, UNDER, AND UPON THE FOLLOWING DESCRIBED LAND, FOR THE PURPOSE OF INSTALLATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, AND MAINTENANCE OF DRAINAGE PIPES AND OTHER DRAINAGE FACILITIES OF ALL TYPES AND KINDS FOR DRAINAGE OF SURFACE AND SUBSURFACE WATER TO AND FROM SAID ROADWAY, AS SHOWN ON THE PLAN (RECORDED PLAN NO. 1099 OF 2016) AS THE "DRAIN EASEMENT AND EXCLUSIVE USE EASEMENT" AREA, AND MORE PARTICULARLY DESCRIBED AS:

1. ALONG THE DIVIDING LINE WITH LOT 1 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 66 DEGREES - 49 MINUTES - 32 SECONDS, AND AN ARC LENGTH OF 34.99 FEET, THENCE;
2. ALONG THE DIVIDING LINE WITH SAID LOT 1, LOT 2 & LOT 3 (N/F LANDS OF GOODALE ESTATES, LLC), NORTH 81 DEGREES - 58 MINUTES - 58 SECONDS EAST, A DISTANCE OF 142.42 FEET TO A POINT, THENCE;
3. ACROSS LOT 1, THE FOLLOWING 4 COURSES:
 - NORTH 71 DEGREES – 06 MINUTES – 12 SECONDS WEST, A DISTANCE OF 93.50 FEET TO A POINT, THENCE;
 - NORTH 25 DEGREES – 37 MINUTES – 26 SECONDS WEST, A DISTANCE OF 50.67 FEET TO A POINT, THENCE;
 - NORTH 45 DEGREES – 47 MINUTES – 49 SECONDS WEST, A DISTANCE OF 44.29 FEET TO A POINT, THENCE;
 - NORTH 31 DEGREES – 11 MINUTES – 30 SECONDS WEST, A DISTANCE OF 93.73 FEET TO A POINT, THENCE;
4. SOUTH 81 DEGREES – 58 MINUTES – 47 SECONDS WEST, A DISTANCE OF 90.15 FEET TO THE POINT AND PLACE OF BEGINNING.

AND RESERVING TO THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS AN EXCLUSIVE USE EASEMENT OVER THE PREVIOUSLY DESCRIBED DRAINAGE EASEMENT. SAID EXCLUSIVE USE EASEMENT SHALL BE USED AND ENJOYED BY THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS, BUT SHALL BE LIMITED SUCH THAT NO PERMANENT OR SEMI-PERMANENT OBSTRUCTION MAY BE PLACED IN THE AREA OF SAID DRAINAGE EASEMENT, AND ANY USE OF THE EXCLUSIVE USE EASEMENT AREA SHALL FIRST REQUIRE THE CONSENT OF THE CITY ENGINEER CONFIRMING IT WILL NOT IMPEDE THE DRAINAGE EASEMENTS RIGHTS OF THE CITY OF MARLBOROUGH. THE CITY OF MARLBOROUGH AND ITS SUCCESSORS SHALL ALSO HAVE THE RIGHT TO REMOVE IMPEDIMENTS TO ALL RIGHTS UNDER THE DRAINAGE EASEMENT INCLUDING BUT NOT LIMITED TO THE

OPERATION AND MAINTENANCE OF THE DRAINAGE EASEMENT AREA, SUCH AS TREES, ASPHALT AND SIDEWALKS.

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A PLAN PREPARED BY BRUCE SALUK & ASSOCIATES, INC. ENTITLED "DEFINITIVE PROPERTY PLAN-GOODALE ESTATES, MARLBOROUGH, MA" DATED JULY 19, 2016, RECORDED IN THE MIDDLESEX COUNTY REGISTRY OF DEEDS AS PLAN NO. 1099 OF 2016.



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CITY OF MARLBOROUGH

2022 DEC 13 PM 4:41

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.2022-1008694
Application for Site Plan Approval
Mixed Use Project in the Marlborough Village District
Consisting of a 5-story building with 5,047 s. f. of ground floor retail/restaurant space along Main Street, 99 residential units (72 one-bedroom)/studio and 27 two-bedroom) 25 ground floor parking spaces and a courtyard adjacent to Union Common

The Decision of the Site Plan granting authority shall be made within ninety days. Additional time exceeding 60 days may be extended by written agreement between the petitioner and the Marlborough City Council under its jurisdiction for site plan review and approval.

Pursuant to Chapter 270. Building and Site Development Article II Permits and Approvals 270-2. Site Plan Approval, the required time limits for action by the Marlborough City Council, under its jurisdiction for site plan review and approval in the above referenced matter, is hereby extended, by agreement, until 11:00 p.m. on March 29, 2023

By: _____
Michael H. Ossing, President
acting on behalf of, and at the direction of,
the Marlborough City Council under its jurisdiction
for Site Plan Approval

By: 
For Petitioner: Brian Falk, Esq.

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

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2022 DEC 14 PM 2:12

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Alliance Health & Human Services, 144 Turnpike Road, Suite 220, Southborough, MA 01752

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

720 Boston Post Road E, Marlborough, MA 01752 61-7

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

Marie Esther Health Center, Inc.

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 Paragraph 12 Sub-paragraph B

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

Wayside

7. Specific reason(s) for seeking Special Permit

The property owner requests permission to renovate 10,490 SF of the existing building to provide

twelve (12) rest home beds. The renovated area previously contained four (4) guest rooms and a

community room, conference room, parlor, office, coat area, and men's toilet room. This project

has already been constructed as the building permit was issued in error before the need for a special

permit was identified.

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.

