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CITY OF MARLBOROUGH
City Council Agenda

Monday, September 18, 2023
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, September 11, 2023.
2. CONTINUED PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Manhole (1) and underground conduit from Pole 3-5 to new Manhole (1) and to existing Transformer 1-2 on Exchange Street, Order No. 23-1008950A.
3. PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay District (EROD) which will consist of 475 residential units at the corner of Simarano Drive and Cedar Hill Street, Order No. 23-1008952.
4. PUBLIC HEARING on the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), Order No. 22/23-1008721H.
5. Certification from Ward 4 Councilor Teona Brown as required under MGL Chapter 39 §23D ("Mullin Rule"), regarding the Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street, Order No. 23-1008939B.
6. Communication from the Mayor, re: Notification of Appointment of Paul Dinwoodie as the Director of Public Health by the Board of Health pursuant to MGL Chapter 111 §30.
7. Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to JW Capital Partners, LLC, and Marlborough TOTG LLC v. City of Marlborough (Land Court No. 23 MISC 000199).
8. Communication from City Solicitor Jason Grossfield, re: Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 "Zoning" 12 (B) at 13-15 Mechanic Street in the Marlborough Village District (MV), in proper legal form, Order No. 23-1008926E.

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

9. Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units at 358 Lincoln Street in the Neighborhood Business District (NB), in proper legal form, Order No. 23-1008939B.
10. Communication from Assistant Building Commissioner William Paynton, re: Special Permit Deviations, 487 Lincoln Street (Cozy Café), Order No. 16/17-1006735H.
11. Communication from resident, re: Opposition to the Proposed Amendment to City Code, Chapter 650 “Zoning” by adding a new section to create the “Sasseville Way Residential Overlay District”, Order No. 23-1008941.
12. Minutes of Boards, Commissions and Committees:
 - a) School Committee, August 29, 2023.
 - b) Conservation Commission, August 17, 2023.
 - c) Cultural Council, July 19, 2023.
 - d) Planning Board, June 26, 2023 & July 24, 2023.
13. CLAIMS:
 - a) Krishna Ramachandra, 480 Farm Road, other property damage and/or personal injury.
 - b) Barbara Ross, 32 Belmont Street, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

14. **Order No. 23-1008940: Petition from Mass Electric and Verizon New England to install two new jointly owned poles, #22-25, and #22-26, on Forest Street approximately 1500’ east of the centerline of the intersection of Forest Street and Sandini Road to serve a new building at 201 Forest Street.**

Recommendation of the Public Services Committee is to APPROVE with Conditions.

On a Motion by Councilor Irish, seconded by the Chair, the Public Services Committee recommends approval of the petition from Mass Electric and Verizon New England to install two new jointly owned poles #22-25 and #22-26 on Forest Street approximately 1500’ east of the centerline of the intersection of Forest Street and Sandini Road to service a new building at 201 Forest Street. Vote 3-0.

From Urban Affairs Committee

15. **Order No. 23-1008926E: Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 "Zoning" 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street.**

Recommendation of the Urban Affairs Committee is to APPROVE as amended.

Councilor Wagner stated her strong objection to approving the special permit and the requested expansion of the business as the City Council had rezoned downtown (in 2014) and auto sales and repair were no longer a permitted use in the Marlborough Village District. Other councilors were in favor of allowing the expansion noting the wide community support of the owner and his business practices. Councilor Doucette moved to approve the Decision to Grant a Special Permit as amended; the motion was seconded. The motion carried 4-1 (Wagner opposed).

16. **Order No. 23-1008939B: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street.**

Recommendation of the Urban Affairs Committee is to APPROVE as amended.

Councilors were supportive of this project and excited about its impact on Lincoln Street. Questions were asked about traffic impacts during construction and were told the parking lot would be used to stage and there would be no need to open Lincoln Street for any utility connections so there should be minimal impact during construction which is expected to take 18 months to complete. Councilor Doucette moved to approve the Draft Special Permit with the amendments offered by the managers, the motion was seconded and carried 5-0.

Councilors-at-Large

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



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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, SEPTEMBER 11, 2023**

The regular meeting of the City Council was held on Monday, September 11, 2023, 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 10:25 PM.

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

ORDERED: That the Minutes of the City Council meeting, August 21, 2023, **FILE**; adopted.

That the **PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Manhole (1) and underground conduit from Pole 3-5 to new Manhole (1) and to existing Transformer 1-2 on Exchange Street, Order No. 23-1008950, **CONTINUED UNTIL SEPTEMBER 18, 2023, AT 8:00 PM**; adopted.

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

That the **PUBLIC HEARING** on the Proposed Amendment to City Code, Chapter 650 "Zoning" by adding a new section to create the "Sasseville Way Residential Overlay District", Order No. 23-1008941, all were heard who wish to be heard, hearing closed at 9:57 PM; adopted.

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

President Ossing called a recess at 9:57 PM and returned to open meeting at 10:02 PM.

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

ORDERED: That the Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works effective August 22, 2023, for a 60-day term, **FILE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of Christopher J. Firicano as Interim Director of Finance effective September 5, 2023, for a 60-day term, **FILE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: Certification of Free Cash in the amount of \$12,003,558.00, **FILE**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$1,200,355.80 which moves funds from Undesignated Fund (Free Cash) to OPEB Trust, pursuant to the financial policies of the city, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor				FISCAL YEAR:	2024			
		FROM ACCOUNT:					TO ACCOUNT:			
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$12,003,558.00	\$1,200,355.80	10000	35900	Undesignated Fund	\$1,200,355.80	87500	35900	OPEB Trust	\$18,149,273.14	
	Reason:	Transfer funds to OPEB trust								
	\$1,200,355.80	Total			\$1,200,355.80	Total				

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

ORDERED: That the Transfer Request in the amount of \$1,200,355.80 which moves funds from Undesignated Fund (Free Cash) to Undesignated Stabilization, pursuant to the financial policies of the city, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor				FISCAL YEAR:	2024			
		FROM ACCOUNT:					TO ACCOUNT:			
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$12,003,558.00	\$1,200,355.80	10000	35900	Undesignated Fund	\$1,200,355.80	83600	35900	Undesignated Stabilization	\$19,222,931.50	
	Reason:	To increase undesignated stabilization funds								
	\$1,200,355.80	Total			\$1,200,355.80	Total				

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

ORDERED: That the Transfer Request in the amount of \$4,925,000.00 from Undesignated Fund (Free Cash) to Public Safety Equipment, for Public Safety Communication upgrades, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Fire/Police				FISCAL YEAR:		2024	
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$12,003,558.00	\$4,925,000.00	10000	35800	Undesignated Fund	\$4,925,000.00	19300006	57160	Public Safety Equipment	\$0.00
	Reason:	For emergency communications systems and public safety equipment							
	\$4,925,000.00	Total			\$4,925,000.00	Total			

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

ORDERED: That the Proposed Easement for a parcel of land at South Bolton and Main Street, Map 70, Parcel 126 in addition to a Gift Acceptance from the Marlborough Historical Society, referred to the **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

Councilor Landers Recused.

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

ORDERED: That there being no objection thereto set **MONDAY OCTOBER 23, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application from Barlo Signs on behalf of Kennedy’s Restaurant and Market for installation of a Free-Standing EMC Sign at 247 Maple Street, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of New England LLC, re: Proposed Zoning Amendment to Chapter 650 “Zoning” to amend §22 “Retirement Community Overlay Districts” to include Map 39, Parcels 5 and 26B located on Robin Hill Street currently located in the LI District to accommodate an over 55 community combining both townhouse and multifamily components for a new condominium ownership neighborhood, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 23, 2023**; adopted.

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

1. By amending the Zoning Map established by Section 650-8, “Boundaries Established; Zoning Map”, by superimposing the Retirement Community Overlay District, RCO-D/T and RCO-MF, over Assessors Map 39, Parcels 5 and 26B; and
2. By amending certain provisions of Section 650-22, “Retirement Community Overlay Districts”, as follows (new text underlined, deleted text in ~~strikethrough~~):

§ 650-22. Retirement Community Overlay Districts.

- A. Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community.
[Amended 4-8-2019 by Ord. No. 18/19-1007452G]
- B. Location. For the purposes of this section, a Retirement Community Overlay District shall be considered superimposed on the other districts existing at the time that any land in any said underlying district is also included in the Retirement Community Overlay District. The rezoning of any or all of the land included in the Retirement Community Overlay District from one underlying zoning classification to another shall not affect its inclusion in the Retirement Community Overlay District, unless said land is specifically removed from the said Retirement Community Overlay District.
- C. Permitted uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein **or as otherwise approved by the City Council as part of the Special Permit process.** In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a retirement community-detached and townhomes ~~or and~~ a retirement community-multifamily, as defined in § 650-5 **except as otherwise set forth herein**, consistent with the following provisions:
[Amended 3-10-2003 by Ord. No. 03-9944B; 4-25-2011 by Ord. No. 11-1002806-1A; 4-8-2019 by Ord. No. 18/19-1007452G]
 - (1) Retirement community - detached and townhomes (RCO-D/T).
 - (a) No building in an RCO-D/T community shall be more than 2 1/2 stories in height.

- (b) Each building in an RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by airline distance between the nearest points of the buildings.
- (c) No dwelling in an RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
- (d) All dwelling units in an RCO-D/T community shall be detached from the others or attached only along side walls in the so-called "townhouse" style.
- (e) The lot or lots on which an RCO-D/T community is located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.
- (f) No part of any principal building in an RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
- (g) Each dwelling unit in an RCO-D/T community shall have its own attached yard area.
- (h) Required off-street parking for each dwelling unit in an RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage; said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in an RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- (i) Maximum combined lot coverage in an RCO-D/T community shall not exceed 40% of the total lot size.
- (j) Each lot or contiguous lots upon which an RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
- (k) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in an RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.

- (l) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
 - (m) No unit in an RCO-D/T community shall have more than three bedrooms.
 - (n) If an RCO/DT community is proposed which contains at least 30 acres of land, the following provisions shall supersede those found elsewhere in § 650-22:
 - [1] The lot or lots on which an RCO/DT community is located shall contain at least 5,000 square feet per unit in the RCO/DT community;
 - [2] Maximum lot coverage in the RCO/DT community shall not exceed 50% of the total lot size, excluding from the lot size any land which, prior to development of the site as a RCO/DT community, would be defined as a "resource area," as that term is defined in MGL c. 131, § 40.
 - [3] Each lot or contiguous set of lots upon which a RCO/DT community is located shall have total frontage on an existing public way, or on a private way laid out by the City Council pursuant to MGL c. 82, § 21, of at least 250 feet; provided, however, that said frontage need not be continuous.
- (2) Retirement Community - Multifamily (RCO-MF).
- (a) The total area of the tract of contiguous parcels to be developed as an RCO-MF shall not be less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial and be located: **(i)** within the area that lies within the perimeter of the following roadways: commencing at the Fitchburg Street intersection at the Route 85/290 Connector Road; then west along the Route 85/290 Connector Road to the intersection of Route 495; then south along Route 495 to where it passes over the intersection with Berlin Road; then southeasterly along Berlin Road to the intersection with West Hill Road; then easterly along West Hill Road to the intersection with Pleasant Street; then north along Pleasant Street to the intersection with Fitchburg Street; then north along Fitchburg Street to the intersection with the Route 85/290 Connector Road, all of said land being in reasonable proximity to the UMass Memorial Marlborough Hospital and the interstate highway intersection of Route 495 and Route 290; **or (ii) within an area designated by the City Council through an amendment to the Zoning Map.**
 - (b) An RCO-MF may contain one- and two-bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barbershop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.

- (c) No building in an RCO-MF shall be more than ~~three~~ **four** stories in height. **Subsurface parking levels shall not be considered a story, and there shall be no limitation on building height beyond the maximum of four stories.**
- (d) The total number of **multifamily** dwelling units in an RCO-MF shall be limited to 12 units per acre, **which may be located in multiple multifamily buildings within an RCO-MF and on a single parcel.**
- (e) No part of any principal building in an RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any **municipal** public way.
- (f) Maximum combined lot coverage in an RCO-MF, including any permitted accessory structures, shall not exceed 40% of the tract or contiguous parcels.
- (g) The tract or contiguous parcels upon which an RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.
- (h) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- (i) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- (j) A minimum of 1.0 parking space per dwelling unit shall be provided in an RCO-MF. Attached and detached garages shall count toward this parking requirement.
- (k) No dwelling unit in **a multifamily building with three or more stories** **in** an RCO-MF shall contain less than 500 square feet of living area or more than ~~1,300~~ **1,600** square feet of living area.
- (l) No building in an RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

- (m) In an RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas, such as
- (n) vegetated areas, woodlands, wetlands and floodplain areas.

(3) Retirement Community – Combined RCO-D/T and RCO-MF.

- (a) **The City Council may, by special permit, authorize a retirement community development with combined RCO-D/T and RCO-MF components on a single parcel or more than one contiguous parcel.**
- (b) **The City Council may, by special permit, elect to vary the dimensional, parking, design, open space, and landscaping requirements applicable to a combined RCO-D/T and RCO-MF retirement community development upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (§650-22 et seq.). This authority continues subsequent to occupancy.**

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

ORDERED: That there being no objection thereto set **MONDAY OCTOBER 2, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

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

- a) School Committee, June 27, 2023 & August 2, 2023.
- b) Conservation Commission, August 3, 2023.

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

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

- a) Adam Foss, 9 Bellflower Road, Billerica, pothole or other road defect.
- b) Samantha Graham, 655 Boston Post Road, #2211, Sudbury, pothole or other road defect.
- c) Lori & Doug McCray, 12 Pioneer Trail, other property damage and/or personal injury.
- d) Verizon Post Office Box 60770, Oklahoma City, OK, other property damage and/or personal injury.

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

**City Council Public Services Committee
September 6, 2023
Minutes and Report**

This meeting convened at 7:15 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members present: Chair Landers, Councilor Irish and Councilor Brown.

Other Councilors present: Councilors Navin, Robey, Wagner; Councilor Doucette arrived at 7:18 PM.

Jeff Silva was present for National Grid to address the petition.

Order No. 23-1008940: Petition from Mass Electric and Verizon New England to install two new jointly owned poles, #22-25, and #22-26, on Forest Street approximately 1500' east of the centerline of the intersection of Forest Street and Sandini Road to serve a new building at 201 Forest Street.

Jeff Silva from National Grid arrived to address the petition replying to Chair Landers that the work was likely 4-6 weeks out.

Chair Landers read the input from City Engineer DiPersio, dated September 1, 2023, stating he was without issue to the petition of Massachusetts Electric and Verizon New England subject to attached standard conditions for utility petitions.

Chair Landers read the standard conditions into the record.

On a Motion by Councilor Irish, seconded by the Chair, the Public Services Committee recommends approval of the petition from Mass Electric and Verizon New England to install two new jointly owned poles #22-25 and #22-26 on Forest Street approximately 1500' east of the centerline of the intersection of Forest Street and Sandini Road to service a new building at 201 Forest Street. Vote 3-0

On a motion by Councilor Brown and seconded, the meeting adjourned at 7:22 PM.

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

**City Council Urban Affairs Committee
September 6, 2023
Minutes and Report**

This meeting convened at 7:15 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Urban Affairs & Housing Committee members present: Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner.

Other Councilors present: Councilor Irish. Councilor Perlman arrived for the second order.

Others present are listed with the order.

Reports of Committee Continued:

Order No. 23-1008826: Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street.

The chair welcomed property owner, Rick Marino, his attorney, David Click, and engineer, David Marquedant. The chair read through the comments from the managers asking if the petitioners had copies; they did and had no issues adding the language to the special permit decision. The first amendment from the Building Commissioner was to add language that the applicant shall maintain and provide access for 7-9 Mechanic Street Right of Way per approved recorded plans; and the second amendment from the Conservation and Sustainability Officer was to Landscaping to read: As part of the Site Plan Review submittal additional plantings may be required beyond that specified in the zoning code in order to improve the site appearance on this prominent and visible section of Mechanic Street and Main Street.

The chair read through the Special Permit suggesting additional language be added that there would be no sale of cars on this site, there would be no operation on the site on Sunday, and there would be no outdoor storage on the site.

Councilor Wagner stated her strong objection to approving the special permit and the requested expansion of the business as the City Council had rezoned downtown (in 2014) and auto sales and repair were no longer a permitted use in the Marlborough Village District. Other councilors were in favor of allowing the expansion noting the wide community support of the owner and his business practices. Councilor Doucette moved to approve the Decision to Grant a Special Permit as amended; the motion was seconded. The motion carried 4-1 (Wagner opposed).

The chair stated she would ask for a suspension of the rules at the upcoming Council Meeting on Sept. 11 to have this referred to the solicitor to be put in proper form and it would be on a future council agenda for the council to vote on the special permit.

Order No. 23-1008939: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street.

Present for the applicant were Attorney Brian Falk and Mr. Voyiatzis.

The chair read through the managers comments. Attorney Falk had provided an updated copy of the Special Permit that included comments from managers, specifically those of Conservation and Sustainability officer to add a new condition #6: Landscaping and Screening: The Site Plan Review Committee shall review the Site’s landscaping and screening and shall be authorized to require additional fencing or landscaping as needed to provide appropriate buffers and screening for the adjacent properties and future residents of this project; changing#6 to #7 and adding the following language from the City Engineer: The landscaping shown on the approved site plan within easement areas shall be maintained in perpetuity as part of the 358 Lincoln Street property maintenance.

Councilors were supportive of this project and excited about its impact on Lincoln Street. Questions were asked about traffic impacts during construction and were told the parking lot would be used to stage and there would be no need to open Lincoln Street for any utility connections so there should be minimal impact during construction which is expected to take 18 months to complete.

Councilor Doucette moved to approve the Draft Special Permit with the amendments offered by the managers, the motion was seconded and carried 5-0.

Reports of Committee Continued:

The chair stated this would be reported out at the Monday, Sept. 11 council meeting with request to suspend the rules to refer to solicitor with it being on a future agenda for a vote.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:18 pm.

Suspension of the Rules requested – granted.

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

ORDERED: At the Regular Meeting of the Marlborough City Council held on September 11, 2023, the following bond, **ORDERED ADVERTISED**; adopted.

PUBLIC SAFETY EQUIPMENT BOND

That the sum of \$4,925,000.00 (four million nine hundred twenty-five thousand dollars) be and is hereby appropriated for emergency communication systems and public safety equipment.

That to meet said appropriations, the Finance Director/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,925,000.00 under and pursuant to the provisions of Chapter 44, Section 7(1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough (the “City”) therefor; that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 18, 2023, COUNCIL MEETING**; adopted.

Councilor Dumais Recused.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street, be further amended as follows:

Finding of Facts Original

3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes certain non-structural modifications to the preexisting nonconforming garage (including improving the front façade, installing two garage doors along the side of the building, installation of a bathroom along with an equipment storage platform and three automotive lifts all within the existing structural envelope) in addition to a modification in the preexisting nonconforming use at the Site (namely, residential/commercial/auto glass repair, replacement or installation) to strictly a general auto repair use including but not limited to Brake service and repairs, Fluid changes, Electrical, Alternator, Battery, Wheels, Tires, Alignment, Balance, Hoses, Belts, Suspension, Steering repairs, Emission diagnostics and repairs, Car Care (detail and cleaning), Powertrain diagnostics, repairs and replace, Water pumps, Timing belts, Seals, Gaskets, Air conditioning repairs and replacement, Auto glass, Window motors and Regulators, Hybrid diagnostics and repairs, Maintenance and tuning, Exhaust, Cooling system replacements including radiators, Wheel bearings, Mirrors, and minor autobody related items such as replacement of broken Headlights and assemblies, Brake light, Tail light, Fog light and assemblies (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of an existing metal commercial garage to contain the general automotive repair operation, accessory parking area, and front landscaped area along Mechanic Street.