Stephen Copper

Signature of Petitioner or Applicant

Address: **45 Lebeaux Drive**

Shrewsbury, MA 01545

Telephone No. **508-868-9825**

Date: **12/13/22**

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

Stephen Copper

(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

(61-7) 720 BOSTON POST ROAD EAST: SPECIAL PERMIT 400 FT

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 #	PROPERTY ADDRESS	OWNER NAME	CO-OWNER	OWNER ADDRESS	O_CITY	O_STATE	O_ZIP	USE_CODE
48-1	M_200236_900665	48-1	BOSTON POST RD EAST	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
48-27	M_199797_900717	48-27	145 LANGELIER LN	ROBISON KENLEY C	THERESA M ROBISON	145 LANGELIER LN	MARLBOROUGH	MA	01752	1010
48-28	M_199799_900650	48-28	159 LANGELIER LN	DASILVA WEXIRLEY		159 LANGELIER LN	MARLBOROUGH	MA	01752-6721	1010
48-32	M_199837_900600	48-32	0 BOSTON POST RD EAST	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
48-33	M_199904_900655	48-33	LANGELIER LN	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
48-5A	M_199951_900666	48-5A	188 LANGELIER LN	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
60-30A	M_199568_899993	60-30A	630-650 BOSTON POST RD EAST	650 BPR LLC		18 WASHINGTON ST UNIT # 116	CANTON	MA	02021	3220
60-31	M_199452_900030	60-31-77-1	77 WILSON ST #1	HALEY MICHAEL J		77 WILSON ST #1	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-10	77 WILSON ST #10	STREISAND ALEXANDER J	STREISAND SAMUEL	77 WILSON ST #10	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-2	77 WILSON ST #2	JOLLES BRIAN		77 WILSON ST #2C	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-3	77 WILSON ST #3	SZE CHO F		77 WILSON ST #3	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-4	77 WILSON ST #4	DOHERTY CHRISTOPHER J		77 WILSON ST #4	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-5	77 WILSON ST #5	LANTIGUA LAJJA	OSCAR LANTIGUA	94 SWAN ST	METHUEN	MA	01844	1020
60-31	M_199452_900030	60-31-77-6	77 WILSON ST #6	GUPTA PRANJAL		77 WILSON ST #6	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-7	77 WILSON ST #7	LIVENGOOD JOHN D	STEVEN M SANTISI	77 WILSON ST #7	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-8	77 WILSON ST #8	WRIGHT RICHARD EDWARD TRUSTEE		77 WILSON ST #8	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-77-9	77 WILSON ST #9	MARKS SHERWIN J TR	MARSHA MARKS TR	6 FOOTHILL RD	FRAMINGHAM	MA	01701	1020
60-31	M_199452_900030	60-31-89-1	89 WILSON ST #1	LUNA MARINETE L	MARCOS F LUNA	89 WILSON ST #1	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-89-10	89 WILSON ST #10	KAMBOSOS DEMETRIOS	ATHANASIOS KAMBOSOS	3 TURNER RIDGE RD	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-89-2	89 WILSON ST #2	LOPES ZIMAR J	FERNANDA Q LOPES	89 WILSON ST #2	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-89-3	89 WILSON ST #3	KAMBOSOS DEMETRIOS		3 TURNER RIDGE RD	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-89-4	89 WILSON ST #4	TROIANI LEDA		74 MAIN ST	WALTHAM	MA	02453	1020
60-31	M_199452_900030	60-31-89-5	89 WILSON ST #5	PIERRE ETHMA		89 WILSON ST #5	MARLBOROUGH	MA	01752	1020

60-31	M_199452_900030	60-31-89-6	89 WILSON ST #6	MORALES CESAR		89 WILSON ST #6	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-89-7	89 WILSON ST #7	MOEDER CHARLES W		13 MARTHAS LN	HARWICH	MA	02645	1020
60-31	M_199452_900030	60-31-89-8	89 WILSON ST #8	89 WILSON STREET LLC		74 MAIN ST	WALTHAM	MA	02453	1020
60-31	M_199452_900030	60-31-89-9	89 WILSON ST #9	JOWKAR HOSSEIN	MARTA REDJAE	10 CRESTVIEW DR	SUDBURY	MA	01776	1020
60-31	M_199452_900030	60-31-93-1	93 WILSON ST #1	MYERS MATTHEW WAYNE TR	SHIRENE AMAN-KARIM TR	93 WILSON ST #1	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-93-2	93 WILSON ST #2	VARANO DENISE M		93 WILSON ST #2	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-93-3	93 WILSON ST #3	VAZ JR WALTER R	VAZ CRISTIANE MARTINS DE OLIVEIRA	93 WILSON ST #3	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-93-4	93 WILSON ST #4	KAMBOSOS DEMETRIOS		3 TURNER RIDGE RD	MARLBOROUGH	MA	01752	1020
60-31	M_199452_900030	60-31-93-5	93 WILSON ST #5	KAMBOSOS ATHANASIOS		1 SHAWMUT ST	WORCESTER	MA	01609-3423	1020
60-31	M_199452_900030	60-31-93-6	93 WILSON ST #6	SILVA ALEXANDRA SOUSA	MARILDO J SILVA	93 WILSON ST #6	MARLBOROUGH	MA	01752	1020
60-32	M_199520_900128	60-32	99 WILSON ST	FOSTER-ERLANDSON VIVIENNE L TR	TOURE FOSTER TR	99 WILSON ST	MARLBOROUGH	MA	01752	1010
60-33	M_199443_900250	60-33	135 WILSON ST	CITY OF MARLBOROUGH	EVERGREEN CEMETERY	140 MAIN ST	MARLBOROUGH	MA	01752	9311
60-34	M_199645_900518	60-34	0 BOSTON POST RD EAST	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
61-1	M_199585_900163	61-1	652 BOSTON POST RD EAST	652 BOSTON POST ROAD LLC	C/O MARLBORO NISSAN	740 BOSTON POST RD EAST	MARLBOROUGH	MA	01752	3370
61-10	M_200043_900165	61-10	748 BOSTON POST RD EAST	HAYES RICHARD C	SANDRA L HAYES	748 BOSTON POST RD EAST	MARLBOROUGH	MA	01752	1010
61-2	M_199648_900038	61-2	656 BOSTON POST RD EAST	GLOBAL MONTELLO GROUP CORP		15 NORTHEAST INDUSTRIAL RD	BRANFORD	CT	06405	3340
61-23	M_199954_899920	61-23	735 BOSTON POST RD EAST	ROUTE 20 MARLBORO PROPERTIES LLC		50 CABOT ST STE 200	NEEDHAM	MA	02494-2819	3260
61-25	M_199835_899884	61-25	701 BOSTON POST RD EAST	ROUTE 20 MARLBORO BB LLC	C/O HOME DEPOT TAX DEPT #2607	P O BOX 105842	ATLANTA	GA	30348-5842	3220
61-25A	M_199897_900006	61-25A	BOSTON POST RD EAST	ROUTE 20 MARLBORO PROPERTIES LLC		50 CABOT STREET STE 200	NEEDHAM	MA	02494	3910
61-25B	M_199739_899971	61-25B	681 BOSTON POST RD EAST	ROUTE 20 MARLBORO PROPERTIES LLC		50 CABOT STREET STE 200	NEEDHAM	MA	02494	3260
61-28	M_199943_900078	61-28	740 BOSTON POST RD EAST	740-744 BOSTON POST ROAD LLC	C/O MARLBORO NISSAN	740 BOSTON POST RD EAST	MARLBOROUGH	MA	01752	3300
61-28A	M_199981_900097	61-28A	BOSTON POST RD EAST	740-744 BOSTON POST ROAD LLC	C/O MARLBORO NISSAN	740 BOSTON POST RD EAST	MARLBOROUGH	MA	01752	3370
61-30	M_200029_899905	61-30	757-773 BOSTON POST RD EAST	ROUTE 20 MARLBORO PROPERTIES LLC		50 CABOT STREET STE 200	NEEDHAM	MA	02494	3230
61-34	M_199595_900039	61-34	BOSTON POST RD EAST	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
61-5	M_199735_900061	61-5-1-100	688 BOSTON POST RD EAST #100	PRG LJS LLC		60 LEO BIRMINGHAM PKWY	BRIGHTON	MA	02135	1020
61-5	M_199735_900061	61-5-1-101	688 BOSTON POST RD EAST #101	ALVES NILMA		688 BOSTON POST RD EAST #101	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-102	688 BOSTON POST RD EAST #102	WHIPPLE NATHAN		22 MARLBORO ST	HUDSON	MA	01749	1020
61-5	M_199735_900061	61-5-1-103	688 BOSTON POST RD EAST #103	FOX QUINN WONG	CHUN-LIN FOX	20 JERICO HILL RD	SOUTHBOROUGH	MA	01772	1020
61-5	M_199735_900061	61-5-1-104	688 BOSTON POST RD EAST #104	KEENEY WILLIAM F	LAUREN E KEENEY	1 STONYBROOK RD	NORTH GRAFTON	MA	01536-2203	1020
61-5	M_199735_900061	61-5-1-105	688 BOSTON POST RD EAST #105	PAYES CARLOS		688 BOSTON POST RD EAST #105	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-106	688 BOSTON POST RD EAST #106	DEFREITAS RONALDO	MARCIONETE B DEFREITAS	477 WEST MAIN ST	NORTHBOROUGH	MA	01532	1020
61-5	M_199735_900061	61-5-1-108	688 BOSTON POST RD EAST #108	SCIMONE DAVID F		44 GLEN RD	HOPKINTON	MA	01748	1020
61-5	M_199735_900061	61-5-1-109	688 BOSTON POST RD EAST #109	VALADARES JULIO CESAR FARIA		688 BOSTON POST RD EAST #109	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-110	688 BOSTON POST RD EAST #110	MENEZES MARCELO	FABIANA FERNANDES MENEZES	186 RESERVOIR ST	MARLBOROUGH	MA	01752	1020

61-5	M_199735_900061	61-5-1-120	688 BOSTON POST RD EAST #120	MENEZES FABIANA	MARCELO MENEZES	186 RESERVOIR ST	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-121	688 BOSTON POST RD EAST #121	KADEHJIAN ERIC C		688 BOSTON POST RD EAST #121	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-122	688 BOSTON POST RD EAST #122	KAY GISELE L - TRUSTEE	GISELE L KAY REV TRUST	688 BOSTON POST RD EAST #122	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-123	688 BOSTON POST RD EAST #123	STRIVE CAPITAL LLC		495 BROOK ST	FRAMINGHAM	MA	01701	1020
61-5	M_199735_900061	61-5-1-124	688 BOSTON POST RD EAST #124	PAGE THOMAS M	JUDITH E PAGE	50 PAGE RD	WESTON	MA	02193	1020
61-5	M_199735_900061	61-5-1-125	688 BOSTON POST RD EAST #125	PEREIRA FLORIZA G		688 BOSTON POST RD EAST #125	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-126	688 BOSTON POST RD EAST #126	CULLEN LORRAINE A TR	LORRAINE CULLEN REVOCABLE TRUST	688 BOSTON POST RD EAST #126	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-127	688 BOSTON POST RD EAST #127	COMERATO JOHN J III		121 MAPLEWOOD AVE	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-128	688 BOSTON POST RD EAST #128	MALEKMADANI SAFIEH		688 BOSTON POST RD EAST #128	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-200	688 BOSTON POST RD EAST #200	CHANG INNJEN	WILLY CHANG	47 WOODROW ST	HUDSON	MA	01749	1020
61-5	M_199735_900061	61-5-1-201	688 BOSTON POST RD EAST #201	VARGAS FRIDA CARINA		688 BOSTON POST RD EAST #201	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-202	688 BOSTON POST RD EAST #202	PRG US LLC		60 LEO BIRMINGHAM PKWY	BRIGHTON	MA	02135	1020
61-5	M_199735_900061	61-5-1-203	688 BOSTON POST RD EAST #203	GENEROSO MARCELO	MARCELLE S SILVA	16 COLBURN ST	NORTHBOROUGH	MA	01532	1020
61-5	M_199735_900061	61-5-1-204	688 BOSTON POST RD EAST #204	MENEZES FABIANA	MARCELO MENEZES	186 RESERVOIR ST	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-205	688 BOSTON POST RD EAST #205	BIAGIO FABIO	ROSA MARINA FIGUEROA MARTINEZ	573 BROAD ST #333	EAST WEYMOUTH	MA	02189	1020
61-5	M_199735_900061	61-5-1-206	688 BOSTON POST RD EAST #206	MIRANDA MARLI		688 BOSTON POST RD EAST #206	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-207	688 BOSTON POST RD EAST #207	MENEZES MARCELO	FABIANA F MENEZES	271 BOSTON POST RD EAST #7	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-208	688 BOSTON POST RD EAST #208	ROJAS MARITZA		36 WALNUT ST	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-209	688 BOSTON POST RD EAST #209	TINOCO LUIS H		688 BOSTON POST RD EAST #209	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-210	688 BOSTON POST RD EAST #210	ZAHID BRAHIM		215 HARVARD ST UNIT #15	MEDFORD	MA	02155	1020
61-5	M_199735_900061	61-5-1-211	688 BOSTON POST RD EAST #211	WILBER CARL J		688 BOSTON POST RD EAST #211	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-220	688 BOSTON POST RD EAST #220	CHEN XIAOPU		688 BOSTON POST RD EAST #220	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-221	688 BOSTON POST RD EAST #221	DE SOUZA LAVINIA S	REGINALDO OLIVEIRA DOS SANTOS	688 BOSTON POST RD EAST #221	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-222	688 BOSTON POST RD EAST #222	GIANG YUNG		401 DAVIS ST	NORTHBOROUGH	MA	01532-2421	1020
61-5	M_199735_900061	61-5-1-223	688 BOSTON POST RD EAST #223	GIANG YUNG	JANE GIANG	401 DAVIS ST	NORTHBOROUGH	MA	01532	1020
61-5	M_199735_900061	61-5-1-224	688 BOSTON POST RD EAST #224	BOAVENTURA JOSE L	VILMA L BOAVENTURA	688 BOSTON POST RD EAST #224	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-225	688 BOSTON POST RD EAST #225	DEOLIVERIA HELIO	IVA DEOLIVERIA	688 BOSTON POST RD EAST #225	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-226	688 BOSTON POST RD EAST #226	MENEZES MARCELO	FABIANA F MENEZES	186 RESERVOIR RD	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-227	688 BOSTON POST RD EAST #227	PASQUANTONIO LORRAINE M		688 BOSTON POST RD EAST #227	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-228	688 BOSTON POST RD EAST #228	COVIELLO VICTORIA		688 BOSTON POST RD EAST #228	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-300	688 BOSTON POST RD EAST #300	MENEZES MAURICIO	WANUSA LOBO MENEZES	578 BIGELOW ST	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-301	688 BOSTON POST RD EAST #301	AHUJA VARSHA	RAVI RAMRAKHYANI	5785 OWL HILL AVE	SANTA ROSA	CA	95409-4364	1020
61-5	M_199735_900061	61-5-1-302	688 BOSTON POST RD EAST #302	WINSKE ERNEST J TR	SEMM REALTY TRUST	860 CONCORD RD	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-303	688 BOSTON POST RD EAST #303	MOREIRA RICARDO	STEPHANIE L MOREIRA	23 LAMBERT CR	MARLBOROUGH	MA	01752	1020