New proposed-

3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to make certain non-structural modifications to the existing garage at the property including improving the front façade, installing two garage doors along the side of the building, new bathroom, equipment storage platform and three automotive lifts all within the current structural envelope for the purposes of conducting automobile repair services to complement and serve as an expansion of the ongoing use of automotive repairs at applicant’s abutting property at 19 Mechanic Street.

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

B. original-

The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing auto repair/garage use of the Site.

Proposed new-

The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing glass repair use of the Site.

E. SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

Original

4. Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The maximum hours for auto repair activities (excluding administrative and maintenance operations, and employees arriving and leaving before and after shifts) shall be Monday through Saturday from 7:00 a.m. to 7:00 p.m.

New

Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The operating hours shall be Monday through Saturday from 7:00 a.m. to 7:00 p.m. There shall be no operation of business on Sunday. No sale of cars shall be allowed at this site. No outside storage is allowed on the site.

Be and is herewith **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street, as amended, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 18, 2023, COUNCIL MEETING**; adopted.

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 10:25 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 11, 2023

ORDERED:

That the PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Manhole (1) and underground conduit from Pole 3-5 to new Manhole (1) and to existing Transformer 1-2 on Exchange Street, Order No. 23-1008950, be and is herewith **CONTINUED UNTIL SEPTEMBER 18, 2023, AT 8:00 PM.**

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

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

ADOPTED

ORDER NO. 23-1008950A



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 18, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay District (EROD) which will consist of 475 residential units at the corner of Simarano Drive and Cedar Hill Street, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 12/17/23 which falls on a Sunday, therefore 12/18/23 would be considered the 90th day.

ADOPTED

ORDER NO. 23-1008952
X 19-1007762C



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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That the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 18, 2023.**

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, by inserting a new definition for "Area Median Income (AMI)" and "Eligible Household", and amending the existing definition for "Mixed Use", to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

AREA MEDIAN INCOME (AMI)

The Housing Area Median Family Income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Metropolitan Statistical Area that includes the City of Marlborough and adjusted for family size.

ELIGIBLE HOUSEHOLD

A household whose gross household income does not exceed the corresponding percentage of AMI specified in Section 650-26.

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) ~~The~~ To achieve a mix of residential to business uses, such as retail or restaurant, - uses shall be that is balanced and compatible, ~~and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses, such as retail or restaurant.~~
- (3) ~~G~~ground floors of buildings fronting streets or public accessways shall be ~~reserved for~~ restricted to nonresidential public business/commercial uses, except as specified below:



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Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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Dwelling units shall be allowed on ground floors of a buildings ~~if~~

- (a) ~~The building that is set behind another~~ a mixed-use building that has business commercial uses on the ground floor and residential on other floors so long as the building set behind does not face a public way. ~~or (b) The residential portion of the ground floor of a building is set behind street front nonresidential uses within the same building.~~

II. By amending Chapter 650 (Zoning), Section 650-17 (Table of Uses), by striking “Y” and replacing it with “SP” for the following specific uses, in the MV zoning district, to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Business Use	Zoning District Abbreviations													
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	Y <u>SP</u>	N
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y <u>SP</u>	N
Mixed-Use Development (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	Y <u>SP</u>	SP

III. By amending Chapter 650 (Zoning), Section 650-18 (Conditions for uses), Subsection A, paragraphs 41 and 42, as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(41) Hotels within the Marlborough Village District are by ~~right~~ special permit, and subject to site plan approval by the City Council with input from department staff who participate in administrative site plan review as provided under § 270-2. See in § 650-34B special provisions for site plan review by City Council of hotels in the Marlborough Village District.

(42) Mixed-use development, including multifamily residential uses, shall ~~not~~ be subject to special permit provisions for multifamily uses. In the Wayside District, multifamily dwelling shall be allowed only as part of a mixed-use development. Mixed-use development may include vertically mixed uses in a single building or horizontally mixed uses in which multiple buildings create the mix of uses on a single parcel. Each individual building may include a single use with multiple uses occurring next to each other and within multiple buildings on the single parcel.



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Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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III. 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.

The purpose of this section is to provide that multifamily uses include an affordable component to ensure the city remains above the state's required inventory of affordable units.

A. This section 650-26 shall apply to all developments that result in or contain eight (8) or more dwelling units, in all zoning districts, for the following types of uses: multifamily dwelling(s) or mixed-use development containing multifamily dwelling(s). This section shall apply as set forth above unless an exception is otherwise stated in this section 650-26. Compliance with this section shall be made a condition of any special permit that is required for the development.

All special permits granted to applicants to construct multifamily dwellings, or mixed-use development containing multifamily dwelling(s), 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 ~~20-8~~ or more units.
- (a) Number of on-site affordable units. ~~The A development subject to this section 650-26 shall i) provide that at least 12.5% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to eligible 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. If when applying the specified percentage to the total number of units to determine the required number of affordable units, the resulting number of affordable units includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number. ;~~
- (b) Eligibility for affordable units. All affordable units must be eligible for inclusion on the state's Subsidized Housing Inventory (SHI). The affordable units shall be available to households at no more than eighty percent (80%) of AMI in accordance with SHI requirements. After initial occupancy, the gross household income of an eligible household shall be verified annually to determine continued eligibility and rent.
- (bc) 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.



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Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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- (de) 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.
- (ed) 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.
- (fe) 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.
- (gf) 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.
- (hg) 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.
- (ih) Staging of affordable and market-rate units. No more than 50% of the building permits for the market-rate units shall be issued until construction has commenced on 30% of the affordable units. No more than 50% of the occupancy permits for the market-rate units shall be issued until 30% of the occupancy permits for the affordable units have been issued. The City Council may modify this provision for developments under 50 units.
- (i) ~~Alternate site. The City Council may allow the developer to build some or all of the affordable housing required by Subsection A(1)(a) on an alternate site¹ 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 (i) 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.~~



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Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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- (j) Guaranty of performance. No final certificate of occupancy shall be issued for any unit within a development subject to this section until all actions necessary to preserve the affordability of the affordable units in compliance with this section and include the affordable units on the subsidized housing inventory, including without limitation, a deed restriction, regulatory agreement and declaration of restrictive covenants, and/or any other restrictive instrument necessary, and all other required documentation, have been executed and registered or recorded by the developer, in a form satisfactory to the City Solicitor. 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~~2~~) 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. 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.~~
- V. By amending Chapter 650 (Zoning), Section 650-34(D)(1), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- D. Design standards.
- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any special permit and/or site plan review and approval.
- (a) ~~Nonmandatory~~ In addition to the design standards, in connection with a special permit and/or site plan application in the Marlborough Village District, such applications shall be reviewed with respect to the Design Review ~~g~~Guidelines for the Marlborough Village District, which ~~The guidelines will~~ complement the design standards of this section and ~~which will~~ provide a guide to the desired appearance and quality of design in the Marlborough Village District. The guidelines are ~~will be~~ available at the Building Department and/or on the official website of the City.



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VI. By amending Chapter 650 (Zoning), Section 650-34(D)(2), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(2) All special permit and/or site plan review and approval applications in the Marlborough Village District shall be subject to the following design standards:

VII. By amending Chapter 650 (Zoning), Section 650-34(D)(2)(d), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(d) External materials and appearance.

[1] Predominant wall materials for all ground floors shall be brick in traditional New England colors and character, and stone. ~~shall be red brick, stone, or precast concrete panels;~~ Wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. Thin brick veneer, precast concrete panel finished to look like brick or stone, masonry brick panels, and Flexbrick (or a similar product) can be used on upper floors. Glass Fiber Reinforced Concrete (GFRC) panels (or something similar) can be used for a curtain wall (non-load bearing) exterior wall cladding. If painted, or coated, a nonmetallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements, such as turrets. Materials designed to imitate brick, e.g., faux brick, are not permitted.

[2] The standards for all acceptable masonry construction are as follows:

[a] Acceptable masonry construction for bricks will be ~~of~~ standard, fired clay, brick units bonded together with mortar. Acceptable applications include building components, such as walls, stairs, columns, arches, planter beds, etc.

[b] ~~Utilize b~~Bricks which are ~~should be~~ sound, hard, well-burnt with uniform color, shape and size.

[c] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.

[d] Frogged bricks shall be laid with the frogs pointing upwards.

[e] Mortar specifications shall comply with relative ASTM International standards.

[f] The properties of all other masonry units shall comply with the requirements of relevant ASTM International standards. These include concrete masonry, stone masonry and composite masonry. ~~Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.~~

VII. By amending Chapter 650 (Zoning), Section 650-34(E)(1)(a)[2], to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

[2] Spaces in ~~city-owned~~ public garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.



IN CITY COUNCIL

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Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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VIII. By amending Chapter 650 (Zoning), Section 650-34(E)(1)(b)[1], to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

[1] Eliminate parking minimums per the existing off-street parking (§650-48) unless the use is part of a mixed-use development where off-street parking would be determined during the special permit and/or site plan review process.

IX. By amending Chapter 650 (Zoning), Section 650-34(E)(2), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(2) Payment in lieu of parking. In the Marlborough Village District, any new commercial or mixed-use structure that is required to provide parking spaces may request to make payments to the City of Marlborough in lieu of providing for all or part of the on-site required parking, not to exceed twenty percent (20%) of the required on-site parking spaces. If when applying the specified percentage to determine the maximum number of on-site parking spaces which may be subject to payment-in-lieu, the resulting number includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number. :

(a) Payment made to the City of Marlborough in lieu of providing some ~~or all~~ of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall may only be allowed by right, subject to site plan and design review authorized by special permit, in parking spaces designated for overnight parking, and subject to conditions set forth by special permit.

(b) A one-time fee to be paid shall be ~~\$2540,000~~ (twenty-five thousand dollars) per parking space, which shall be paid prior to the receipt of an occupancy permit.

X. By deleting Chapter 650 (Zoning), Section 650-34(E)(3), (Additional reduction in parking requirements).

XI. By amending Chapter 650 (Zoning), Section 650-34(F), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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- F. Heights of structures.
 - (1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet or 2.5 stories; maximum height is 60 feet or 4 stories. ~~six stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential district boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to seven stories and up to 85 feet.~~ Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-34D(2)(b), shall be subject to site plan review and design standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this section.
 - (2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in the Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roof deck shall be subject to maximum height restrictions, ~~as~~ but may be increased by special permit.
- XII. By amending Chapter 650 (Zoning), Section 650-41 (Table of Lot Area, Yards, and Height of Structures), District: Marlborough Village District MV, Height, and Notes #12 (as referenced therein) to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

<u>District</u>	<u>Height</u>
Marlborough Village District MV	Minimum: 35 feet or 2.5 stories; Maximum: 64 stories: not to exceed a maximum of 6070 feet.

NOTES:

- 12 Within the Marlborough Village District, special permits may allow for an increase in height for a roof deck to 7 stories and up to 85 feet; also, provided that the height of any development within 50 feet of a residential district boundary, shall be stepped down and shall not exceed 52 feet except where allowed by special permit. [See § 650-34F(1).]



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

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XIII. 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).

XIV. Effective Date. The effective date of these amendments shall be the date of passage. These amendments do not apply to any special permit or site plan approval, for which an application was submitted and/or a special permit or site plan approval was issued before the date of the first publication of notice of the public hearing pursuant to MGL c. 40A, s. 5 on these amendments.

ADOPTED

ORDER NO. 22/23-1008721H



City of Marlborough
Office of the City Council

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP 11 PM 6:20

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

I, Teona Brown (name), hereby do swear and certify

under the pains and penalties of perjury as follows:

1. I am a member of the Marlborough City Council (council, board or commission).
2. I missed a single hearing session on the matter of Order No.23-1008939
Special Permit for the conversion of former Armory to a 17-unit residential building

which was held on August 21, 2023.

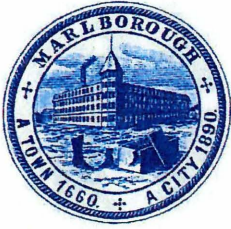
3. On September 10, 2023 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial which one(s) applicable):

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

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

Signed under the pains and penalties of perjury this 11th day of September, 2023.

Teona Brown
Signature of Member



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP 14 AM 11:07

Arthur G. Vigeant
MAYOR

Patricia Bernard
CHIEF OF STAFF

Jailyn Bratica
EXECUTIVE ADMINISTRATOR

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

September 14, 2023

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

RE: Public Health Director Appointment

Honorable President Ossing and Councilors:

On the recommendation of the Board of Health, I am pleased to announce Paul Dinwoodie as Director of Public Health who will begin on September 18, 2023 pursuant to M.G.L. Chapter 111 § 30.

Mr. Dinwoodie comes from the City of Newton and has been a Senior Environmental Health Specialist for several years and currently holds all necessary certifications. He brings additional experience in environmental hazardous materials and clean up procedures with previous experience as a Staff Scientist.

I am confident that Mr. Dinwoodie's abilities will fill the needs of our Public Health Director's role and provide guidance to our community while maintaining safety and enforcing regulations.

Enclosed is his resume for your review. If you have any questions, please feel free to contact my office.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

PAUL T. DINWOODIE

60 Trowbridge Street, Arlington, MA 02474

August 10th, 2023

Hiring Manager
Director of Public Health
Marlborough, MA

To Whom It May Concern:

Please accept this letter and the attached resume as an indication of my interest in the open Director of Public Health position at the City of Marlborough, as advertised on the MMA website.

I am a current Senior Environmental Health Specialist with the City of Newton, MA and have been with the city for four years now. Apart from holding valuable certifications such as REHS/RS, CPO, City Animal Inspector, Code Enforcement Lead Determinator and Food Protection Manager. I also have experience in training new hires in a variety of inspections ranging from routine food inspections, foodborne illness investigations, housing inspections, Title V (septic/cesspool) abandonments and following up on general complaints from the public. Additionally, as an Inspector, I have experience partnering with other divisions and departments such as social services, community engagement, public health nursing and Inspectional Services.

I am eager to have the opportunity to bring my previous work experience and skills into a new workplace setting while also advancing my career in the Public Health field. I hope that you will consider myself in potentially becoming a member of your team, and I look forward to speaking further regarding the open position.

Thank you for your time and consideration.
Sincerely,

Paul Dinwoodie



PD

PAUL T. DINWOODIE

SENIOR ENVIRONMENTAL HEALTH SPECIALIST | PUBLIC HEALTH
60 TROWBRIDGE STREET, ARLINGTON, MA 02474

OBJECTIVE

Ambitious young professional seeking to obtain full time employment in Environmental Science Management or related field in which my skills and expertise will be fully utilized.

SKILLS

- Proficient in Microsoft Office (Excel, PowerPoint, Word, Teams).
- Familiar with Microsoft & Apple operating systems.
- Briefly introduced to: GIS, Draftsight, C++, Stata, NVivo and RStudio programming.
- Works well independently and within a group setting.
- Has utilized problem-solving skills while working face-to-face with the public in various settings.

EXPERIENCE

SR ENVIRONMENTAL HEALTH SPECIALIST • CITY OF NEWTON, NEWTON, MA • JULY 2019 – PRESENT

Actively educates and consults the public • Enforces regulations governing the sanitation of food (2013 FDA Food Code), housing (MA State Sanitary Code, Chapter II), pools (MA State Sanitary Code, Chapter V) • *Certifications: Code Enforcement Lead Determinator (2023), Registered Environmental Health Specialist/Registered Sanitarian (2022), Certified Pool Operator (2021), City Animal Inspector (2020), Food Protection Manager (2019)*

STAFF SCIENTIST • ENVIROTRAC LTD, SHARON, MA • OCT 2015 – AUG 2017

Directed activities of workers who performed duties such as drilling, dewatering processes, and oversight of environmental hazardous spills (petroleum, home heating oil, TCE) • Responsible for writing reports submitted to MassDEP which include; Post-Temporary Solution Status, ROS Status, IRA Plans • *Certifications: OSHA HAZWOPER 40/HR (2015)*

EDUCATION

M.S., ENVIRONMENTAL & NATURAL RESOURCE ECONOMICS • MAY 2019 • UNIVERSITY OF RHODE ISLAND

Teaching Assistant (Biology) • *Significant coursework: Microeconomic Theory, Econometrics, Game Theory, Fisheries Law & Management, Coastal Zone Law* • *Independent Nonthesis Research: "Economic Consequences of Underground Storage Tank Remediation on the Rhode Island Housing Market"*

B.S., ENVIRONMENTAL SCIENCE & MANAGEMENT • MAY 2015 • UNIVERSITY OF RHODE ISLAND

University of Rhode Island, Soil Judging Team • Teaching Assistant (Statistics) • *Significant coursework: Calculus, GIS, Conservation Biology, Geology, Organic Chemistry*





City of Marlborough

Legal Department

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

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 SEP 14 AM 11:52

JASON D. GROSSFIELD
 CITY SOLICITOR

JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
 PARALEGAL

September 14, 2023

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

Re: JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council
(Land Court No. 23 MISC 000199) - Request to Enter Executive Session

Dear Honorable President Ossing and Councilors:

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

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

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
 City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

ORDERED:

Moved that the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council* (Land Court No. 23 MISC 000199), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

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

Be and is herewith APPROVED.



City of Marlborough Legal Department

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 SEP 14 AM 11:52
JASON D. GROSSFIELD
CITY SOLICITOR
JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL

September 14, 2023

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

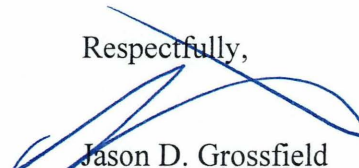
Re: City Council Order No. 22-1008826
Special Permit Decision, 13-15 Mechanic Street, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application as referred to this office by the City Council on September 11, 2023. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

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

_____, 2023

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 23-1008826

Application of:
Rick Marino, Trustee of Marco Realty Trust

Locus:
13-15 Mechanic Street, Marlborough, MA
Parcel 378 on Assessors Map 69

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Rick Marino, Trustee of Marco Realty Trust, with a mailing address of 19 Mechanic Street, Marlborough, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2023.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:**IN CITY COUNCIL**

DECISION ON A SPECIAL PERMIT

Application of:
Rick Marino, Trustee of Marco Realty Trust

Locus:
13-15 Mechanic Street, Marlborough, MA
Parcel 378 on Assessors Map 69

**DECISION ON A SPECIAL PERMIT
ORDER NO. 23-1008826**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Marco Realty Trust (the “Applicant”) for an automobile repair use at 13-15 Mechanic Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Rick Marino, Trustee of Marco Realty Trust, is a Massachusetts real estate trust with an address of 19 Mechanic Street, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 13-15 Mechanic Street, Marlborough, Massachusetts, being shown as Parcel 378 on Assessors Map 69 (the “Site”).
3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes a change of the preexisting nonconforming glass repair use of the Site to an automobile repair use to complement and serve as part of an expansion of the current automobile repair use on the adjacent property located at 19 Mechanic Street, Marlborough, MA, including making certain non-structural modifications to the existing garage at the Site, improving the front façade, installing two garage doors along the side of the garage, new bathroom, equipment storage platform, and three automotive lifts, all within the current structural envelope (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of an existing metal commercial garage to contain the general automotive repair operation, accessory parking area, and front landscaped area along Mechanic Street.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.

5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled “Certified Plot Plan in Marlborough, MA” prepared for: Marco Realty Trust prepared by J.D. Marquedant & Associates, Inc., dated March 8, 2023, site plan entitled “13-15 Mechanic Street” Proposed Conditions and Erosion Control, Plan of Land prepared for: Marco Realty Trust prepared by J.D. Marquedant & Associates, Inc with a last revised date of July 3, 2023 and architectural drawings and plans entitled “Renovations to: Professional Automotive - 13 Mechanic St Shop”, prepared by Context Studios LLC dated December 22, 2022, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (collectively, the “Plans”), attached hereto as **“Attachment A”**.

6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

7. The Site has an area of 8,843 square feet +/- as shown on the Plans.

8. The Site has hosted various residential and commercial uses, most recently a variety of glass repair service uses, since the early 1980s.

9. The Site was rezoned from Residential Business to Marlborough Village in 2014. Following this Zoning Map amendment, the Site became preexisting nonconforming with respect to use.

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

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 24, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on July 24, 2023.

12. The Applicant, and the Applicant’s representatives, presented testimony at the public hearing detailing the Use, the former history of the use of the locus, describing the impact of the Use and proposed non-structural modifications on the neighborhood, and traffic.

13. As part of the public hearing, approximately 75 people attended the hearing and many voiced their support for the Use. Numerous letters were received in support of the Use. A letter with concerns about the Use negatively affecting one’s property was submitted by a commercial neighbor, whose opposition to the Use was noted at the public hearing.

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

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

B. The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing glass repair use of the Site.

C. The City Council finds that the preexisting nonconforming use of the Site has not been abandoned or not used for a period of two years or more.

D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming use, as no changes are proposed to the footprint of the building or the Site with the exception of certain improvements to be made to the front façade of the garage (cement brickface and molding identical to 19 Mechanic Street garage).

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to change the preexisting nonconforming glass repair use of the Site to an automobile repair use to complement and serve as part of an expansion of the current automobile repair use on the adjacent property located at 19 Mechanic Street, Marlborough, MA, including making certain non-structural modifications to the existing garage at the Site, improving the front façade, installing two garage doors along the side of the garage, new bathroom, equipment storage platform, and three automotive lifts, all within the current structural envelope, as shown on the Plans, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction at the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority. Site Plan Review shall consider among other things drainage, curbing, parking, construction of a retaining wall and guard rail along with signage and plantings.

3. Landscaping: As part of Site Plan Review, additional plantings may be required beyond that specified in the Zoning Ordinance in order to improve the Site appearance on this prominent and visible section of Main Street.

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council’s Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

5. Access. The Applicant shall maintain and provide access to 7-9 Mechanic Street Right of Way in accordance with any applicable instrument/plan of record.

6. Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The operating hours shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m. There shall be no operation of the Use on Sunday. The sale of vehicles is prohibited on the Site. Outdoor storage is prohibited on the Site.

7. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.

8. Signs. Signage at the Site shall comply with the City’s Sign Ordinance with any free-standing sign at the Site’s driveway entrance being substantially the same as the sign shown in the photo attached hereto as **“Attachment B”**.

9. Noise and Air Quality. The Applicant shall comply with the City’s Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.

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

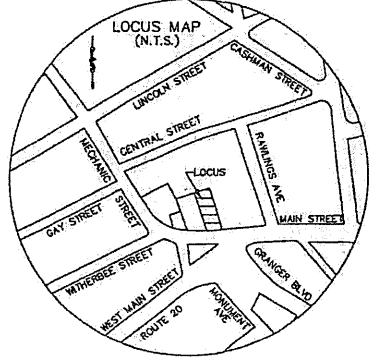
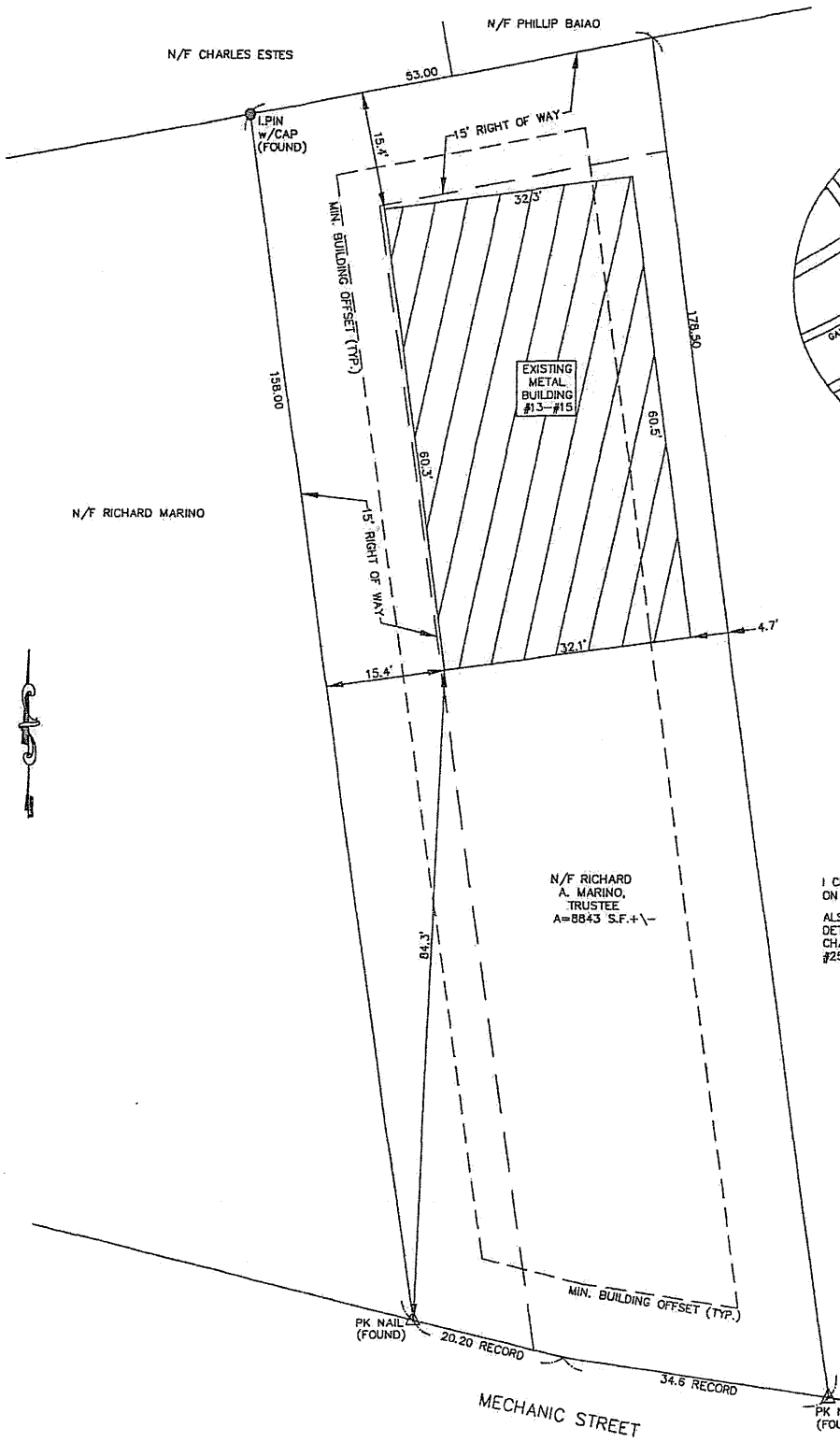
Yea: ___ - Nay: ___ -Absent - ___
Yea: _____, _____, _____, _____, _____, _____, _____, _____,
Nay: _____, _____,
Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. 23-1008826

Attachment A

OFFSETS FROM THE EXISTING STRUCTURE ARE NOT TO BE USED TO ESTABLISH LOT LINES OR CORNERS



N/F RICHARD A. MARINO, TRUSTEE
A=8843 S.F.+/-

N/F CHRISTOS PANAGIOTOPOULOS

I CERTIFY THAT THE EXISTING BUILDING IS LOCATED ON THE LOT AS SHOWN
ALSO THAT THE LOT FALLS WITHIN AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (SEE COMMUNITY PANEL #25017C048IF EFFECTIVE 7/7/2014)

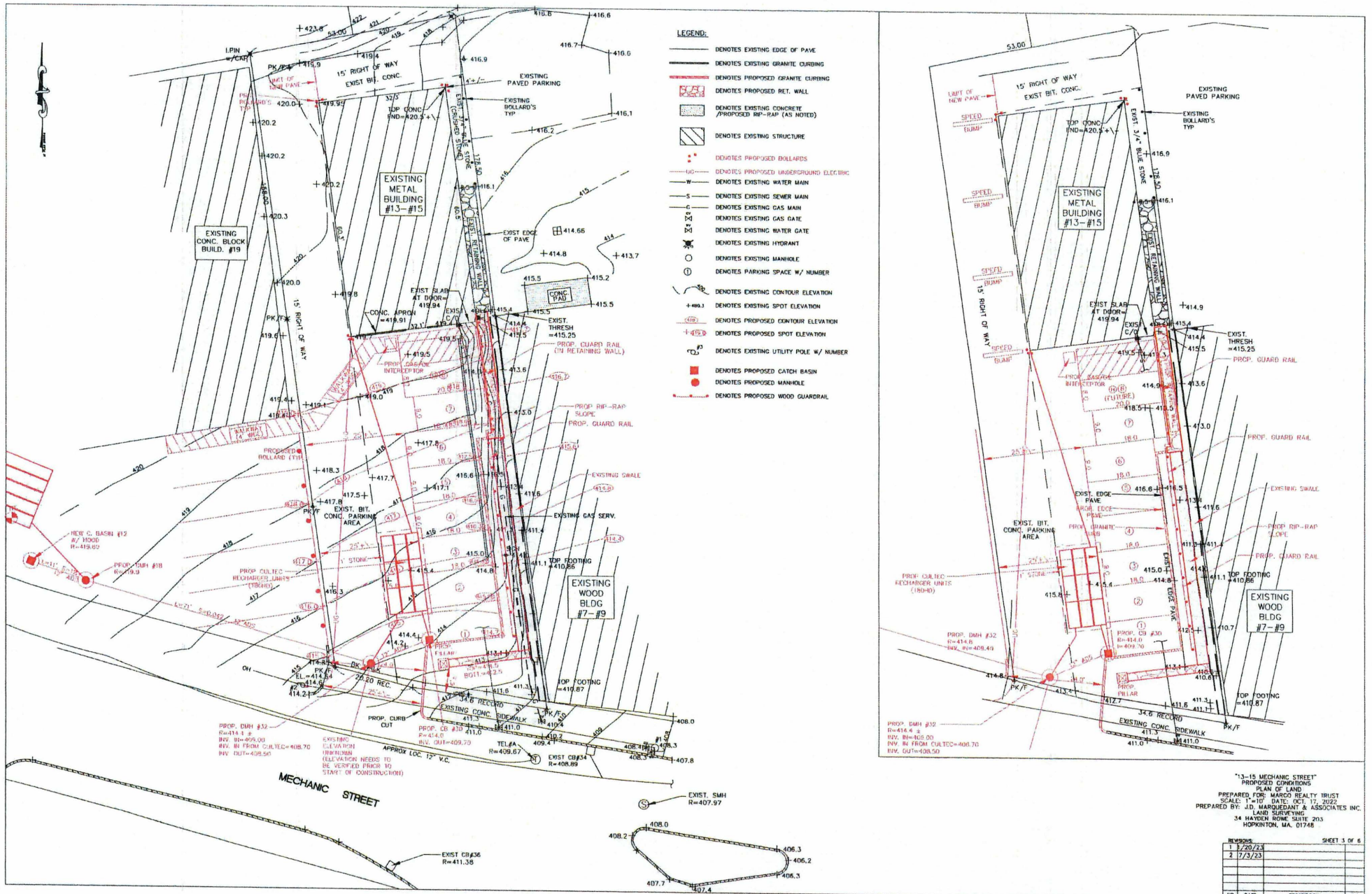


Joseph D. Marquardt

- NOTES:
- 1) SEE PLAN #596 OF 1944
 - 2) SEE DEED BOOK 80599 PAGE 102
 - 3) THIS PLAN REFERS TO MARLBOROUGH ZONE DISTRICT "MV" WITH 5,000 S.F. LOT AREA, 25' FRONTAGE, 10' FRONT, 10' SIDE, AND 10' REAR YARD SETBACKS
 - 4) THIS PLAN REFERS TO MARLBOROUGH ASSESSOR PLATE 69 PARCEL 378

CERTIFIED PLOT PLAN
IN
MARLBOROUGH, MASSACHUSETTS
PREPARED FOR: MARCO REALTY TRUST
SCALE: 1"=10' DATE: MARCH 8, 2023
PREPARED BY: J.D. MARQUARDT & ASSOCIATES INC.
LAND SURVEYING
34 HAYDEN ROWE STREET, SUITE 203
HOPKINTON, MA. 01748
508 435-4145

DATE	DESCRIPTION	BY



- LEGEND:**
- DENOTES EXISTING EDGE OF PAVE
 - DENOTES EXISTING GRANITE CURBING
 - DENOTES PROPOSED GRANITE CURBING
 - DENOTES PROPOSED RET. WALL
 - DENOTES EXISTING CONCRETE /PROPOSED RIP-RAP (AS NOTED)
 - DENOTES EXISTING STRUCTURE
 - DENOTES PROPOSED BOLLARDS
 - DENOTES EXISTING UNDERGROUND ELECTRIC
 - DENOTES EXISTING WATER MAIN
 - DENOTES EXISTING SEWER MAIN
 - DENOTES EXISTING GAS MAIN
 - DENOTES EXISTING WATER GATE
 - DENOTES EXISTING HYDRANT
 - DENOTES EXISTING MANHOLE
 - DENOTES PARKING SPACE W/ NUMBER
 - DENOTES EXISTING CONTOUR ELEVATION
 - DENOTES EXISTING SPOT ELEVATION
 - DENOTES PROPOSED CONTOUR ELEVATION
 - DENOTES PROPOSED SPOT ELEVATION
 - DENOTES EXISTING UTILITY POLE W/ NUMBER
 - DENOTES PROPOSED CATCH BASIN
 - DENOTES PROPOSED MANHOLE
 - DENOTES PROPOSED WOOD GUARDRAIL

"13-15 MECHANIC STREET"
 PROPOSED CONDITIONS
 PLAN OF LAND
 PREPARED FOR: MARCO REALTY TRUST
 SCALE: 1"=10' DATE: OCT. 17, 2022
 PREPARED BY: J.D. MARQUANDT & ASSOCIATES INC.
 LAND SURVEYING
 34 HAYDEN BOWNE SUITE 203
 HOPKINTON, MA. 01748

REVISIONS

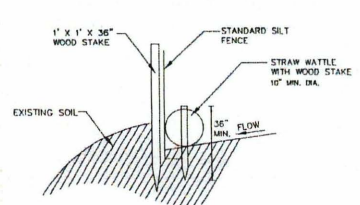
NO.	DATE	DESCRIPTION	BY
1	1/20/23		
2	7/3/23		

SHEET 3 OF 6

DEWATERING NOTES:

- IF NECESSARY, DEWATERING ACTIVITIES SHALL BE CONDUCTED SUCH THAT ANY WATER PUMPED FROM EXCAVATIONS WILL BE CONVEYED VIA HOSE TO AN UPLAND AREA A MINIMUM 25' FROM ANY WETLAND RESOURCE AREA.
- ANY WATER PUMPED AS PART OF DEWATERING ACTIVITIES SHALL BE DISCHARGED INTO A SMALL CONSTRUCTED DEPRESSION A MINIMUM OF 12" DEEP WITH SIDE SLOPES CONSTRUCTED A MAXIMUM OF 3' HORIZ. TO 1' VERT. THE DISCHARGED WATER SHALL ENTER IN A STRAW BALE CORRIALS OR SEDIMENTATION BAGS. WATER IS NOT TO BE DISCHARGED TO THE SURFACE OF THE EXISTING GROUND IN ORDER TO MINIMIZE EROSION OR SEDIMENTATION.
- THE CONSTRUCTED DEPRESSION SHALL NOT ALLOW SOILS TO ERODE OR MIGRATE AS THE RESULT OF CONSTRUCTION ACTIVITIES. THE DEPRESSION IS TO BE BACKFILLED UPON COMPLETION OF DEWATERING ACTIVITIES AND THE AREA REGRADED TO MATCH ORIGINAL CONTOUR ELEVATIONS. ANY DISTURBED AREAS ARE TO BE STABILIZED WITH LOAM AND SEED OR MULCH AND THE AREA INSPECTED MONTHLY TO INSURE PROPER VEGETATION GROWTH.

SILT FENCE - EROSION CONTROL

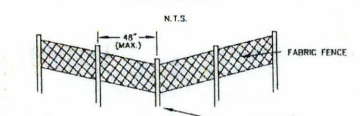


ANCHORING DETAIL

CONSTRUCTION NOTES FOR SILT FENCE

- 1) SEDIMENT CONTROL GEOTEXTILE TO BE FASTENED SECURELY TO UPSLOPE SIDE OF FENCE POSTS
- 2) WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND STAPLED
- 3) SILT FENCE SHALL BE PLACED ON THE CONTOUR
- 4) A MIN. OF 3 FOOT SECTIONS OF FENCE SHALL BE TURNED UPSLOPE AT THE BEGINNING AND END OF A SILT FENCE RUN
- 5) MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE
- 6) SEDIMENT CONTROL GEOTEXTILE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTIONS

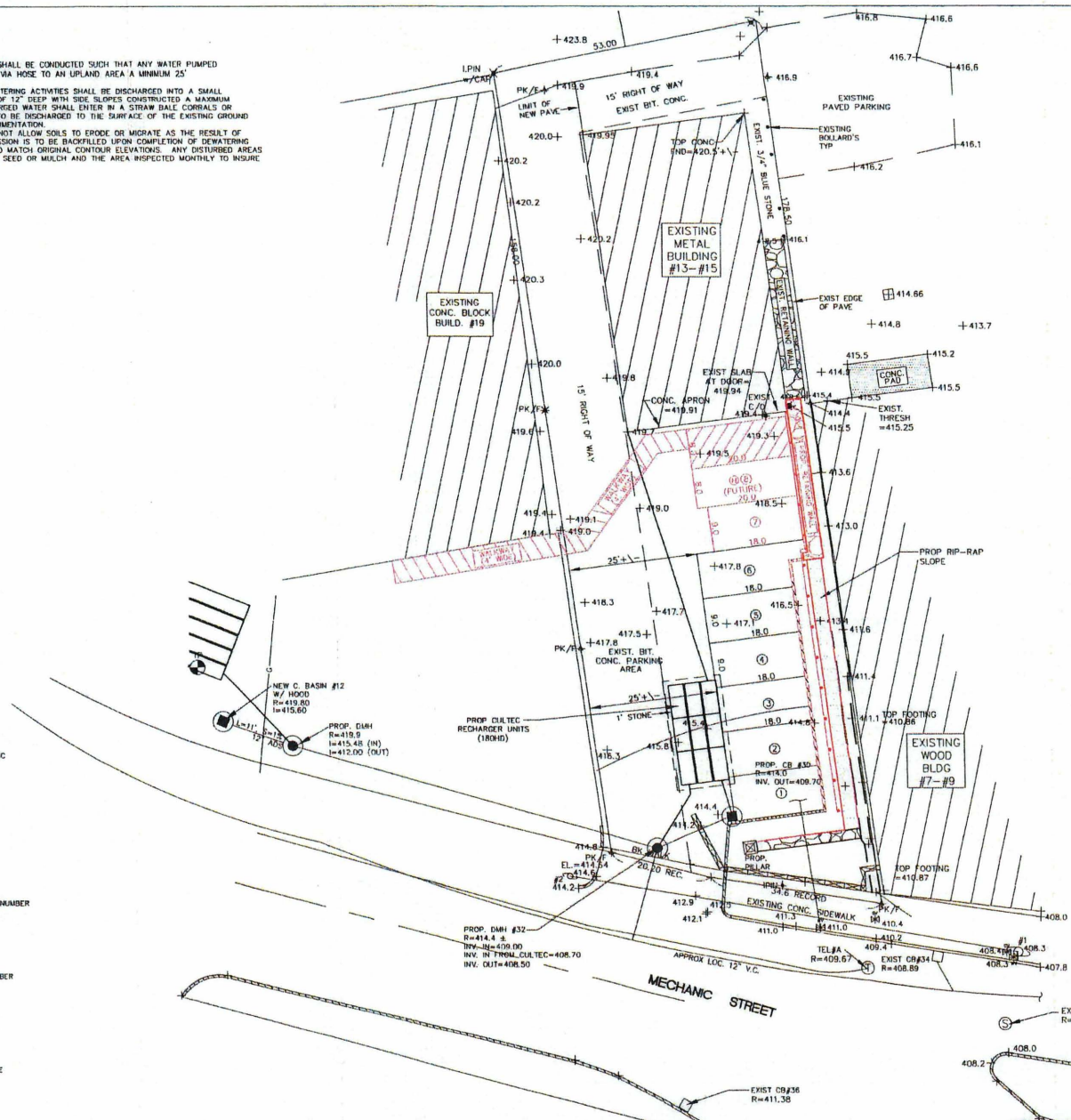
SILTATION FENCE



GENERAL NOTES:

- 1) ALL PROPOSED CATCH BASINS WILL INCORPORATE SILT SACS. OWNER IS RESPONSIBLE FOR INSPECTION, CLEANING, AND REPLACEMENT
- 2) STABILIZE SLOPES GREATER THAN 3:1 (HORIZ:VERT) WITH SEED, SECURED GEOTEXTILE, FABRIC, SPRAYED COMPOST BLANKET, OR RIP-RAP AS REQUIRED TO PREVENT EROSION DURING CONSTRUCTION
- 3) ALL COLLECTED SEDIMENT AND DISCARDED TEMPORARY EROSION CONTROL MATERIAL SHALL BE DISPOSED OF PROPERLY TO AN APPROVED LOCATION
- 4) AFTER ALL DISTURBED AREAS HAVE BEEN STABILIZED, CONTRACTOR TO REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AT THE OWNER'S REPRESENTATIVE'S DIRECTION
- 5) AFTER THE REMOVAL OF TEMPORARY EROSION CONTROL MEASURES, CONTRACTOR TO GRADE AND SEED AREA OF TEMPORARY EROSION CONTROL MEASURES
- 6) DAMAGED OR DELETED ITEMS SHALL BE REPAIRED IMMEDIATELY AFTER IDENTIFICATION OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE
- 7) THE CONTRACTOR'S SITE SUPERINTENDENT WILL BE RESPONSIBLE FOR DAILY INSPECTIONS, MAINTENANCE, AND REPAIR ACTIVITIES
- 8) ADDITIONAL EROSION CONTROL DEVICES MAYBE REQUIRED

- LEGEND:**
- DENOTES EXISTING EDGE OF PAVEMENT
 - DENOTES EXISTING GRANITE CURBING
 - DENOTES PROPOSED GRANITE CURBING
 - DENOTES PROPOSED RET. WALL
 - DENOTES EXISTING CONCRETE
 - DENOTES EXISTING STRUCTURE
 - DENOTES PROPOSED STRUCTURE
 - DENOTES SOIL TEST PIT
 - DENOTES EXISTING UNDERGROUND ELECTRIC
 - DENOTES EXISTING WATER MAIN
 - DENOTES EXISTING SEWER MAIN
 - DENOTES EXISTING GAS MAIN
 - DENOTES EXISTING GAS GATE
 - DENOTES EXISTING WATER GATE
 - DENOTES EXISTING HYDRANT
 - DENOTES EXISTING MANHOLE
 - DENOTES PARKING SPACE W/ NUMBER
 - DENOTES HANDICAP PARKING SPACE W/ NUMBER
 - DENOTES EXISTING CONTOUR ELEVATION
 - DENOTES EXISTING SPOT ELEVATION
 - DENOTES PROPOSED TREE
 - DENOTES EXISTING UTILITY POLE W/ NUMBER
 - DENOTES PROPOSED LIGHT POLE
 - DENOTES PROPOSED FOOTING DRAIN
 - DENOTES PROPOSED CATCH BASIN
 - DENOTES PROPOSED YARD DRAIN
 - DENOTES PROPOSED MANHOLE
 - DENOTES STRAW WATTLES W/ SILT FENCE



"13-15 MECHANIC STREET"
EROSION CONTROL
PLAN OF LAND
IN
MARLBOROUGH, MASSACHUSETTS
PREPARED FOR MARCO HEALTH TRUST
SCALE: 1"=10' DATE: OCT. 17, 2022
PREPARED BY: J.D. MARCELIANO & ASSOCIATES INC.
LAND SURVEYING
34 HAYDEN ROWE SUITE 203
HOPKINTON, MA. 01748

NO.	DATE	DESCRIPTION	BY
1	1/2/2024		
2	7/3/23		

SHEET 5 OF 8
6464

PROJECT:

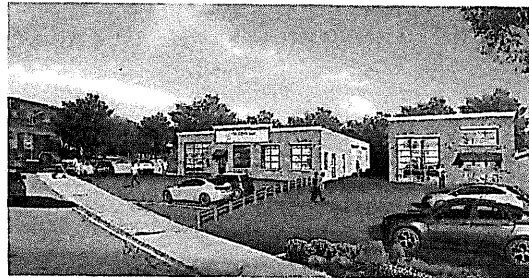
Renovations to:

**PROFESSIONAL AUTOMOTIVE
13 MECHANIC STREET SHOP**

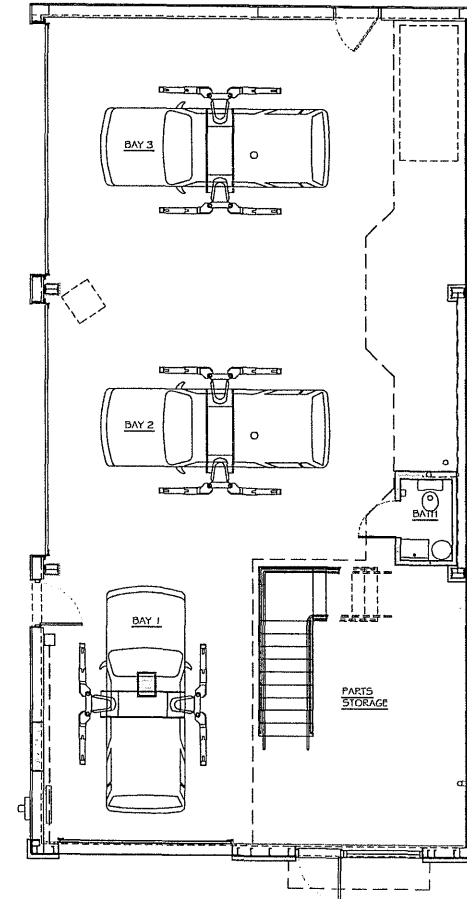
LOCATION:

13 Mechanic Street
Marlborough Ma

ISSUED FOR PERMIT:
22 December 2022



CODE REVIEW ANALYSIS:													
Project Description / General Information	Notes / Comments												
<p>13 Mechanic Street Renovations</p> <p>Building plans for a proposed renovation to the existing project located at 13 Mechanic Street in Marlborough Massachusetts. The extent of the work to include three bays, two storage and a bathroom in the existing building to support the repair operations of the new scope of Professional Automotive located at 13 Mechanic Street. Work includes new overhead doors, new bays, a bathroom and a reconfiguring of the structure. A new auto-lifting mechanism is to be added to bay one (see below) in each repair bay. There is no extension of the footprint to be added.</p> <p>The following report contains requirements for new work under the current edition of the Massachusetts State Building Code.</p> <p>Codes in Effect:</p> <p>709 CMR, North Edition of the Massachusetts State Building Code (including all amendments to the original Building Code)</p> <p>Massachusetts Architects and Planners Board (MAPB) and Associates with Division 100 (MAD)</p> <p>204 CMR, Mechanical Part 100 and Plumbing Code</p> <p>105 CMR, Electrical Part 100 and Electrical Code</p> <p>801.2 International Energy Conservation Code (IECC)</p> <p>901.7 International Energy Code (IEBC)</p> <p>Details of the building will be based on the design loads as indicated in 10.1. Tables of the Commercial and Manufacturing's State Building Code as indicated, but not limited to, include:</p> <p>1. Location: Marlborough, MA 2. Floor Category: 2 3. Ground Snow Load: 50 psf 4. Basic Wind Speed: 110 mph 5. Seismic Risk Category: II 6. Seismic Risk Category: II 7. Seismic Risk Category: II</p> <p>Building design shall be based on the assumptions, details and specifications of all design and construction per ASCE 7-05 and required details in the code for building connections.</p> <p>Use or Occupancy:</p> <p>Use Group: classification - S1 (Moderate-hazard storage) Motor Vehicle Repair Shop</p> <p>Height & General Building Information:</p> <p>Use Group: S1 Moderate Hazard Storage (Motor Vehicle Repair Shop)</p> <p>Construction Type: III - masonry (Block Specified)</p> <p>Building footprint (gross square footages)</p> <p>Roof Area:</p> <p>Max floor area = 1,933 gross sq ft (No change in footprint to be added)</p> <p>Maximum area permitted = 525 gross sq ft (i.e. 27% of gross floor area below 33 ft max allowable per 505.2.1b)</p> <p>Wind and Air-Conditioning:</p> <table border="1"> <thead> <tr> <th>Table</th> <th>Allowed</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>7504.3 Allowable Windy Ridge Plastic Gable Panel</td> <td>55</td> <td>1) 50.0 (existing) 2) 51.0 (proposed) as new (per table)</td> </tr> <tr> <td>7504.4 Allowable Number of Staves Plastic Gable Panel</td> <td>2 staves</td> <td>1 staff (See change to code)</td> </tr> <tr> <td>7505.2 Allowable Area Factor</td> <td>17,500 sq ft</td> <td>1,933 gross sq ft (per above)</td> </tr> </tbody> </table> <p>A site modification such as this may increase risk, not applicable this project.</p>	Table	Allowed	Proposed	7504.3 Allowable Windy Ridge Plastic Gable Panel	55	1) 50.0 (existing) 2) 51.0 (proposed) as new (per table)	7504.4 Allowable Number of Staves Plastic Gable Panel	2 staves	1 staff (See change to code)	7505.2 Allowable Area Factor	17,500 sq ft	1,933 gross sq ft (per above)	<p>Means of Egress - Chapter 10 IRC</p> <p>Design Occupant Load:</p> <p>S-1 = 500 persons 1,933 / 500 = 4 occupants</p> <p>Take always on upper end and be regular (connectivity)</p> <p>Exit Access Capacity:</p> <p>Exit Access width per occupant for doors, ramps, corridors, etc. - 20 inches Building has minimum system capacity of 10 capacity factor for 15 and 2 respectively</p> <p>Exitways: based on a local design code</p> <p>Stairs, Ramps & Corridors</p> <p>Stairs: 44" x 15" (44" req. = 32") 32" as single egress door</p> <p>Stairs: 4" x 24" (4" req. = 4") not applicable</p> <p>Per Table 1006.2.1 Spaces w/o One Bay</p> <p>2 Use Group</p> <p>Exit Occupant Load = 20 - Convert width of frame = 100" (low spread, 0.15 per 30)</p> <p>Table Facilities:</p> <p>The structure is a suitable for use as a place of operation for Professional Automotive located directly next door. This building is not open to the general public as a necessary and is provided at the building. The maximum number of users is 2,000 sq ft. and will be under 20 employees (2-10 CAR 10.112.16.1) and will only use additional equipment for use in the building in the event of an emergency but repair location being open to the public.</p> <p>Notes: not applicable in table 7 at any level</p>
Table	Allowed	Proposed											
7504.3 Allowable Windy Ridge Plastic Gable Panel	55	1) 50.0 (existing) 2) 51.0 (proposed) as new (per table)											
7504.4 Allowable Number of Staves Plastic Gable Panel	2 staves	1 staff (See change to code)											
7505.2 Allowable Area Factor	17,500 sq ft	1,933 gross sq ft (per above)											



PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"

ARCHITECT

CONTEXT STUDIOS LLC

D.J. NICHAM AIA - REGISTERED ARCHITECT
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DRAWING LIST:

- A-0 COVER SHEET / PROJECT DESCRIPTION / LIST OF DRAWINGS
- AX-1 DEMOLITION SCOPE - PLANS AND SECTIONS
- AX-2 DEMOLITION SCOPE - ELEVATIONS
- A-1 FLOOR PLANS
- A-2 ELEVATIONS
- A-3 SECTIONS / SCHEDULES
- S-1 STRUCTURAL
- S-2 STRUCTURAL

Renovations to:

Professional Automotive - 13 Mechanic St Shop

13 Mechanic Street
Marlborough Ma

Architecture / Construction Management

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COVER SHEET / PROJECT DESCRIPTION / LIST OF DRAWINGS

Scope of Documents:

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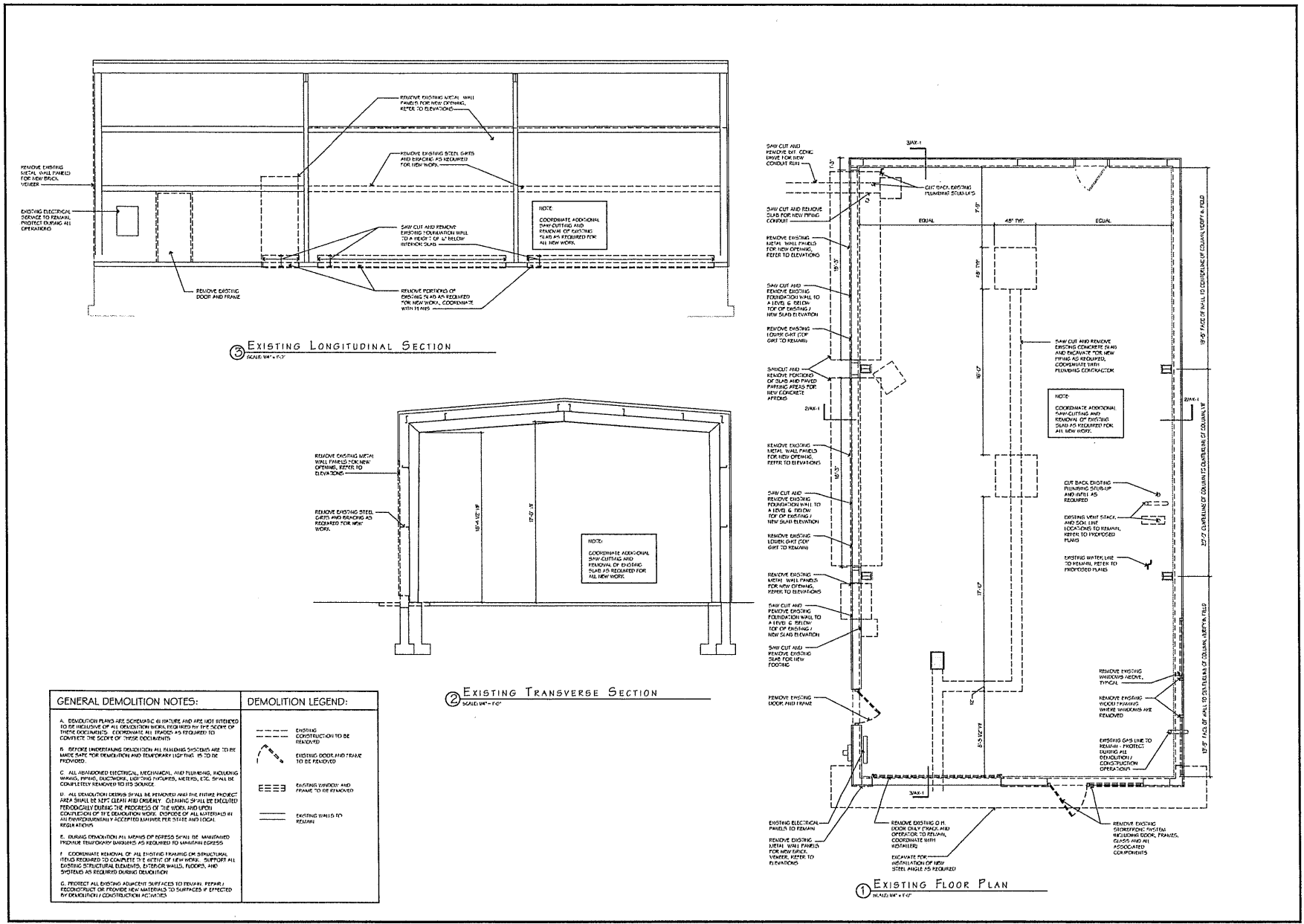
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AS NOTED

DATE
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DS



GENERAL DEMOLITION NOTES:	DEMOLITION LEGEND:
A. DEMOLITION PLANS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO BE RELIABLE FOR ALL DEMOLITION WORK. TO BE USED BY THE SCOPE OF THESE DOCUMENTS. COORDINATE ALL WORK AS REQUIRED TO COMPLETE THE SCOPE OF THESE DOCUMENTS.	--- EXISTING CONSTRUCTION TO BE REMOVED
B. BEFORE UNDERTAKING DEMOLITION ALL BUILDING SYSTEMS ARE TO BE MAINTAINED FOR REMEDIATION AND TEMPORARY LOGGING IN TO BE PROVIDED.	- - - EXISTING DOOR AND FRAME TO BE REMOVED
C. ALL ABANDONED ELECTRICAL, MECHANICAL AND PLUMBING, INCLUDING WIRING, PIPING, DUCTWORK, LISTINGS, TUBULARS, METERS, ETC. SHALL BE COMPLETELY REMOVED TO ITS SOURCE.	==== EXISTING WINDOW AND FRAME TO BE REMOVED
D. ALL DEMOLITION DEBRIS SHALL BE REMOVED AND THE FINISH PROJECT AREA SHALL BE KEPT CLEAR AND ORDERLY. CLEANING SHALL BE CARRIED OUT PERIODICALLY DURING THE PROCESS OF THE WORK AND UPON COMPLETION OF THE DEMOLITION WORK. INSPECTOR OF ALL MATERIALS AS ALL ENVIRONMENTALLY ACCEPTED LAWMER, PER STATE AND LOCAL REGULATIONS.	===== EXISTING WALLS TO REMAIN
E. DURING DEMOLITION ALL MEANS OF EGRESS SHALL BE MAINTAINED PROMINENTLY THROUGHOUT DEMOLITION AS REQUIRED TO MAINTAIN EGRESS.	
F. COORDINATE REMOVAL OF ALL EXISTING FRAMING OR STRUCTURAL ITEMS REMOVED TO COMPLETE THE AREA OF NEW WORK. SUPPORT ALL EXISTING STRUCTURAL ELEMENTS, EXTERIOR WALLS, FLOORS, AND SYSTEMS AS REQUIRED DURING DEMOLITION.	
G. PROTECT ALL EXISTING ADJACENT SURFACES TO REMAIN. REPAIR, RECONSTRUCT OR PROVIDE NEW MATERIALS TO SURFACES IF EFFECTED BY DEMOLITION OR CONSTRUCTION ACTIVITIES.	