61-5	M_199735_900061	61-5-1-304	688 BOSTON POST RD EAST #304	PRG LJS LLC		60 LEO BIRMINGHAM PKWY	BRIGHTON	MA	02135	1020
61-5	M_199735_900061	61-5-1-305	688 BOSTON POST RD EAST #305	DEALMEIDA GERSON C		85 BRIMSMEAD ST	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-306	688 BOSTON POST RD EAST #306	ANDRADE MONICA SABINO FERREIRA		688 BOSTON POST RD EAST #306	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-307	688 BOSTON POST RD EAST #307	LADEIRA PEDRO L	HENRIQUETA LADEIRA	688 BOSTON POST RD EAST #307	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-308	688 BOSTON POST RD EAST #308	CODSIDE LLC		109 CORTLAND LN	BOXBOROUGH	MA	01719	1020
61-5	M_199735_900061	61-5-1-309	688 BOSTON POST RD EAST #309	AMIRHOSSEINI FARIBORZ KHALAJ	KHADJIEH KHALAJ	13 BRADFORD RD	NATICK	MA	01760	1020
61-5	M_199735_900061	61-5-1-310	688 BOSTON POST RD EAST #310	OLIVEIRA ARTHUR LUCAS SOUSA		688 BOSTON POST RD EAST #310	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-311	688 BOSTON POST RD EAST #311	WOOD JOHN M		688 BOSTON POST RD EAST #311	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-320	688 BOSTON POST RD EAST #320	SCHNAIBLE LAURA L		688 BOSTON POST RD EAST #320	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-321	688 BOSTON POST RD EAST #321	OLIVEIRA ARTHUR LUCAS SOUSA		688 BOSTON POST RD EAST #321	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-322	688 BOSTON POST RD EAST #322	SHAHEEN NORMAN M		688 BOSTON POST RD EAST #322	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-323	688 BOSTON POST RD EAST #323	WONG ERIC F		688 BOSTON POST RD EAST #323	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-324	688 BOSTON POST RD EAST #324	KEENEY WILLIAM F		1 STONYBROOK RD	NORTH GRAFTON	MA	01536-2203	1020
61-5	M_199735_900061	61-5-1-325	688 BOSTON POST RD EAST #325	MCATEE FABIANA F	MARCELO MENEZES	271 BOSTON POST RD EAST #7	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-326	688 BOSTON POST RD EAST #326	MENEZES MARCELO		186 RESERVOIR ST	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-327	688 BOSTON POST RD EAST #327	VOSTRIAKOV VICTOR		688 BOSTON POST RD EAST #327	MARLBOROUGH	MA	01752	1020
61-5	M_199735_900061	61-5-1-328	688 BOSTON POST RD EAST #328	AKHOULI YOUNES		688 BOSTON POST RD EAST #328	MARLBOROUGH	MA	01752	1020
61-6	M_199803_900061	61-6	700 BOSTON POST RD EAST	MARIE ESTHER HEALTH CENTER INC		720 BOSTON POST RD EAST	MARLBOROUGH	MA	01752	9510
61-9	M_199977_900255	61-9	744 BOSTON POST RD EAST	HUREAU RICHARD	KATHLEEN B HUREAU	744 BOSTON POST RD EAST	MARLBOROUGH	MA	01752	1090

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

John H. Galade
 JOHN GALADE, PRINCIPAL ASSESSOR
 12/13/2022
 Date

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Stephen Copper Address: 720 Boston Post Road E, Marlborough, MA

Project Name: Marie Esther Rest Home Expansion Address: 720 Boston Post Road E, Marlborough, MA

1. PROPOSED USE: (describe) Twelve (12) private rest home bedrooms with private baths.

2. EXPANSION OR NEW: None - This project is an interior renovation within the existing building.

3. SIZE: floor area sq. ft. 10,490 SF Reno. 1st floor 31,477 SF all floors 80,000 SF
 # buildings 1 # stories 3 lot area (s.f.) 1,001,729 SF

4. LOT COVERAGE: 13.48 % Landscaped area: 86.52 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
 Normal: 127 Peak period: 142

6. TRAFFIC: THE NEW RESIDENTS WILL NOT DRIVE SO THERE
 (A) Number of vehicles parked on site: WILL BE MINIMAL TRAFFIC IMPACT

During regular hours: 45 Peak period: 50

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

Waste Removal: Monday & Friday each week Ambulances: Twice daily Haz. Waste Removal: Monthly

Supply Delivery: Bi-weekly Monday & Thursday Food Delivery: Tuesday & Thursday each 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 overhead light poles and building mounted lighting.
The existing site lighting and the light entering neighboring properties is unchanged.

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.
No significant change

(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? Existing HVAC
Cars and Trucks

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? Bio-hazard waste will be on site. It is stored in a locked closet. 1-30 gallons is stored on a daily basis and removed monthly.

***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: 12/14/22

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Marie Esther Rest Home Expansion

Project Use Summary: Rest Home

Project Street Address: 720 Boston Post Road, Marlborough, MA 01752

Plate: 61 Parcel: 7

Applicant/Developer Name: Alliance Health & Human Services

Plan Date: 3/4/22 & 05/16/22 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**

\$500.00

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







**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

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

Signature

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.

MARIE ESTHER HEALTH CENTER IS A 501 C3 (NOT FOR PROFIT ENTITY)
AND IS EXEMPT FROM PAYING REAL ESTATE TAXES.

Company Name

Alliance Health & Human Services

Owner Name/Officer Name of LLC or Corporation

Marie Esther Health Center, Inc.

Owner/Officer Complete Address and Telephone Number

Marie Esther Health Center, Inc.

720 Boston Post Road E

Marlborough, MA 01752

Signature of Applicant

Stephen Kopper

Attorney on behalf of Applicant, if applicable

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

[Signature]

Tax Collector

**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

Alliance Health & Human Services

Owner Name/Officer Name of LLC or Corporation

Marie Esther Health Center, Inc.

Owner/Officer Complete Address and Telephone Number

Marie Esther Health Center, Inc.

720 Boston Post Road E

Marlborough, MA 01752

Signature of Applicant

Stephen Capper

Attorney on behalf of Applicant, if applicable

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

[Signature]

Tax Collector



City of Marlborough
CODE ENFORCEMENT

140 MAIN STREET
 MARLBOROUGH, MA 01752
 TEL. (508) 460-3776 FACSIMILE (508) 460-3736
 BUILDING_DEPT@MARLBOROUGH-MA.GOV

TIN HTWAY
 BUILDING COMMISSIONER
 PAMELA WILDERMAN
 CHIEF CODE ENFORCEMENT
 OFFICER

November 30, 2022

Steve Copper, Executive Director
 Alliance Health at Marie Esther
 720 Boston Post Rd East
 Marlborough, MA 01752

**RE: SPECIAL PERMIT REQUIREMENT
 INTERIOR RENOVATION & EXPANSION OF USE
 720 BOSTON POST RD – EAST, MARLBOROUGH MA**

The building permit, HBP-11771, "Interior renovations of the 1st floor to create 12 new guest rooms for "Marie Esther Rest Home" was issued in error. The proposed work for expansion of a pre-existing non-conforming use would require prior approval from the City Council per Chapter 650. §650-12(b) Nonconforming Uses.

This office does not anticipate that this will be a difficult process as the property is large enough to accept the addition. We hope that your December 6, 2022, Open House goes well but we would need to discuss this process immediately after the event. Failure to address this issue in a timely manner may cause the revocation of the building permit, Certificate of Occupancy, and code enforcement action for non-compliance with the City of Marlborough, Zoning Ordinance Chapter 650.

Sincerely,

Tin Htway, C.B.O.
 Marlborough Building Commissioner

Cc: File



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CITY OF MARLBOROUGH

2022 DEC 14 AM 10:38

Marlborough Public Schools

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

Call to Order

November 22, 2022

1. Michelle Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:32 p.m. at 17 Washington Street, Marlborough, MA. Members present included Daniel Caruso, Earl Geary, Katherine Hennessy, 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 explained that the Wrap-Around Service Providers manage 115 cases and have received 79 new referrals thus far this year. They provide a variety of services, such as coordinating Thanksgiving meals for families in the district. Mrs. Murphy acknowledged the need to expand these services and provide the two providers with additional help. She mentioned that Mrs. O'Brien acquired grant funding to hire an additional social worker for the remainder of the school year.
Superintendent Murphy presented the Class of 2023 John and Abigail Adams Scholarship recipients. These students are listed within her report.

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

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

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported that the Food Services participation rate increased to 69.2% (district-wide) in October. He recognized Deb Dallamora and her Whitcomb School staff for being the first team to reach the 75% participation goal over a one-month period.

Mr. Dias stated that the Jaworek School HVAC system is able to be updated next summer due to the ESSER federal funding available for HVAC projects. The district is determining how to leverage additional funding at Kane School as well.

Mr. Dias provided the committee with a transportation update. He mentioned that the district meets with NRT every week and is in communication with them daily regarding routes. There are currently 8 vacant driver positions in Marlborough, but there are 3-4 individuals in the process of becoming drivers. There were only 6 vacancies at the start of the school year, so a few drivers have been lost. Mr. Dias explained all of the recruitment efforts that the district has taken.

B. Assistant Superintendent of Teaching & Learning Report

Dr. Skaza, the Assistant Superintendent of Teaching and Learning, presented an overview of the 2022 MCAS data and shared the next steps to address the areas in need of improvement, which are revealed through the data. He invited Ron Sanborn, Heather Russo, and Jose Reyes to answer any questions from the committee. Dr. Skaza's presentation slides are attached to his report.

Superintendent Murphy and Mrs. O'Brien discussed the attendance issues in the district and state.

Mr. Caruso voiced his concern regarding the comparison of MCAS scores over the years.

Dr. Skaza spoke about the enrichment programs in the district.

Mr. Sanborn, Mrs. Russo, and Mr. Reyes described the various math and English interventions being utilized in the district.

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Marlborough Public Schools

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

7. Acceptance of Minutes:

A. Minutes of the November 8, 2022 School Committee Meeting

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

Motion passed 5-0-1. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Matthews, and Ryan. Abstain: Hennessy.

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.

9. Action Items/Reports

A. FY23 Operating Budget Transfers

Mr. Dias outlined various budget transfers in the attached document.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve these transfers.

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

B. Acceptance of Donations and Gifts

Donor's Choose. Ms. Hammond's class in Jaworek school received \$606.71.

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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Marlborough Public Schools

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Ohiopyle Prints, Inc. MHS received \$149.99 from Ohioyle Prints, Inc.
 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.