Renovations to:

Professional Automotive - 13 Mechanic Street Shop

13 Mechanic Street
Marlborough Ma

Architecture / Construction Management

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DEMOLITION SCOPE PLAN AND SECTIONS

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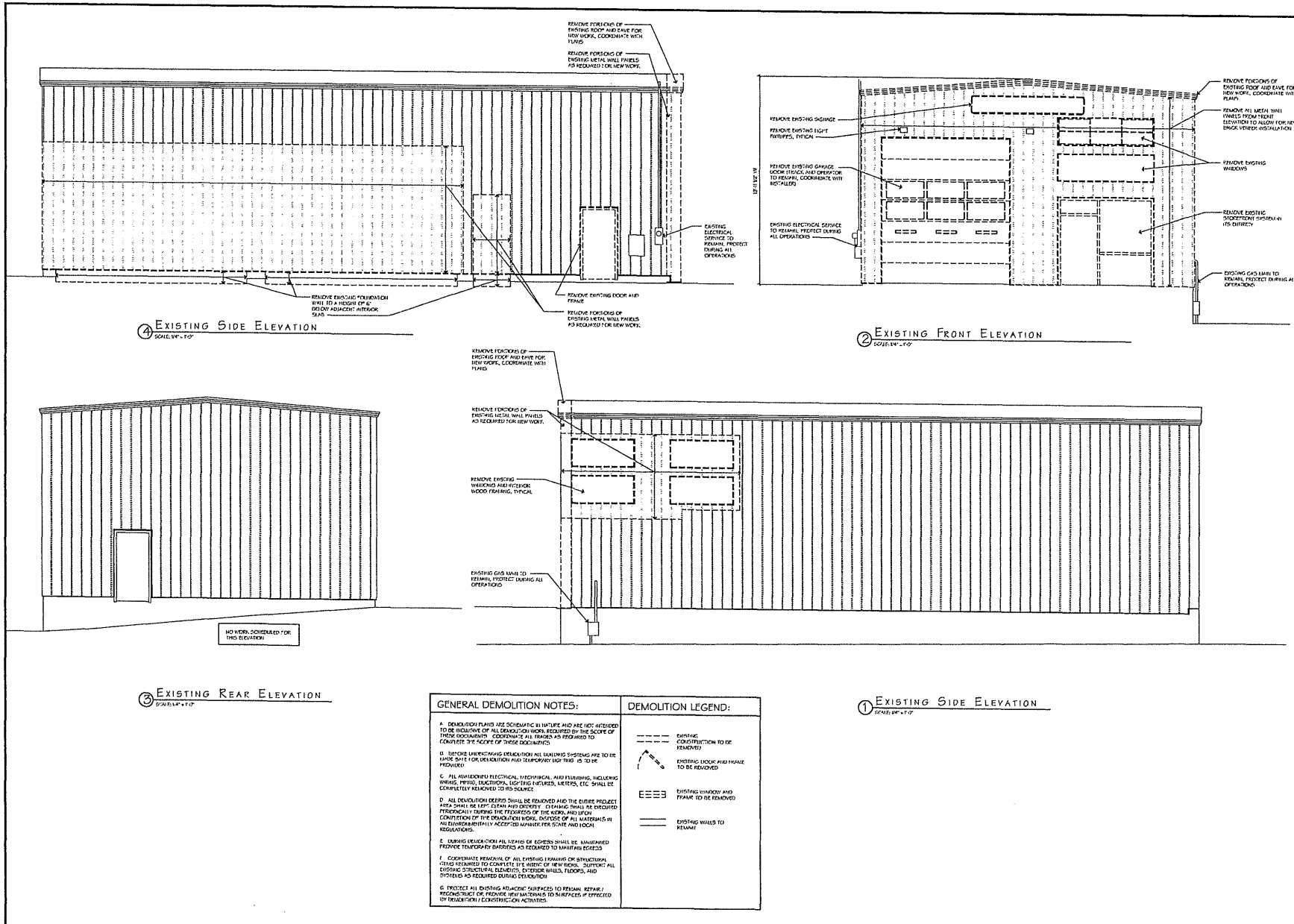
Context Studios LLC 2022-2023

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GENERAL DEMOLITION NOTES:		DEMOLITION LEGEND:	
<p>A. DEMOLITION PLANS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO BE INDICATORS OF ALL DEMOLITION WORK REQUIRED BY THE SCOPE OF PROJECT DOCUMENTS. COORDINATE ALL TRADES AND SEQUENCE TO COMPLETE THE SCOPE OF THESE DOCUMENTS.</p> <p>B. BEFORE DEMOLITION, MECHANICAL AND PLUMBING, INCLUDING VENTS, PIPES, DUCTWORK, EXISTING FIXTURES, METERS, ETC. SHALL BE COMPLETELY REMOVED TO HIS SOURCE.</p> <p>C. ALL UNDESIRABLE ELECTRICAL, MECHANICAL AND PLUMBING, INCLUDING VENTS, PIPES, DUCTWORK, EXISTING FIXTURES, METERS, ETC. SHALL BE COMPLETELY REMOVED TO HIS SOURCE.</p> <p>D. ALL DEMOLITION DEBRIS SHALL BE REMOVED AND THE ENTIRE PROJECT AREA SHALL BE LEFT CLEAN AND OPEN. CLEANING SHALL BE REQUIRED TO COMPLETION OF THE DEMOLITION WORK. DEPOSITS OF ALL MATERIALS IN ALL DISPERSED/ACCEPTED MANNER PER STATE AND LOCAL REGULATIONS.</p> <p>E. DEMOLITION DEBRIS FROM ALL BRANDS OF ROOFING SHALL BE MAINTAINED FROM THE TOP SURFACE OF EXISTING ROOF AS REQUIRED TO MAINTAIN EDGE.</p> <p>F. COORDINATE REMOVAL OF ALL EXISTING DRAINAGE OR STRUCTURAL ITEMS REQUIRED TO COMPLETE THE INTERIOR OF NEW WORK. SUPPORT ALL EXISTING STRUCTURAL ELEMENTS, EXTERIOR WALLS, FLOORS, AND SYSTEMS AS REQUIRED DURING DEMOLITION.</p> <p>G. PROTECT ALL EXISTING ADJACENT SURFACES TO REMAIN, REPAIR, / RECONSTRUCT OR PROVIDE WITH DETAILS TO SURFACES AFFECTED BY DEMOLITION / CONSTRUCTION ACTIVITIES.</p>		<p>--- EXISTING CONSTRUCTION TO BE REMOVED</p> <p>- - - EXISTING LOCK AND FRAME TO BE REMOVED</p> <p>==== EXISTING SHIMMY AND FRANK TO BE REMOVED</p> <p>— EXISTING WALLS TO REMAIN</p>	

Renovations to:

Professional Automotive - 13 Mechanic St Shop

13 Mechanic Street
Marlborough Ma

Architecture / Construction Management

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DEMOLITION SCOPE - ELEVATIONS

Scope of Documents:

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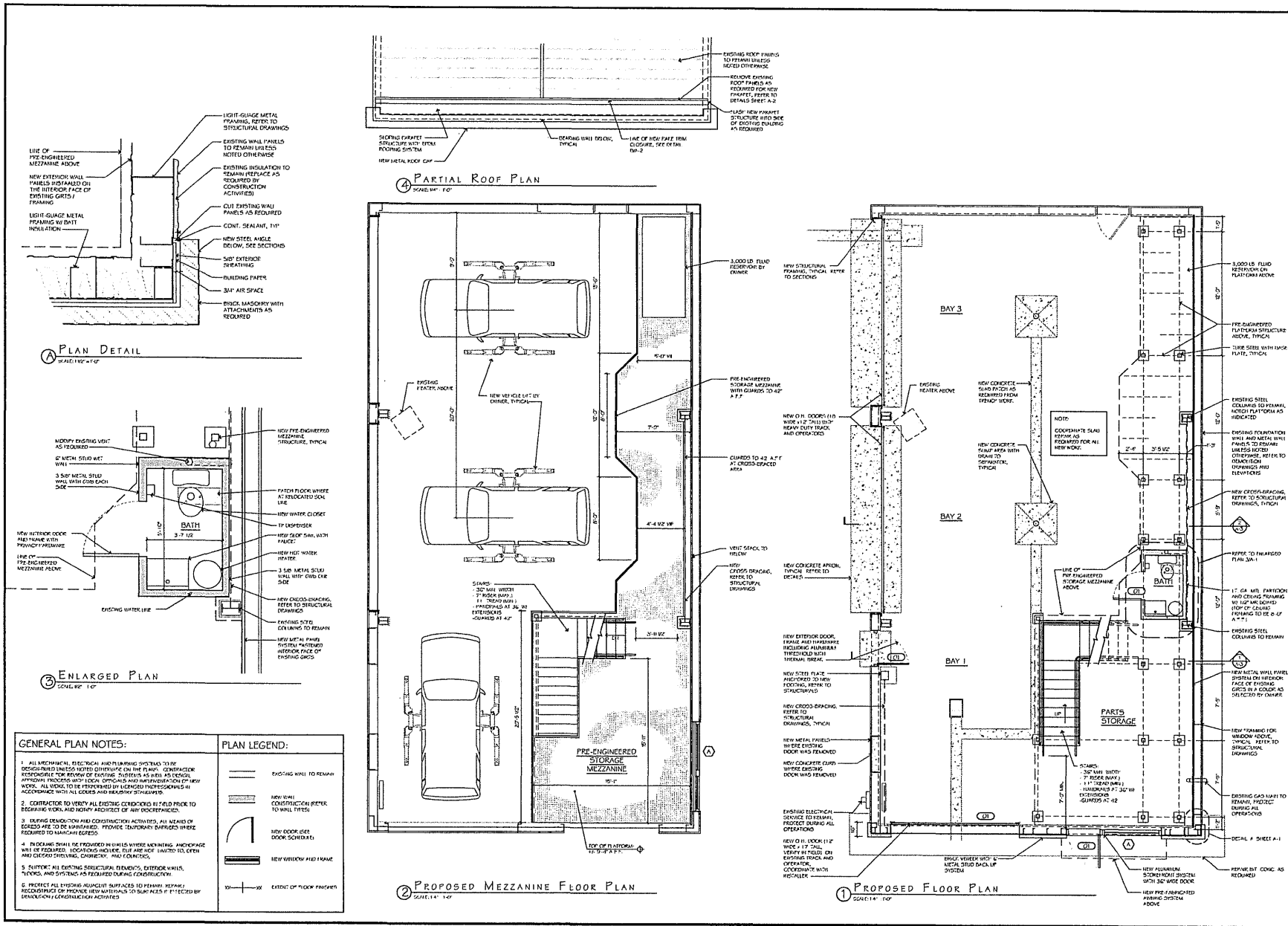
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TITLE PROPOSED PLANS

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DIA

REFLECTED CEILING PLAN NOTES

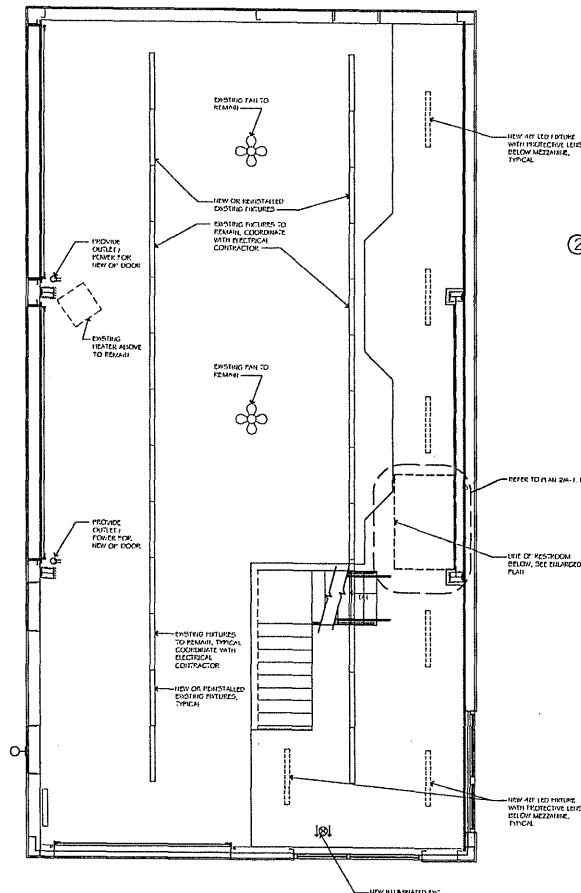
1. ALL MECHANICAL, ELECTRICAL, PLUMBING & LIFE SAFETY SYSTEMS ARE DESIGN BUILD. COORDINATE ALL WORK, NOTIFY ARCHITECT OF ANY DISCREPANCIES THAT MAY ARISE.
2. ELECTRICAL LAYOUTS INCLUDING UPS SAFETY COMPONENTS (SHOCK ALARMS / GROUND MONITORING ALARMS, ETC) ARE DIAGNOSTIC IN NATURE AND ARE NOT INTENDED TO DEFINE A COMPLETE SCOPE OF WORK. COORDINATE LOCATIONS OF ALL REQUIRED COMPONENTS IN FIELD AND WITH REQUIRED CODES.
3. FINALIZE ALL SWITCHING LOCATIONS WITH OWNER.
4. COORDINATE WORK REQUIRED FOR ALL APPLIANCES AND EQUIPMENT, AND OTHER ITEMS REQUIRING ELECTRICAL OR PLUMBING CONNECTIONS. COORDINATE WITH OWNER.

GENERAL ELECTRICAL NOTES:

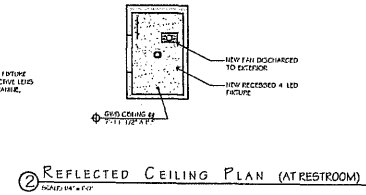
1. ALL ITEMS INDICATED ON THESE PLANS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO REPRESENT THE FULL SCOPE OF WORK. ELECTRICAL CONTRACTOR TO PROVIDE ALL CODE REQUIRED ELEMENTS AND COORDINATE FINAL LOCATIONS IN FIELD.
2. ELECTRICAL CONTRACTOR TO COORDINATE WITH OWNER/EGC. ALL SWITCH CONFIGURATIONS AND SPECIAL OUTLET LOCATIONS IN FIELD PRIOR TO INSTALLATION.
3. ELECTRICAL CONTRACTOR TO OBTAIN ALL ELECTRICAL PERMITS AND COORDINATE ALL INSPECTED AS REQUIRED.
4. FIRE DETECTION AND SIGNALING IS DESIGN BUILD AS REQUIRED.

ELECTRICAL LEGEND:

- 4" LED RECESSED CAN LIGHT FIXTURE (PROVIDE WATERPROOF FIXTURE AT WET LOCATIONS INCLUDING SHOWERS)
- 1" NIGHT LIGHT (NIGHT VIEW-NV)
- ▭ SURFACE MOUNTED FLUORESCENT LIGHT FIXTURE WITH PROTECTIVE LENS, 2' OR 4'
- EXTERIOR WALL MOUNTED LIGHT FIXTURE
- ⊕ SINGLE POLE LIGHT SWITCH
- ⊕ 3 WAY LIGHT SWITCH
- ⊕ DIMMABLE SWITCH
- ⊕ DIMMABLE 3 WAY SWITCH
- ⊕ ILLUMINATED EXIT SIGN (WALL / CEILING MOUNT)
- ⊕ FAN / LIGHT
- SPECIAL OUTLET (IN ADDITION TO THOSE REQUIRED BY CODE)
- ▭ GYRO CEILING (SMOOTH FIBER LINKS NOTED OTHERWISE - PAINTED)



① REFLECTED CEILING PLAN
SCALE 1/4" = 1'-0"



② REFLECTED CEILING PLAN (ATRESTROOM)
SCALE 1/4" = 1'-0"

Renovations to:

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13 Mechanic Street
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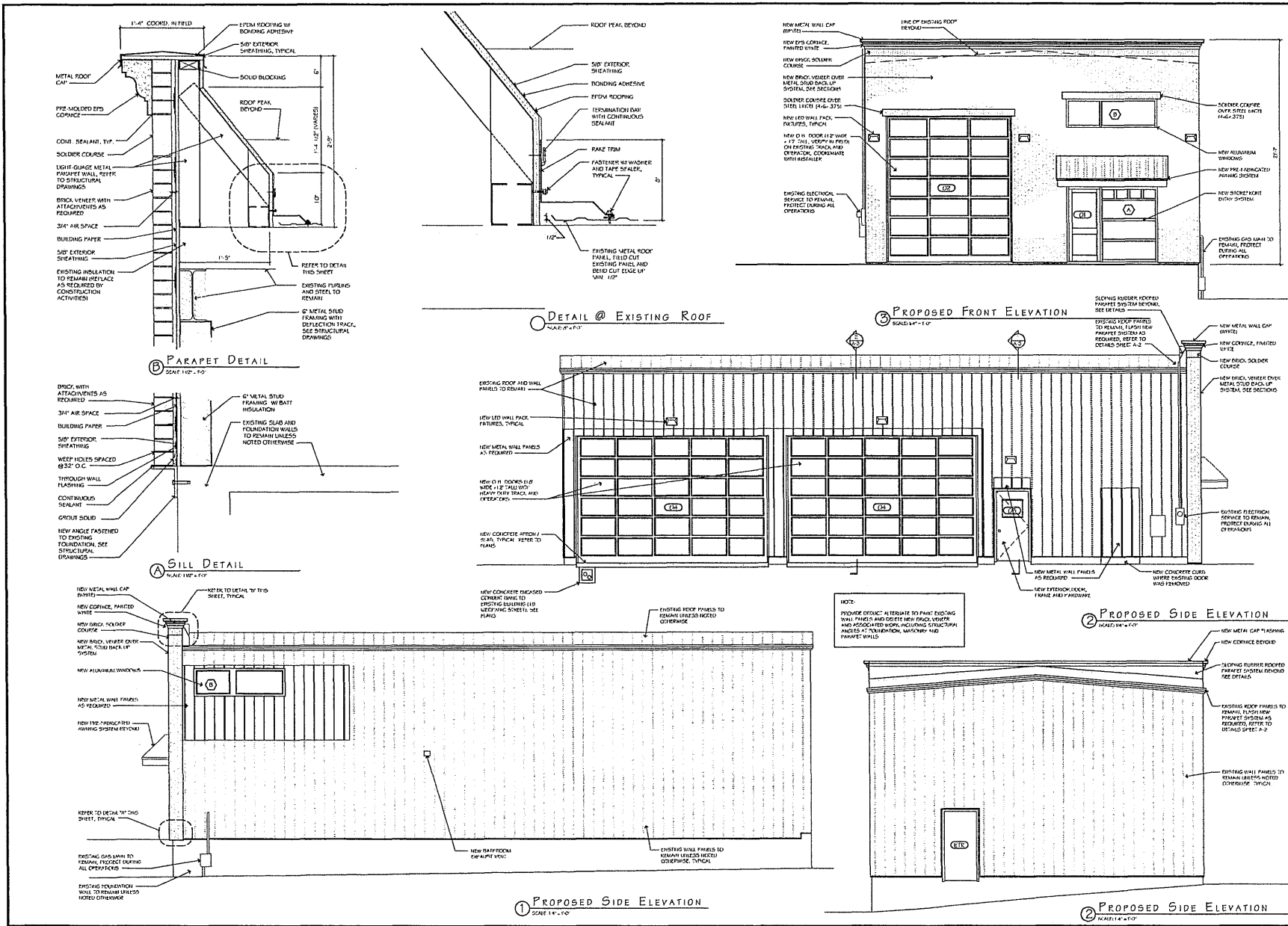
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DJ



Renovations to:

Professional Automotive - 13 Mechanic St Shop

**13 Mechanic Street
Marlborough Ma**

Architecture / Construction Management

CONTEXT STUDIOS

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PROPOSED ELEVATIONS

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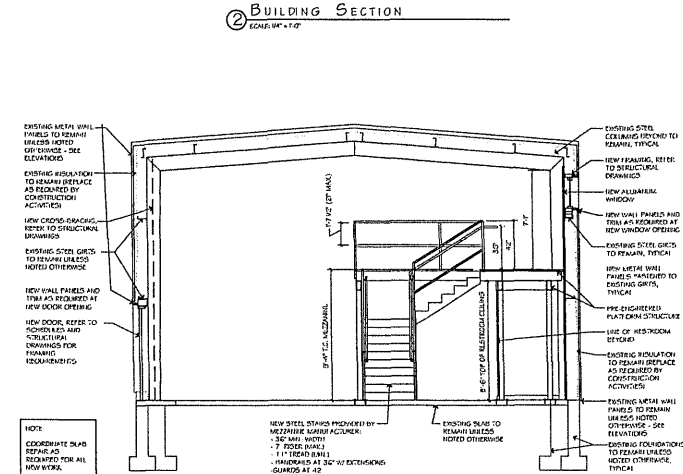
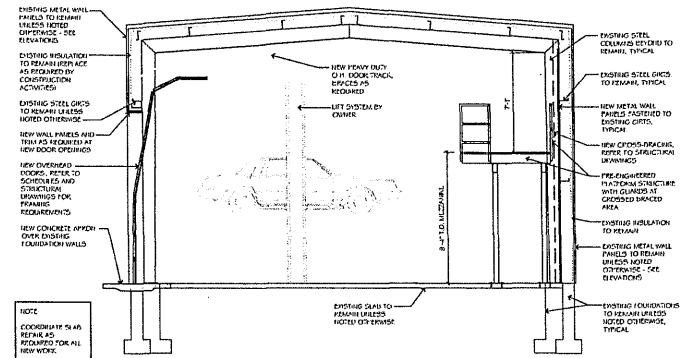
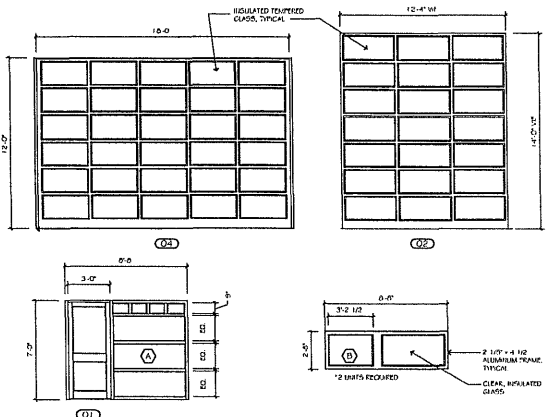
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DOOR SCHEDULE					
TYPE	MANUF. (MODEL / SERIES)	DOOR SIZE	SWING	LOCATION	NOTES
001	FRONT ENTRY GLAZED ALUMINUM DOOR - 5494S 0000	3'-0" x 7'-0"	OUT SWING - LF (SEE PLAN)	FRONT DOOR	- TERMINATE THROUGH DOOR SET IN STOPPING SYSTEM - GLASS PANEL - WEATHER STRIPPING AND TYPICALLY BRACKLE IN EACH SIDE - PROVIDE ANCHORED FRAMING - COORDINATE HARDWARE WITH OWNER
002	OVERHEAD DOOR - GENERAL DOORS CORPORATION, TELL VIEW ALUMINUM SECTIONAL DOOR	REFLECTS EXISTING ENTRY FIELD (11'-0" x 14'-0")	OH	FRONT BAY	- SECTIONAL OVERHEAD DOOR WITH HEAVY DUTY HARDWARE AND INSULATION - CLING ANCHORED RAILS AND STILES EXPANDED FROM EXISTING TO ALUMINUM - EXISTING ANCHORED FRAMING AND ACCESSORIES TO BE MAINTAINED - 3" TRAC AND ROLLER - 2" TYP. AND ROLLER - WEATHER STRIPPING ON BOTTOM SECTION, JAMB AND HEADER - HEAVY DUTY DRIVERS/CL OPERATOR
003	WATERFOLLOW METAL DOOR WITH PANEL LIGHT AS MANUFACTURED BY STANLEY OR APPROVED EQUAL	3'-0" x 7'-0"	AL SWING - LF (SEE PLAN)	SIDE DOOR	- EXTENSION STEEL DOOR SET IN M. FRAME - INSULATED, INSULATED GLASS - WEATHER STRIPPING - TYPICALLY OVER ALUMINUM THROUGH - COORDINATE HARDWARE WITH OWNER
004	OVERHEAD DOOR - GENERAL DOORS CORPORATION, TELL VIEW ALUMINUM SECTIONAL DOOR	12'-0" x 14'-0"	OH	SIDE BAYS	- SECTIONAL OVERHEAD DOOR WITH HEAVY DUTY HARDWARE AND INSULATION - CLING ANCHORED RAILS AND STILES EXPANDED FROM EXISTING TO ALUMINUM - EXISTING ANCHORED FRAMING AND ACCESSORIES TO BE MAINTAINED - 3" TRAC AND ROLLER - 2" TYP. AND ROLLER - WEATHER STRIPPING ON BOTTOM SECTION, JAMB AND HEADER - HEAVY DUTY DRIVERS/CL OPERATOR
005	WATERFOLLOW METAL DOOR WITH POLYESTER GLASS	3'-0" x 7'-0"	LF (SEE PLAN)	BATHROOM DOOR	- JACOBI M. M. DOOR SET IN M. FRAME - FREE FOR CHAIR AND WHEELCHAIR ACCESS - COORDINATE HARDWARE WITH OWNER
006	EXISTING EXTERIOR DOOR TO REMAIN			REAR DOOR	

EXTERIOR ALUMINUM STORE FRONT SYSTEM / WINDOW NOTES:

1. SYSTEM BASED ON EXISTING DOOR WITH A 2" x 4 1/2" ALUMINUM DOOR FRAME. EXTERIOR SIDE ALUMINUM CORNERPOST SYSTEM.
2. ALUMINUM DOORS BASED ON LETTED DOOR WITH TALL BOTTOM STILE MEETING JAMB AND HEAD SHALL BE PROVIDED WITH ALL WEATHER STRIPPING AND TYPICALLY BRACKLE THROUGH.
3. WINDOWS SHALL MEET OR EXCEED MINIMUM U-FACTOR OF .30
4. COORDINATE HARDWARE SELECTION WITH OWNER



Renovations to:

Professional Automotive - 13 Mechanic St Shop

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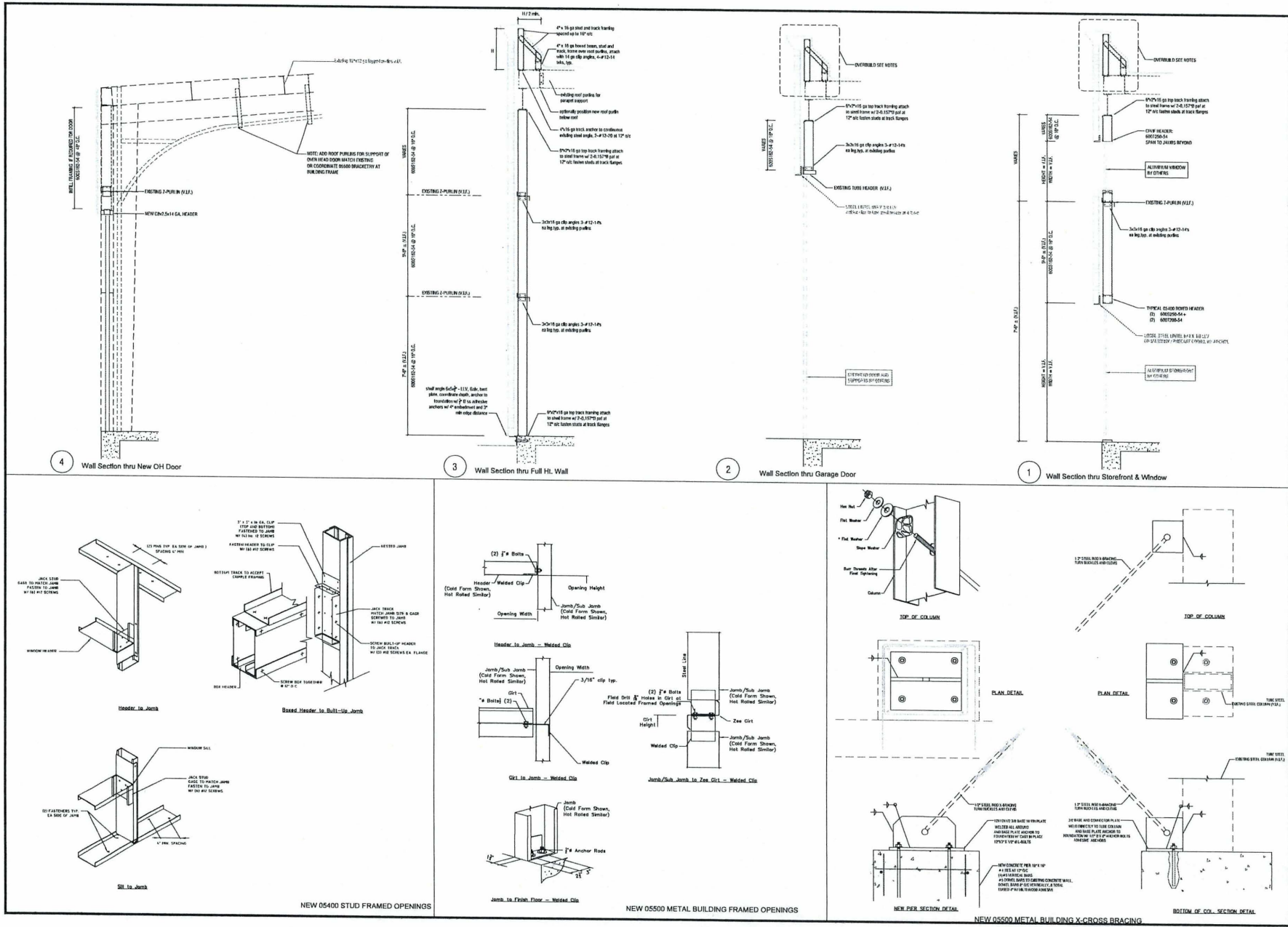
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TITLE SECTIONS / SCHEDULES

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Structural Engineers & Construction Consultants
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19 Campbell St., Woburn, MA 01801
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TITLE

Permit Drawing Set

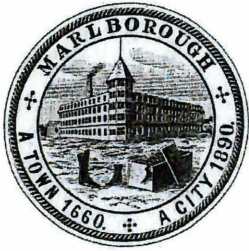


SCALE AS NOTED
DATE December 22, 2022

SHEET **S-2**

Attachment B





City of Marlborough
Legal Department

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

JASON D. GROSSFIELD
 CITY SOLICITOR

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

2023 SEP 14 AM 10:51

JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
 PARALEGAL

September 14, 2023

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

Re: City Council Order No. 23-1008939
 Special Permit Decision, 358 and 364 Lincoln Street, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59(C)(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application as referred to this office. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

I have reviewed the quantum of vote necessary for the grant of this special permit under the recent amendments to MGL c. 40A, and in my opinion, the vote remains a two-thirds (2/3) vote. MGL c. 40A, s. 9.

Please contact me if you have any questions or concerns.

Respectfully,

Jeremy P. McManus
 Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
 Jason D. Grossfield, City Solicitor
 Tin Htway, Building Commissioner

_____, 2023

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. #23-1008939

Application of:
George Voyiatzis

Locus: 358 and 364 Lincoln Street
Assessors Map 69, Parcels 265 and 267

DECISION

The City Council of the City of Marlborough hereby GRANTS the Application of George Voyiatzis, with a mailing address of 115 Pleasant Street, Cambridge, MA 02139, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2023.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
George Voyiatzis

Locus: 358 and 364 Lincoln Street
Assessors Map 69, Parcels 265 and 267

**DECISION ON A SPECIAL PERMIT
ORDER NO. 23-1008939**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to George Voyiatzis (the "Applicant") for a multifamily dwelling project at 358 and 364 Lincoln Street in the Neighborhood Business Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, George Voyiatzis, is the Manager of Lincoln 358 Realty, LLC, which owns the property located 358 and 364 Lincoln Street in Marlborough, MA, being shown on Assessors Map 69 as Parcels 265 and 267, as shown on the Plans referenced in paragraph 5 below (the "Site"). The Applicant has a mailing address of 115 Pleasant Street, Cambridge, MA 02139.

2. In accordance with Section 650-12.B, Section 650-17, Section 650-18(A)(4), and Section 650-39 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a multifamily dwelling at the Site (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of 17 residential units in a former armory building, a parking area with 32 spaces, and landscaped areas.

3. The Applicant filed with the City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.

4. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Proposed Addition To: 358 Lincoln Street" by Spruhan Engineering, P.C., with the last revision date of July 22, 2023 (the "Plans") attached hereto as **"Attachment A."**

5. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

6. The Site is located in the Neighborhood Business Zoning District.

7. The Site has an area of 24,768 square feet +/- as shown on the Plans.

8. The armory building on the Site is preexisting nonconforming with respect to front, side, and rear yard setbacks, and parking.

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

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, August 21, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on August 21, 2023.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

12. At the public hearing, five members of the public spoke in favor of the use and no members of the public spoke in opposition to the Use.

13. Councilor Teona Brown was absent from the single session of the public hearing on the Application. Prior to the vote on this decision, Councilor Brown filed a written certification as to examination of all the evidence and testimony received at the hearing session as set forth in "**Attachment B**" hereto, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.

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

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

B. The City Council finds that the proposed change of the preexisting nonconforming building to a multifamily dwelling use with parking areas and landscaping would not be substantially more detrimental to the neighborhood than the prior armory use of the Site.

C. The City Council finds that the floor and ground area of the preexisting nonconforming building is not enlarged by more than 25% as part of the Use.

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

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

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

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and a final certificate of occupancy shall not be issued until the Applicant has complied with all conditions, provided that the Site Plan Committee may authorize the phasing of site and building work depending upon weather conditions and other factors. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the Site Plan Review Committee may approve minor amendments to the Plans, so long as said changes do not materially increase the impervious area of the Use, alter traffic flow, or materially increase the size of the building, or increase the number of residential units, all as shown on the Plans.

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

5. Storm Water and Erosion Control Management. The Applicant shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering

Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

6. Landscaping and Screening. As part of site plan review, the Site Plan Review Committee shall review the Site's landscaping and screening and shall be authorized to require additional fencing or landscaping as needed to provide appropriate buffers and screening for the adjacent properties and future residents of the Site.

7. Landscaping Easement over 31 Gay Street. Prior to the issuance of a building permit for the Use, the Applicant shall obtain and have recorded with the Middlesex South District Registry of Deeds a permanent landscaping easement over a portion of the abutting property located at 31 Gay Street, as shown on the Plans. The landscaping shown on the approved site plan within this easement area shall be maintained in perpetuity as part of the 358 and 364 Lincoln Street property maintenance.

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

9. Electric Utilities. The Use shall have all-electric utilities, including heat, air conditioning, and hot water.

10. Compliance with Applicable Laws. The Applicant shall comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

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

Yea: ___ - **Nay:** ___ - **Absent -** ___

Yea: _____, _____, _____, _____, _____, _____, _____, _____,

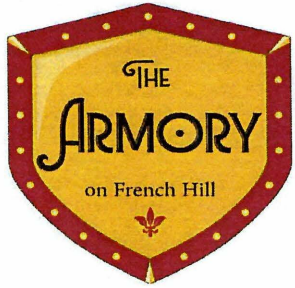
Nay: _____, _____,

Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. #23-1008939

Attachment A



SITE PLAN

PROPOSED ADDITION TO: 358 LINCOLN STREET MARLBOROUGH, MA 01752

I CERTIFY THAT THIS PLAN WAS CREATED BY AN INSTRUMENT SURVEY ON THE GROUND PERFORMED APRIL 30, 2021 & THAT ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.



EDMUND SPRUHAN P.E.

PROPERTY OWNER: PH: (508) 479-6405
 LINCOLN 358 REALTY, L.L.C.
 115 PLEASANT STREET
 CAMBRIDGE, MA 02139

ENGINEER: PH: (617) 816-0722
 SPRUHAN ENGINEERING, P.C.
 80 JEWETT STREET
 NEWTON, MA 02458

DEVELOPER: PH: (508) 479-6405
 GEORGE VOYIATZIS
 115 PLEASANT STREET
 CAMBRIDGE, MA 02139

ARCHITECT: PH: (617) 828-7258
 LUCIO TRABUCCO ARCHITECTS
 109 HIGHLAND AVE., UNIT B1
 NEEDHAM, MA 02494

SITE PLANS:
 ISSUED FOR SITE PLAN REVIEW
 DATE ISSUED: 5-17-23
 LATEST ISSUE: 7-22-23

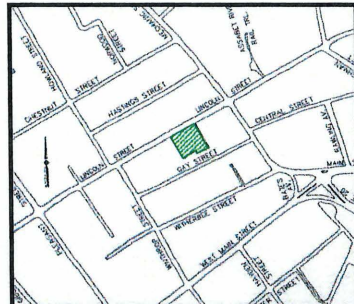
INDEX:	LATEST ISSUE
C1 COVER SHEET	7-22-23
E1 EXISTING CONDITIONS	4-30-21
E1.1 EXISTING ELEVATIONS	7-10-19
E1.2 EXISTING FLOOR PLANS	7-10-19
E2 PROPOSED PLOT PLAN	7-22-23
E2.1 PROPOSED DRAINAGE PLAN	5-15-23
E2.2 PROPOSED DRAINAGE PLAN DETAILS	5-15-23
A1 PROPOSED BASEMENT FLOOR PLAN	6-20-23
A1.1 PROPOSED GROUND FLOOR PLAN	6-20-23
A1.2 PROPOSED SECOND FLOOR PLAN	6-20-23
A1.3 PROPOSED THIRD FLOOR PLAN	6-20-23
A2 PROPOSED (FRONT / REAR) ELEVATIONS	6-20-23
A2.1 PROPOSED (LEFT / RIGHT) ELEVATIONS	2-18-23
E3 PROPOSED PERSPECTIVE VIEWS	7-10-22
E5 PROPOSED LANDSCAPE PLAN	7-22-23
E5.1 LANDSCAPE PLAN NOTES	3-31-23



ZONING TABLE
 ASSESSORS MAP: MAP 69, PARCEL 265, 267
 ZONING DISTRICT: ZONE "NB" NEIGHBORHOOD BUSINESS DISTRICT
 HISTORIC DISTRICT: N/A
 FLOOD PLAN DISTRICT: ZONE X
 PROPOSED USE: RESIDENTIAL CONDOMINIUMS
 BUILDING AREA: 29,848 S.F.

ZONING REQUIREMENT	EXISTING	REQUIRED	PROVIDED
LOT SIZE:	24,768 +/- S.F.	22,027 +/- S.F.	24,768 +/- S.F.
LOT FRONTAGE:	161'	30'	161'
MAX LOT COVERAGE:	35.70%	75% (MAX)	66.70%
MAX BUILDING HEIGHT:	36'-10"	52'	36'-10"
FRONT YARD SETBACK:	21'-9"	25'	21'-9"
SIDE YARD SETBACK:	5'	10'	5'
REAR YARD SETBACK:	12'-3"	25'	12'-3"
PARKING SETBACK FROM BUILDING:	N/A	5'	>5'
PARKING SPACES *1	0	32	32
STANDARD (8x20)	0	20	20
COMPACT (8x16)	0	10	10
VAN ACCESSIBLE PARKING	0	1	1
ACCESSIBLE PARKING	0	1	1
LANDSCAPE REQUIREMENTS	N/A	25% (MIN)	33.30%

Notes: *1 Parking Per Zoning & 880-39, B. (1), (1)	REQUIRED	PROVIDED
(1) Three Bedroom Unit	N/A	2
(14) Two Bedroom Units	N/A	28
(2) One Bedroom Units	N/A	2
(17) Total	N/A	32



APPROVED BY THE CITY OF MARLBOROUGH

PLANNING: _____

ENGINEERING: _____

BUILDING: _____

FIRE: _____

POLICE: _____

CONSERVATION: _____

BOARD OF HEALTH: _____

CITY COUNCIL APPROVAL

NUMBER: # _____

DATE: _____

REVISION DATE

LEGEND	
□	BOUND
○	IRON PIN/PIPE
●	STONE POST
○	TREE
⌋	TREE STUMP
⊗	SHRUBS/FLOWERS
⊛	SIGN
●	ROSLARD
⊙	SEWER MANHOLE
⊗	DRAIN MANHOLE
⊗	CATCH BASIN
⊙	WATER MANHOLE
⊙	WATER VALVE
⊙	HYDRANT
⊙	GAS VALVE
⊙	ELECTRIC MANHOLE
⊙	ELECTRIC HANDHOLE
⊙	UTILITY POLE
⊙	LIGHT POLE
⊙	MANHOLE
×	SPOT GRADE
—	TOP OF WALL
—	BOTTOM OF WALL
▭	EXISTING BUILDING
▭	RETAINING WALL
▭	STONE WALL
—	FENCE
—	TREE LINE
—	SEWER LINE
—	DRAIN LINE
—	WATER LINE
—	GAS LINE
—	UNDERGROUND ELECTRIC LINE
—	OVERHEAD WIRES
—	CONTOUR LINE (MSP)
—	CONTOUR LINE (MHP)

NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY SPRUHAN ENGINEERING, P.C. AS OF 12/23/2021.
2. DEED REFERENCE #354: BOOK 69564, PAGE 412
2. DEED REFERENCE #31: BOOK 74651, PAGE 187
- PLAN REFERENCE: END OF BOOK 3187
- MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0481F, IN COMMUNITY NUMBER: 250203, DATED 7/7/2014.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND, HOWEVER THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS SPRUHAN ENGINEERING, P.C. ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE BASED ON CITY OF MARLBOROUGH DATUM.



Spruhan
Engineering, P.C.
40 JEWETT ST, SUITE 11
NEWTON, MA 02450
Tel: 617-810-0722
Email: pspruhan@gmail.com

358 LINCOLN STREET
MARLBOROUGH
MASSACHUSETTS

SURVEY PLAN

REVISION BLOCK

DESCRIPTION	DATE

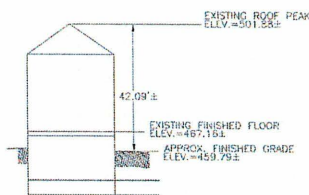
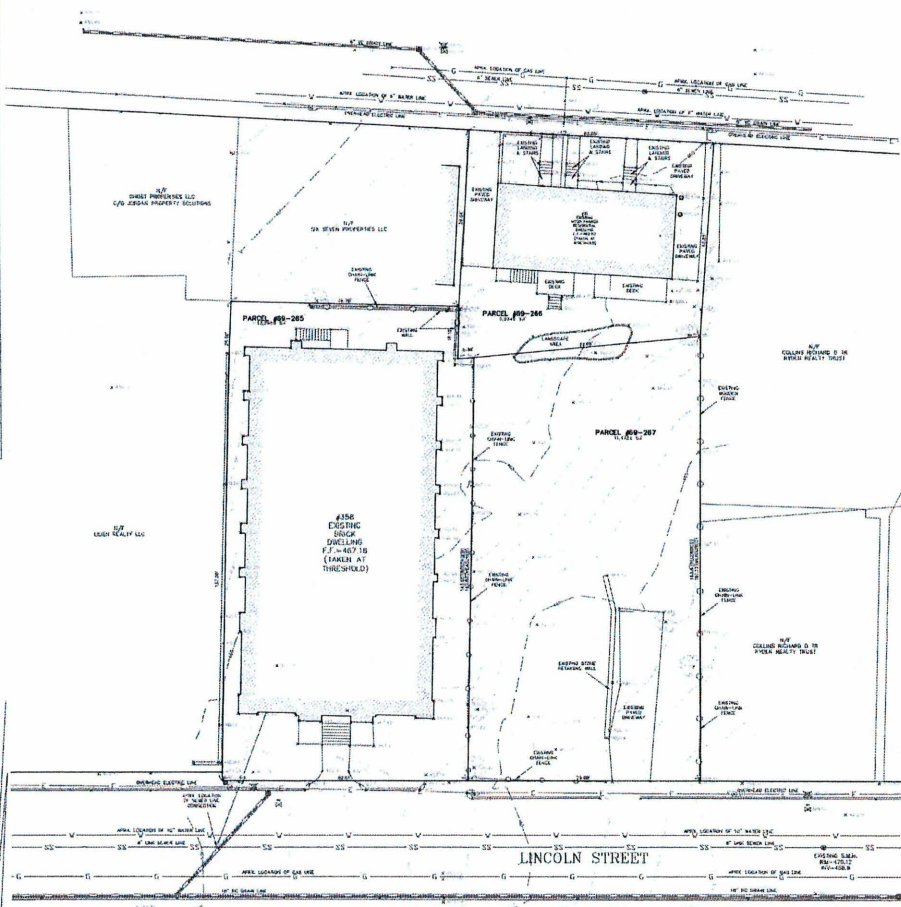
All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C. must be notified of any variation from the dimensions and conditions shown by these drawings.



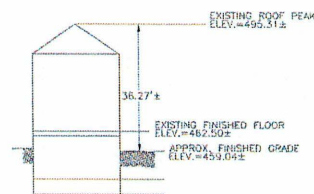
DATE: 1/30/2021
DRAWN BY: K.K.
CHECKED BY: E.S.
APPROVED BY: G.C.

EXISTING
CONDITIONS

E1



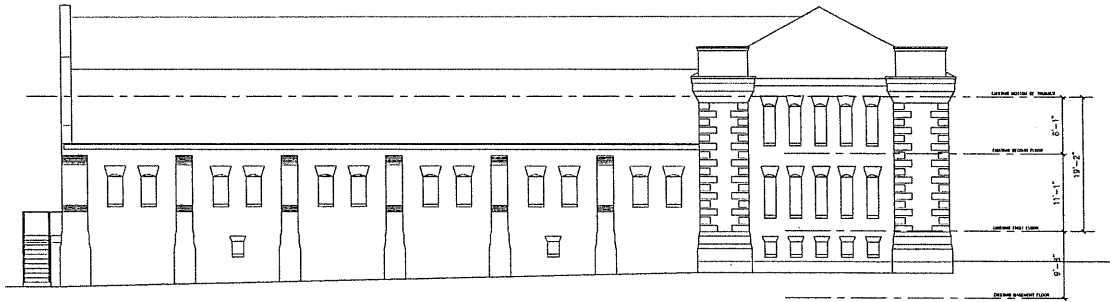
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NOT TO SCALE



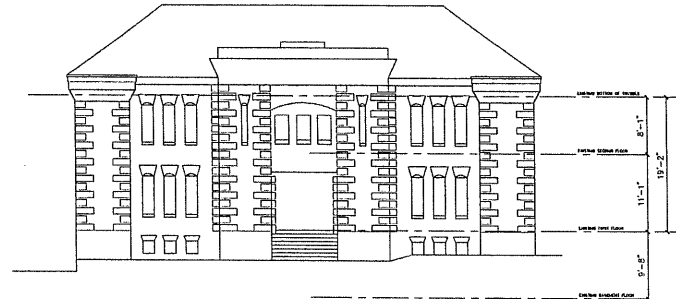
EXISTING PROFILE #31
NOT TO SCALE

GRAPHIC SCALE

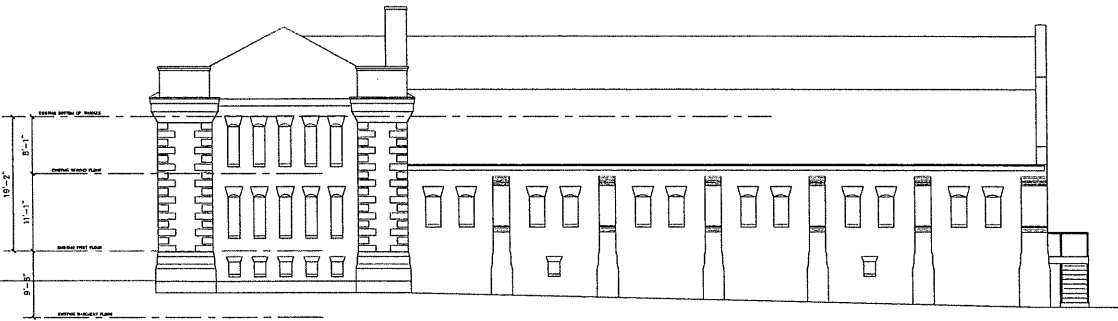




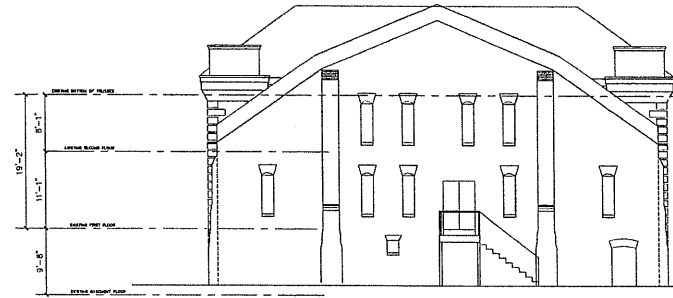
2
E.1.1 **EXISTING SIDE ELEVATION**
SCALE: 1/8" = 1'-0"



1
E.1.1 **EXISTING FRONT ELEVATION**
SCALE: 1/8" = 1'-0"

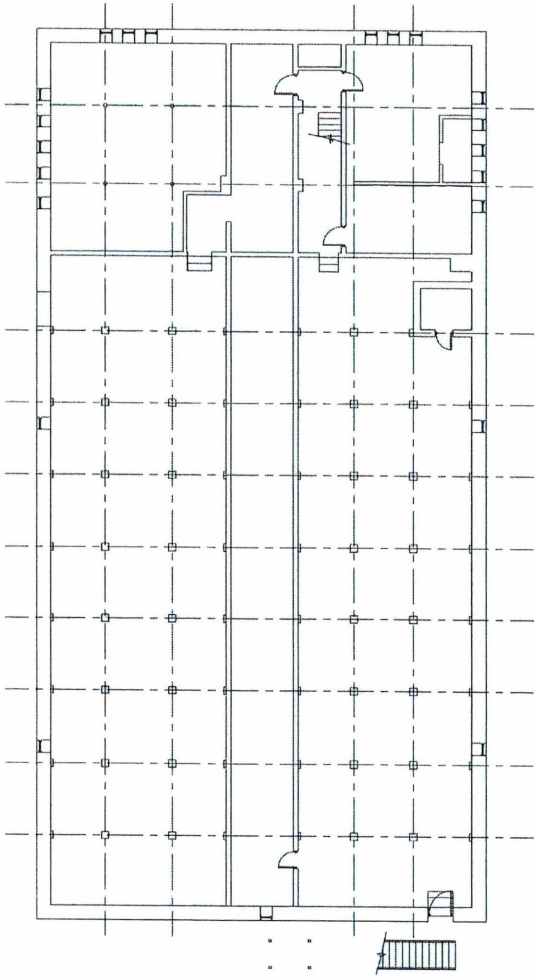


4
E.1.1 **EXISTING SIDE ELEVATION**
SCALE: 1/8" = 1'-0"

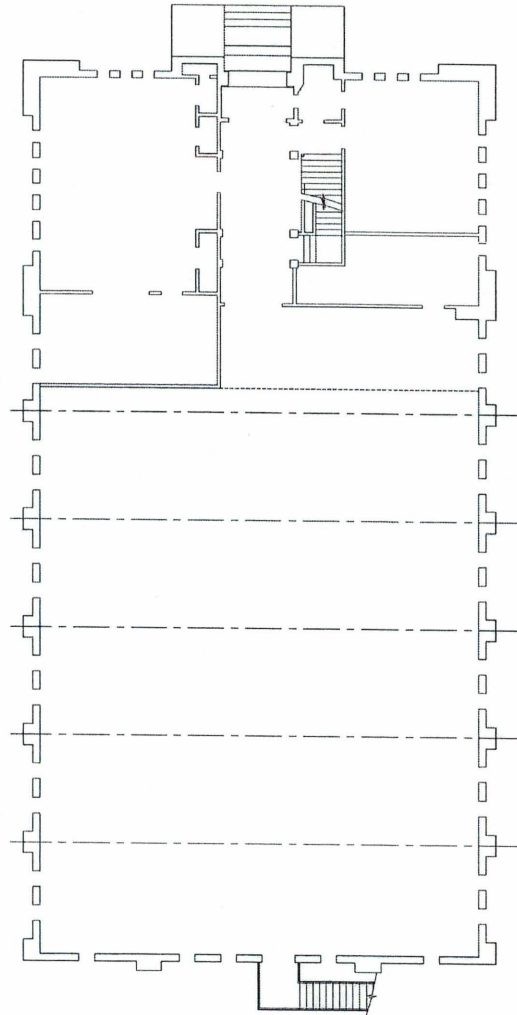


3
E.1.1 **EXISTING REAR ELEVATION**
SCALE: 1/8" = 1'-0"

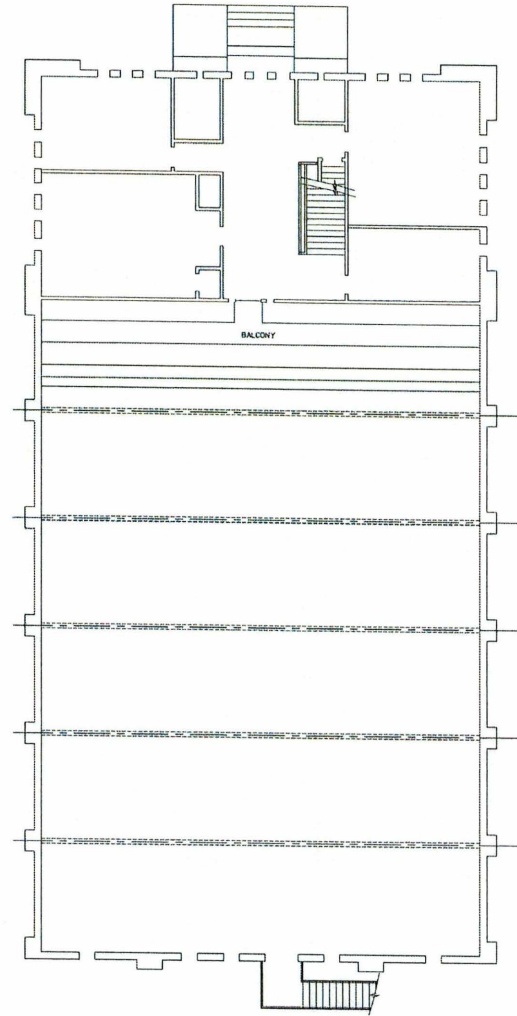
TRAVUCCO ARCHITECTS 60 Backlog Street, Suite 202 Needham, Massachusetts 02461 Tel: 781-451-1100 Fax: 781-451-1101 www.travuccoarchitects.com		ALTERATIONS TO: 58-364 LINCOLN STREET MARLBOROUGH, MA,
THE DATE DRAWN BY CHECKED BY TITLE SCALE PROJECT NO.	NTA NTA 10/20/10 AS NOTED 1900	EXISTING EXTERIOR ELEVATIONS
E.1.1		



3
E1.0
EXISTING BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



2
E1.0
EXISTING GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1
E1.0
EXISTING SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

TRABUCCO ARCHITECTS
358-364 LINCOLN STREET
MARLBOROUGH, MA, 01902
TEL: 508-548-1100
WWW.TRABUCCOARCHITECTS.COM

NO.	REVISIONS

ALTERATIONS TO:
358-364 LINCOLN STREET
MARLBOROUGH, MA,

TRABUCCO ARCHITECTS
358-364 LINCOLN STREET
MARLBOROUGH, MASSACHUSETTS 01902
TEL: 508-548-1100
WWW.TRABUCCOARCHITECTS.COM



EXIST. FLOOR PLANS

DESIGNED BY	NTA
DRAWN BY	NTA
DATE	10/JUNE/19
SCALE	AS NOTED
PROJECT NO.	1908

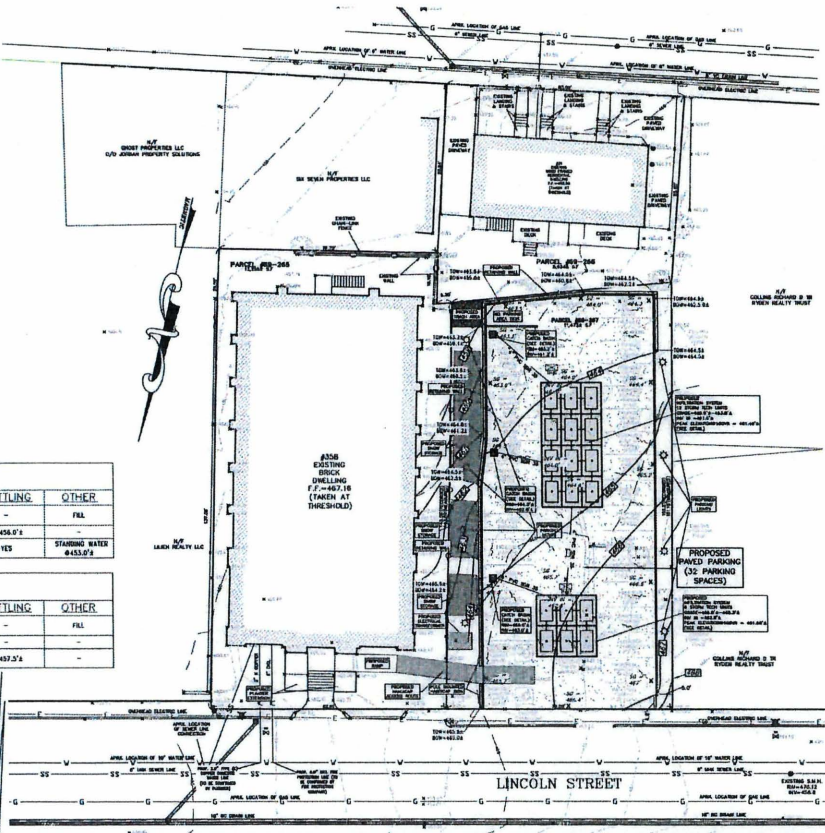
LEGEND	
□	BOUND
○	IRON PIN/PIPE
○	TREE
⊙	SEWER MANHOLE
⊙	CATCH BASIN
⊙	WATER VALVE
⊙	GAS VALVE
⊙	UTILITY POLE
⊙	MANHOLE
X	SPOT GRADE
▬	EXISTING BUILDING
▬	STONE WALL
▬	FENCE
▬	TREE LINE
▬	SEWER LINE
▬	DRAIN LINE
▬	WATER LINE
▬	GAS LINE
▬	OVERHEAD WIRES
▬	CONTOUR LINE (M.R)
▬	CONTOUR LINE (M.H)

DRAINAGE AREA SUMMARY	
EXISTING ROOF (H2O) = 8,050.2 S.F.	
EXISTING PAVED DRIVEWAY = 382.7 S.F.	
EXISTING IMPERVIOUS (STEPS/WALKWAY/RET. WALLS) = 380.3 S.F.	
EXISTING LANDSCAPE AREA = 15,534.8 S.F.	
PROPOSED ROOF = 8,050.2 S.F.	
PROPOSED PAVED PARKING = 8,474.0 S.F.	
PROPOSED IMPERVIOUS (STEPS/RAMP/WALKWAY) = 513.1 S.F.	
PROPOSED LANDSCAPE AREA = 7,730.7 S.F.	
TOTAL EXISTING IMPERVIOUS AREA = 9,233.2 S.F.	
TOTAL PROPOSED IMPERVIOUS AREA = 17,037.3 S.F.	
TOTAL INCREASE IN IMPERVIOUS AREA = 7,804.1 S.F.	

DEEP OBSERVATION HOLE LOG:
 GENERAL SOIL CONDITIONS FOR THE AREA PERFORMED AT 358 LINCOLN ST., MARLBOROUGH MA. BY SPRUHAN ENGINEERING, P.C.
 DATE: 7/7/2011
 HOLE NUMBER: #1 & #2
 GENERAL SITE CONDITIONS: BUILDINGS, PAVED/GRASS AREA.
 ESTIMATED SEASONAL HIGH GROUNDWATER TABLE AT 484.6' - 487.8'.

HOLE LOG #1						
DEPTH	ELEVATION	HORIZON	TEXTURE	COLOR	MOTTLING	OTHER
0' - 24"	481.0' - 482.0'	-	-	-	-	FILL
24" - 48"	480.8' - 481.8'	Bw	SANDY LOAM	7.5YR	045E.0'	-
60" - 108"	481.0' - 482.0'	C1	SILT LOAM	7.5YR	1E5	STANDING WATER 4.53.0'

HOLE LOG #2						
DEPTH	ELEVATION	HORIZON	TEXTURE	COLOR	MOTTLING	OTHER
0' - 36"	483.0' - 482.0'	-	-	-	-	FILL
36" - 48"	483.0' - 482.0'	Bw	LOAMY SAND	7.5YR	1	-
48" - 108"	482.8' - 482.0'	C1	LOAMY SAND	7.5YR	045E.0'	-

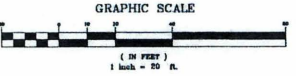


- NOTES:**
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY SPRUHAN ENGINEERING, P.C. AS OF 12/28/2011.
 2. DEED REFERENCE 438A, BOOK 6264A, PAGE 413
 3. DEED REFERENCE 431, BOOK 74881, PAGE 187
 4. PLAN REFERENCE: END OF BOOK 3157 MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS
 5. THIS PLAN IS NOT INTENDED TO BE RECORDED.
 6. I CERTIFY THAT THE DRAINAGE SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 020104M, IN COMMUNITY NUMBER 250203, DATED 7/7/2014.
 7. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNREGISTERED EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT LINES OF THE LAND, HOWEVER THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
 8. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
 9. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS SPRUHAN ENGINEERING, P.C. ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE, CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
 10. THE ELEVATIONS SHOWN ARE BASED ON CITY OF MARLBOROUGH DATUM.