Locus Robotics. MPS received \$4,480.00 from Locus Robotics.

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 shared that a Policy Sub-Committee will be held tomorrow.

11. Members' Forum:

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

Mrs. Hennessy congratulated the Dessert Theater group.

Mrs. Barry acknowledged the Kane 5th grade running club for participating in a 5k Turkey Trot at the Lost Shoe this past weekend.

12. Adjournment:

Motion made by Mrs. Ryan, seconded by Mrs. Bodin-Hettinger to adjourn at 9:01 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 December 13, 2022

www.mps-edu.org

Conservation Commission
Meeting minutes
November 17, 2022; 7:00 PM
140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

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CITY OF MARLBOROUGH
2022 DEC -5 AM 6:49

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

Absent: None

The hearing was recorded using Microsoft Teams.

Approval of Minutes: The minutes of Nov. 3, 2022, were reviewed and unanimously approved -7-0

Public hearings:

Notice of Intent

Lake Williams boardwalk – City of Marlborough

Ms. Ryder noted that additional information about the wetland replication location and the wetland replication protocol had been provided to the Commission in the meeting packet. The Commission reviewed both and asked Ms. Ryder to clarify with DPW the impact and replication numbers as they are not consistent between the revised plan and the memos received. However, all questions had been answered with the memo and revised plans, so the Commission was satisfied. There being no comments from the audience or the Commission the hearing was closed. The Commission reviewed the draft Order of Conditions and made changes to the Findings of Fact, edited the document to add a maintenance plan and to adjust the phragmites removal process as additional work may be needed given experience with phragmites root removal. There was discussion about a performance guarantee. The Findings of Fact were reviewed and will be updated to include information from the two memos and confirmation with the contractor to ensure all resource area impacts are listed in this section. After much discussion on a motion by Mr. White and second by Mr. Clancy to approve the draft Order as written and amended as noted above, the Commission voted unanimously to approve.

Notice of Intent

85 Ames St. – John De Vries (Central Steel)

Mr. Saluk the project engineer had provided revised plans based on the last meeting discussion which were in the Commission's packets. The Commission agreed that these revised plans addressed their concerns. Ms. Ryder noted that DEP had provided comments and a permit number. Mr. Saluk's changes also address the DEP comments. There being no further comments the hearing was closed. The Commission reviewed the draft Order of Conditions on a motion by Mr. Skarin second by Mr. Clancy to approve the conditions as drafted and amended, the Commission voted unanimously 7-0 to approve.

Notice of Intent – 212-1254

846-850 Boston Post Rd. East – Exela Movers

At the owners request this item was continued to the Dec. 1, 2022 meeting as they are still determining their course of action with city council.

Extension Permit:

DEP 212-1215- Green District – sign permit approved last meeting. The Commission failed to sign the permit voted on at the last meeting. It was signed.

Certificates of Compliance:

DEP 212-93 140 Ash St. – Partial Certificate- Ms. Ryder indicated this was part of a very old subdivision and this lot did not abut any wetlands. The title is still clouded. The Commission reviewed the GIS and determined a partial Certificate can be issued. On a motion by Mr. Skarin, second by Mr. Clancy to issue a partial Certificate of Compliance to release this lot, the Commission voted unanimously 7-0 to approve.

DEP 212-1242 36 Fitchburg St. (was 641 Pleasant)

Ms. Ryder noted that a Request for a Certificate of Compliance has been received, however wetland boundary markers, and issues with the swale drainage have not been adequately addressed. The Commission asked her to convey that the markers must be ground mounted markers as we've had for other projects and to fix the drainage swale and restore the ROW which was cleared and used for access. Ms. Ryder will convey.

Discussion/Correspondence

Generic Permit 212-439 has expired - DEP will no longer allow this generic permit- discuss.

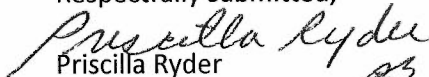
Ms. Ryder conveyed that the generic permit for waterfront minor work cannot be renewed. The Commission discussed the need to have something in place to give direction for sand removal and replacement, wall repair and weed removal. If this can't be covered under a generic permit, then perhaps a policy or other mechanism would be appropriate. Ms. Ryder will look into drafting a policy for review, to address these small, but sometimes annual, projects around the lake.

64 Westernview Dr. – Mr. Dunbar noted that he had inspected the wall work with Ms. Ryder. He asked Mr. Demers and Mr. White if the wall should be "lagged" into the cement wall, they agreed this would help the wall stay in place and not be pushed out by the water. Ms. Ryder will convey.

Next Conservation Commission meetings: December 1st and 15th, 2022 2023

Adjournment - There being no further business the meeting was adjourned at 8:21 PM

Respectfully submitted,


 Priscilla Ryder

Conservation Officer/Sustainability Officer

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CITY OF MARLBOROUGH

2022 DEC -2 AM 9: 24

MEETING: Council on Aging Board of Directors Meeting

DATE: October 11, 2022

TIME: 8:30 AM

ATTENDANCE: Leslie Biggar, Joseph Bisol, Jim Confrey, Pat Gallier,
Judy Kane, Ray Magee, Mike Ossing, Donna Scalclone, Linda Warren and
Trish Pope Zella excused with email

I. Called to order at 8:30 AM

II. September 13th Minutes approved

III. Director's Update:

1. New Outreach person Christina Grant comes from DTA
 - a. The Department of Transitional Assistance (DTA)
 - b. Christina will be taking Shine training in April

2. We are ready for Open Enrollment as we now have our third person
 - a. Gary who has been here for 4 years
 - b. Diane who has been here for 3 years
 - c. Our new volunteer is Mary Ellen Russell
 - i. She will be working at the Senior Center on Mondays
 - ii. She will stay with us after Open Enrollment

3. Fitness Lottery starts next Monday
 - a. We have added 3 additional classes and can't add any others as it will be detrimental for the other activities we already run or plan to run
 - i. Line Dancing class which will be free for the first session
 1. Instructor comes from the Northborough Senior Center
 - ii. Another Zumba class is being added at the request of many
 1. This instructor has subbed for us before
 - iii. Strengthen And Balance class

4. Signing up for Events will now be limited to self and 1 other
 - a. We have had people come in and sign up for themselves and up to 10 others

- b. For the first couple of days sign up will be open to Marlborough residents only
 - c. We are trying to keep events at \$10.
- 5. Fox Tours is going out of business on Dec 31st
 - a. We presently do not have an alternative for bus trips
 - b. We cannot do the trips ourselves
 - i. A full time Trip Coordinator would be needed
 - ii. All tickets would need to be purchased in advance and if the trip does not sell out we would be stuck with tickets.
- 6. Newsletter Company has told us we need to adjust the page count of the newsletter from 16 to 12
 - a. ½ Advertisers have dropped out or others are months behind in payment
 - b. The ads pay for the content of the newsletter
 - c. Trish did forward the names of 2 new companies interested in advertising in the newsletter
 - d. Friends Of Marlborough Seniors do pay for the mailing of the newsletter
 - e. We would not be able to take this on and do it inhouse
 - i. To bring newsletter in house, the staff would need to type, layout, take to printer, proof, pick up, address newsletter, apply postage, and drop off at post office.
- 7. The next meeting would be November 8th which needs to be changed as this is the Election Day and the Senior Center is a voting location

IV. Springwell update

- 1. The partnership with local Farmers for the Grab and Go Produce Program for the fruits and vegetables donated to Senior Centers will be funded through Sept of 2024
- 2. If someone is eligible and enrolls in the Home Care program, the Lifeline can be part of their service package

3. Joe Bisol was voted in as Treasurer for Springwell BayPath

Next meeting will be November 29th at 8:30. This will be a combination of November and December's meetings

Respectfully Submitted,
Leslie Biggar
Secretary

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2022 DEC -9 PM 2:46

Marlborough Historical Commission Meeting Minutes

October 20, 2022

Location: City Hall 140 Main Street Council Committee Meeting Room

Board Attendees: Brendan Downey, Sarah Hough (7:10 PM arrival), Pamela Wilderman.

Other Attendees: Adrian Gilbert, Stephanie Ferrecchia, & Kathleen Newton.

Meeting called to order 7:02 PM

1. A motion was put forth and seconded to approve the July minutes.

Downey AYE

Wilderman AYE

The motion passed.

2. Current Business

- a. 28 Bovin Drive Barn Preservation

i. The preservation documents have been reviewed and signed by the commission.

- b. 197 Stow Road Sale (MACRIS ID: MRB.1095).

i. The walkaround was performed by the MHC chair and the document the state required was signed.

- c. Historical house marker inquiries.

i. Outreach to begin for the properties that have already been approved by the MHC. The purpose of the outreach is to let the applicants know that the price for the sign has increased to \$100 from \$60.

3. New Business.

- a. Tin Htway – Marlborough Building commissioner suggested to Pam that he could provide guidance about certain cosmetic aspects of historical preservation. He would like to speak to the commission about ideas he has for the board at the November meeting.

A motion was put forth and seconded to invite Tin to the November meeting.

Downey AYE

Hough AYE

Wilderman AYE

The motion passed.

- b. There was a general discussion about the condition of historic home with relation to ideas for future initiative for the board. Key points:

i. There is not a ton of funding for homeowners. What could be done to increase visibility for funding options currently available.

ii. The MHC should work to establish a set of standards to serve as guidance for homeowners.

4. On the Motion to adjourn meeting at 7:36 PM, the Commission voted as follows:

Downey AYE

Hough AYE

Wilderman AYE

The motion passed. Meeting adjourned.

Respectfully submitted,
Brendan Downey

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2022 DEC 13 AM 9:05

CITY OF MARLBOROUGH

OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

November 29, 2022

Regular Meeting Minutes

Call to order: 11:00 am

Members Present: Doug Dias, Diane Smith, Patrick Jones, Michael Ossing and Al Weaver

Members Absent: None

- Motion made and seconded to accept the minutes of the November 9, 2021 meeting. Approved 5-0.
- Representatives Alex Bartholomew, Chuck Patterson and Susan Kelley from Bartholomew & Company appeared before the board. The representatives reviewed the City's portfolio performance from inception to June 30, 2022. The fund totaled \$16,394,818.97 with earnings being flat for the fiscal year.
- Bartholomew and Company reported that the portfolio's performance through October 31, 2022 was negative. 2022 was a difficult year for all. The balance in the fund was \$15,942,490.22 with a portfolio return of -15.18% for the calendar year. They are optimistic for the fourth quarter.
- Patrick Jones will be sending the portfolio's performance as of June 30, 2022 and October 31, 2022 to the Mayor and City Council for the December 19, 2022 agenda.
- The board discussed the recently approved transfer request of \$750,783.10 to be transferred to the OPEB Trust based on the City's financial policies. These monies along with the FY23 appropriation of \$450,000.00 have been sent to Bartholomew and are being invested in the OPEB Trust portfolio in equal monthly increments.
- The board discussed updating the existing Investment Policy with Bartholomew & Company. A draft Investment Policy Statement was provided. The board will review individually and provide feedback to Patrick Jones. A future meeting will be held for finalization. Before the new Investment Policy is executed it will be forwarded to our actuarial Odyssey Advisors to see what the effect will be on our unfunded liability.
- Motion made and seconded to adjourn at 12:49 pm. Approved 5-0.

Respectfully submitted



Diane Smith

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1A

2022 DEC -6 PM 12: 55

Call to Order

November 7, 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, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: Sean Fay and William Fowler.

1. Draft Meeting Minutes

A. October 17, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the October 17, 2022, meeting minutes. Yea: Elder, Hodge, LaVenture, and Russ. Nay: 0. Abstained: Fenby. Motion carried. 4-0.

2. Chair's Business

A. Millham Estates – Request to amend 1995 special permit

i. Correspondence from Joseph P. Anderson, Esq. (Crowley & Cummings, LLC)

Mr. LaVenture read the November 3, 2022, correspondence from Mr. Anderson into the record.

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

Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried. 5-0.

ii. Recorded special permit

Mr. DiPersio updated the Board on discussions he had with the Legal Department regarding this request and explained if the request is to amend the special permit, Chapter 40A would require a formal request along with a public hearing. He explained there has been an roughly 15-20 conveyances since the special permit was recorded and with no price restrictions.

On a motion by Mr. Elder, seconded by Mr. LaVenture, The Board voted to refer the 55 Gregoire Drive, Millham Estates special permit to the Legal Department for an opinion as to whether the restriction on the price for the homes applies to all the homes in the subdivision in perpetuity or if the language in the permit stating: "This restriction shall only apply to the original purchaser" was intended to apply to both items 5 and 6 under conditions on the recorded special permit. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

B. Unaccepted Streets – *No Updates*

Dr. Fenby informed the Board City Council would be referring a proposed zoning amendment to the Planning Board for mixed used and affordable housing. The Board set the public hearing date for December 5, 2022.