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL REPORT TO THE OWNER AND ENGINEER OF ANY DISCREPANCY VARIATIONS IN EXISTING SITE CONDITIONS FROM THOSE SHOWN ON THESE PLANS. ANY PROPOSED REVISIONS TO THE WORK AS REQUIRED BY THESE SITE CONDITIONS SHALL NOT BE UNDERTAKEN UNTIL REVIEWED AND APPROVED BY THE OWNER AND THE ENGINEER.
 2. IN ORDER TO PROTECT THE PUBLIC SAFETY DURING CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING AT ALL TIMES ALL NECESSARY SAFETY DEVICES AND PERSONNEL, WARNING LIGHTS, BARRICADES, AND POLICE OFFICERS.
 3. ALL WORK SHALL CONFORM TO CITY OF MARLBOROUGH GENERAL CONSTRUCTION STANDARDS.
 4. THE CONTRACTOR SHALL REGULARLY INSPECT THE PERMETER OF THE PROPERTY TO CLEAN UP AND REMOVE LOOSE CONSTRUCTION DEBRIS BEFORE IT LEAVES THE SITE. ALL DEBRIS SHALL BE PROMPTLY REMOVED FROM THE SITE TO A LEGAL DUMP SITE. ALL TRUCKS LEAVING THE SITE SHALL BE COVERED.
 5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSTITUTE EROSION CONTROL MEASURES OR AS NECESSARY BASIS, SUCH THAT EXCESSIVE SOIL EROSION DOES NOT OCCUR.
 6. THE LOCATION OF UNDERGROUND UTILITIES AS REPRESENTED ON THESE PLANS IS BASED UPON PLANS AND INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES OR MUNICIPAL DEPARTMENTS SUPPLEMENTED BY FIELD IDENTIFICATION WHEREVER POSSIBLE. NO WARRANTY IS MADE AS TO THE ACCURACY OF THESE LOCATIONS OR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. THE CONTRACTOR SHALL CONTACT THE SAFE AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. DO NOT CALL TELEPHONE NUMBER IS 1-800-322-6544.
 7. THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO TAPPING AND/OR EXTENDING THEM. IF THE NEAR WORK POSES A CONFLICT WITH EXISTING UTILITIES, THE ENGINEER SHALL BE NOTIFIED PRIOR TO THE CONTRACTOR CONTINUING.
 8. NO LEDGE, ROADERS OR OTHER UNWELDING MATERIALS ARE TO BE LEFT WITHIN 6" OF THE WATER IN THE TRENCH, NOR ARE THEY TO BE USED FOR BACKFILL FOR THE FIRST 12" ABOVE THE PIPES.
 9. PAVEMENT AREA SHALL BE PAVED TO A THICKNESS AS SHOWN ON THE PLANS MEASURED AFTER COMPACTED WITH A BINDER COURSE AND TOP COURSE OF CLASS 1 BITUMINOUS CONCRETE PAVEMENT, TYPE I-1.
 10. BASE MATERIAL SHALL BE CLEAN BANK RUN GRAVEL, CONFORMING TO M.S.P.M. M1031, WITH NO STONES LARGER THAN THREE (3) INCHES IN DIAMETER AND SHALL BE PLACED AND ROLLED WITH AT LEAST A TEN TON ROLLER. THE SURFACES SHALL BE WET DURING ROLLING TO BIND THE MATERIALS TOGETHER. ALL STONES OF LARGER SIZE SHALL BE REMOVED FROM THE SUB-BASE PRIOR TO PLACING BASE MATERIAL.
 11. ALL EXISTING PAVING TO BE DESTROYED SHALL BE CUT ALONG A STRAIGHT LINE THROUGH ITS ENTIRE THICKNESS, BUT THE NEW PAVING INTO THE EXISTING PAVEMENT TO REMAIN.
 12. ANY PAVEMENT REQUIRED FOR UTILITY TRENCH EXCAVATION OR OTHERWISE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH A PAVEMENT SECTION CONSISTING OF 1" NEAR COURSE OVERLAYING A 1 1/2" UNDER COURSE OVERLAYING A 6" COMPACTED GRAVEL BASE COURSE.
 13. THE CONTRACTOR SHALL APPLY FOR A STREET OPENING AND UTILITY CONNECTION PERMITS AND SIGNALK CROSSING PERMIT WITH THE CITY OF MARLBOROUGH.
 14. CONTRACTOR TO ENSURE THAT ALL SURFACE WATER IS DIVERTED AWAY FROM BUILDING FOUNDATION DURING FINAL GRADING.

HYDROCAD RESULTS SUMMARY

STORM EVENT	Summary Table			
	EXISTING	PROPOSED	EXISTING	PROPOSED
2-Year	1.27 cfs	0.93 cfs	4,101 cf	3,039 cf
10-Year	2.10 cfs	1.47 cfs	6,729 cf	4,825 cf
25-Year	2.57 cfs	1.78 cfs	8,239 cf	5,840 cf
100-Year	3.16 cfs	2.17 cfs	10,163 cf	7,128 cf



Spruhan Engineering, P.C.
 80 JEWETT ST., SUITE 111
 NEWTON, MA 02459
 Tel: 617-816-0722
 Email: edmond@spruhaneng.com

358 LINCOLN STREET
 MARLBOROUGH
 MASSACHUSETTS

CIVIL PLAN

REVISION BLOCK

BY	DESCRIPTION	DATE

All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., must be notified of any variation from the dimensions and conditions shown by these drawings.



DATE:	5/15/2013
DRAWN BY:	E.S.
CHECKED BY:	E.S.
APPROVED BY:	E.S.

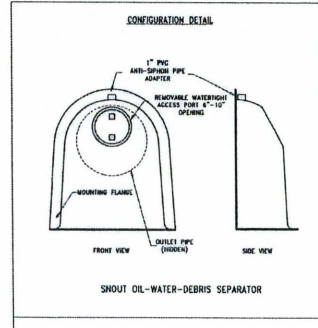
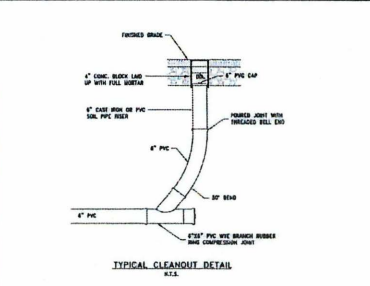
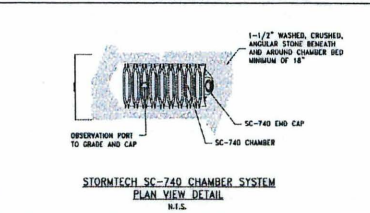
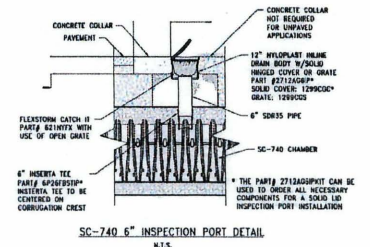
PROPOSED DRAINAGE PLAN

E2.1

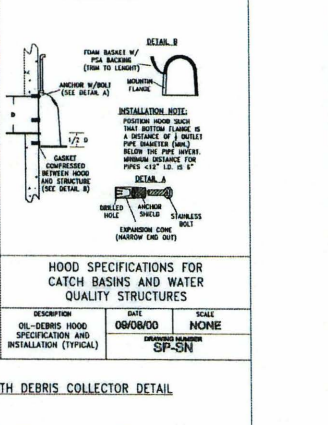
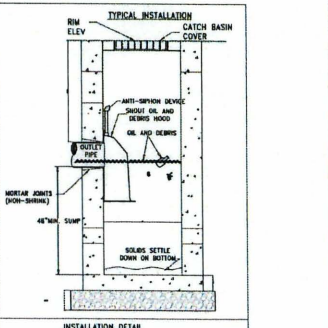
ACCEPTABLE FILL MATERIALS: STORMTECH SC-740 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	ASTM / MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENTS
DO NOT FILL MATERIAL FOR LAYER 'D' STONE FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED SURFACE UNLESS SPECIFIC APPROVAL FROM THE PROJECT ENGINEER IS OBTAINED. THE PERCENT FILLING MUST BE MET AT THE 'D' LAYER.	DO NOT FILL MATERIAL UNLESS SPECIFIC APPROVAL FROM THE PROJECT ENGINEER IS OBTAINED. CLEAR PLAN FOR FILLING STORAGE REQUIREMENTS.	N/A	FURNISH PER THE STORMTECH PRODUCT TECHNICAL DRAWINGS AND FURNISH COMPACTION AND FURNISH REQUIREMENTS.
CONCRETE FILL MATERIAL FOR LAYER 'C' STONE FROM THE TOP OF THE EXCAVATION STONE 'C' LAYER TO 18" FOR UNPAVED SURFACE. THE TOP OF THE CHAMBER MUST NOT EXCEED THE TOP OF THE 'C' LAYER.	CONCRETE FILL SHALL BE (CONCRETE MIXTURE, CONC. TYPE) OR PROVED EQUIVALENT. MUST PROVIDE SUBGRADE MATERIALS CAN BE USED IN LAYER 'C' OF THIS LAYER.	ASTM 3085 ASTM 3085 3. MIX. A, MIX. B, MIX. C, MIX. D, MIX. E, MIX. F, MIX. G, MIX. H, MIX. I, MIX. J, MIX. K, MIX. L	MIN. COMPACTED FILL (18" MAX) OF CONCRETE SHALL BE 100% COMPACTED TO A MIN. OF 15000 PSI. THE CONCRETE SHALL BE 100% COMPACTED TO A MIN. OF 15000 PSI. THE CONCRETE SHALL BE 100% COMPACTED TO A MIN. OF 15000 PSI.
STORMTECH FILL MATERIAL TO BE SUBGRADE FROM THE EXCAVATION STONE 'C' LAYER TO THE 'C' LAYER ABOVE.	CLEAN, CRUSHED, ANGULAR STONE.	ASTM 3085 ASTM 3085 3. MIX. A, MIX. B, MIX. C, MIX. D, MIX. E, MIX. F, MIX. G, MIX. H, MIX. I, MIX. J, MIX. K, MIX. L	NO COMPACTED REQUIRED.
STORMTECH FILL MATERIAL TO BE SUBGRADE UP TO THE FOOT OF STONE 'C' OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE.	ASTM 3085 ASTM 3085 3. MIX. A, MIX. B, MIX. C, MIX. D, MIX. E, MIX. F, MIX. G, MIX. H, MIX. I, MIX. J, MIX. K, MIX. L	FLAT CONTACT ON WELL PLACED A FLAT SURFACE.

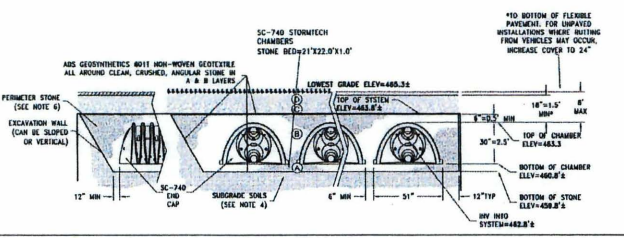
- PLEASE NOTE:
- THE LISTED ASTM DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (ASTM# 443) STONE".
 - STORMTECH COMPACTION REQUIREMENTS ARE MET FOR "A" LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERS WITH A VIBRATORY COMPACTOR.
 - WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY BAKING OR SANDING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGN, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.



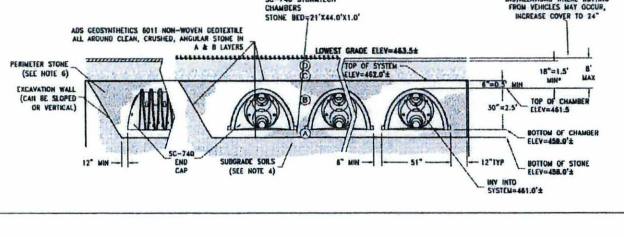
- NOTES:**
- ALL HOODS AND TRAPS FOR CATCH BASINS AND WATER QUALITY STRUCTURES SHALL BE AS MANUFACTURED BY:
 - ITEM MANUFACTURED BY: BETA MANUFACTURING PRODUCTS INC. 13 1/2" JACOBS HO. (940) 434-0277, (940)434-3195 FAX (940) 434-0277 (940) 434-3195 (940)434-7565
 - ITEM # 10251
 - WEB SITE: www.betaeng.com OR PFC-SUPPLIED LOCAL
 - ALL HOODS SHALL BE CONSTRUCTED OF A REINFORCED REIN COMPOSITE WITH 1/2" GEL COAT EXTERIOR FINISH WITH A MINIMUM 0.125" LAMINATE THICKNESS.
 - ALL HOODS SHALL BE EQUIPPED WITH A WATERPROOF ACCESS PORT, A MOUNTING FLANGE, AND AN ANTI-SIPHON VALVE AS SHOWN. (SEE CONFIGURATION DETAIL)
 - THE SIZE AND POSITION OF THE HOOD SHALL BE DETERMINED BY OUTLET PIPE SIZE AS PER MANUFACTURER'S RECOMMENDATION.
 - THE BOTTOM OF THE HOOD SHALL EXTEND DOWNWARD A DISTANCE EQUAL TO 1/2" THE OUTLET PIPE DIAMETER WITH A MINIMUM DISTANCE OF 4" FOR PIPES 1 1/2" I.D.
 - THE ANTI-SIPHON VALVE SHALL EXTEND ABOVE HOOD BY MINIMUM OF 3" AND A MAXIMUM OF 24" ACCORDING TO STRUCTURE CONFIGURATION.
 - THE SURFACE OF THE STRUCTURE WHERE THE HOOD IS MOUNTED SHALL BE FINISHED SMOOTH AND FREE OF LOOSE MATERIAL.
 - THE HOOD SHALL BE SECURELY ATTACHED TO STRUCTURE WALL WITH 3/8" STAINLESS STEEL BOLTS AND OIL-RESISTANT GASKET AS SUPPLIED BY MANUFACTURER (SEE INSTALLATION DETAIL)
 - INSTALLATION INSTRUCTIONS SHALL BE FURNISHED WITH MANUFACTURER SUPPLIED INSTALLATION SET:
 - A. INSTALLATION INSTRUCTIONS
 - B. PVC ANTI-SIPHON VALVE PIPE AND ADAPTER
 - C. OIL-RESISTANT CRUSHED CELL FOAM GASKET WITH PSA BACKING
 - D. 3/8" STAINLESS STEEL BOLTS
 - E. ANCHOR BOLTS
- US PATENT # 8126817



INFILTRATION SYSTEM #1 (6 STORMTECHS)



INFILTRATION SYSTEM #2 (12 STORMTECHS)



- NOTES:**
- SC-740 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
 - SC-740 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F3787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
 - "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBANKMENT, AND FILL MATERIALS.
 - THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
 - PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
 - ONCE LAYER "C" IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER "D" UP TO THE FINISHED GRADE. MOST PAVEMENT SUBGRADE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER "C" OR "D" AT THE SITE DESIGN ENGINEER'S DISCRETION.

Spruhan Engineering, P.C.
80 JEWETT ST, (SUITE 11)
NEWTON, MA 02458
Tel: 617-816-0722
Email: edmond@spruhaneng.com

368 LINCOLN STREET
MARLBOROUGH
MASSACHUSETTS

CIVIL PLAN

REVISION BLOCK

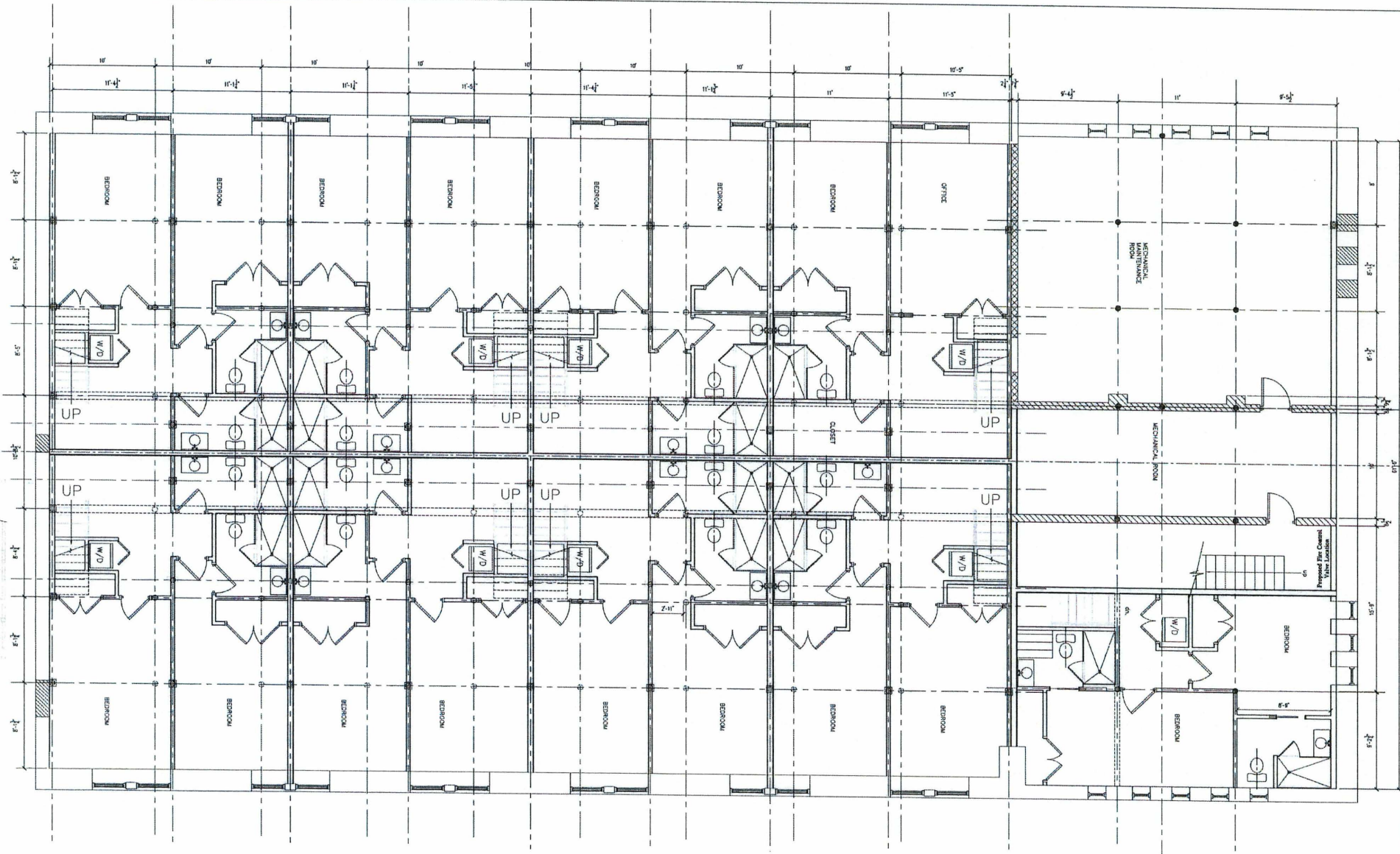
BY	DESCRIPTION	DATE

All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., must be notified of any variation from the dimensions and conditions shown by these drawings.