3. Approval Not Required (None)

4. Public Hearings

A. 7:05 - Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.

i. MISC supporting documents, including Plan Set

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from the Board members.

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Presentation:

City Council President Michael Ossing (43 Varley Road, Marlborough, MA 01752) spoke on behalf of the proposed zoning amendment. Mr. Ossing provided a background on the proposed zoning change and explained in November of 2021 a resident submitted a plan to build a 5x7 foot portico at their front door which was denied in February of 2022 by the building department because it did not meet the setback requirements. In May of 2022 the resident applied for a variance with the Zoning Board of Appeals (ZBA) for relief, where the ZBA Chair advised the resident to work with City Council to identify a potential zoning change. The variance was withdrawn, and the resident contacted City Council. In the summer of 2022 Council members Sean Navin and Michael Ossing discussed the potential zoning change with the building department. The Building Department drafted the changes which have been reviewed and put in proper legal form by the Legal Department.

Mr. Ossing went over the following proposed zoning amendment:

- I. By amending Chapter 650 (Zoning), Section 650-40 (Location and Height of Buildings), Subsection F(5) to read as follows (new text shown as underlined):
 - (5) (a) Nothing herein shall prevent the projection of cornices or eaves not exceeding 18 inches in width or of uncovered steps, unroofed porches or windowsills into a required yard or other open space.
 - (b) For single-family and two-family dwellings, in all zoning districts: An attached roof covering an entryway or porch may project into the required yard setback, subject to compliance with all of the following requirements:
 - [1] Attached roof is permitted to project up to sixty (60) inches into the required yard setback;
 - [2] Attached roof shall not exceed forty (40) square feet;
 - [3] Attached roof shall not exceed allowable height per §650-41, Table of Lot Area, Yards and Height of Structures;
 - [4] Entryway or porch may not be enclosed nor living space or balconies erected above, excepting required elements such as railings;
 - [5] Space beneath the porch may not be occupied; and
 - [6] Minimum setback from any street or way for an attached roof authorized under this subsection shall be five (5) feet.

Questions and Comments from the Planning Board:

Mr. Russ addressed concerns regarding homes that are already situated close to the setback. Mr. Ossing explained they would have the limitation of 40 square feet and have a requirement to be 5 feet from the street.

Mr. LaVenture addressed concerns regarding residents who wish to put a portico on the back of their home. Building Commissioner Tin Htway explained the intention for these are to be installed at their main entrance way and explained no matter which side of the house the portico is installed; it would only be permitted to project up to sixty (60) inches into the required yard setback and explained each side of a house has a required setback per the zoning code.

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The Board discussed general concerns and the Mr. Htway went over the current zoning code for accessory structures.

Speaking in Favor of the Amendment:

Michael Smith (257 Lakeshore Drive, Marlborough, MA 01752) spoke in favor and explained this zoning change would help enhance a project he is currently working on and address how difficult it is to present a hardship to the ZBA for relief.

Michael Carney (43 Bouffard Drive, Marlborough, MA 01752) spoke in favor and explained covered steps are safer than uncovered steps and argued it adds value and safety to the community.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.

Dr. Fenby closed this portion of the Public Hearing.

Dr. Fenby closed the Public Hearing.

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.

On a motion by Mr. LaVenture, second by Mr. Russ the Board voted to move item 7.A. Definitive Subdivision, Tobin Drive, Definitive Subdivision Plan up. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

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. Correspondence from Assistant City Solicitor, Jeremy McManus, Legal Department

Mr. LaVenture read the November 3, 2022, correspondence from Mr. McManus into the record.

The administrator informed the Board the tax document had been provided and the signature pages were given to the developer to be signed and notarized by the owners.

The developer requested lot 4 be retained as surety, as required by the regulations, and the Board agreed.

ii. Final Draft Certificate of Vote

iii. Final Draft Covenant

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

v. Correspondence from WSP – Response to Thomas DiPersio’s August 18, 2022, comments

vi. Revised Plan Set Dated: October 14, 2022

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On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to approve the Tobin Drive, map 44, parcel 148 (0 Steven Street, Marlborough, MA 01752) Definitive Subdivision Plan. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to endorse the covenant. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to endorse the plan. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Carol Dennison, WSP, (100 Summer Street, 13th Floor, Boston, MA 02110) explained the plans would be delivered to the Planning Board office within the week and Dr. Fenby asked the administrator to inform the members when the plan was ready for endorsement.

On a motion by Mr. LaVenture, second by Mr. Russ, the Board voted to accept and file all the correspondence under 7.A. Definitive Subdivision, Tobin Drive, Definitive Subdivision Plan. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

The Board endorsed the covenant and certificate of vote.

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

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

- i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
Mr. LaVenture read the November 3, 2022, correspondence from Mr. DiPersio into the record.
- ii. Communication Assistant City Solicitor, Jeremy McManus
- iii. Referral from City Council

Mr. DiPersio reminded the Board that City Council is waiting for comment back and updated the Board on previous correspondence that he has sent to the developer notifying them that the crack sealing would likely delay the acceptance process.

On a motion by Mr. Russ, second by Mr. LaVenture, the Board voted to notify the developer that the Board cannot give a favorable recommendation to the City Council for the acceptance of Gikas Lane as a public way until the crack sealing has been completed as indicated in City Engineer, Thomas DiPersio's correspondence. Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried. 5-0.

On a motion by Mr. LaVenture, second by Mr. Russ, the Board voted to accept and file the November 3, 2022, correspondence from Mr. DiPersio. Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried. 5-0.

8. Signs (None)

9. Correspondence (None)

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10. Unfinished Business

A. Working Group

i. Approval Not Required (ANR) Flowchart – See attached

Mr. LaVenture went over the flowchart and explained if the Board approves this flowchart its formatting would be used to generate other flowcharts for submissions, such a preliminary subdivision plan, definitive subdivision plan, open space developments, etc.

He updated the board on the Working Group's discussions regarding street acceptance language and their plans to further review the information.

The Board requested to leave the ANR Flowchart on the agenda for the November 21st meeting.

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 **November 7, 2022**, meeting.

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

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried. 5-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm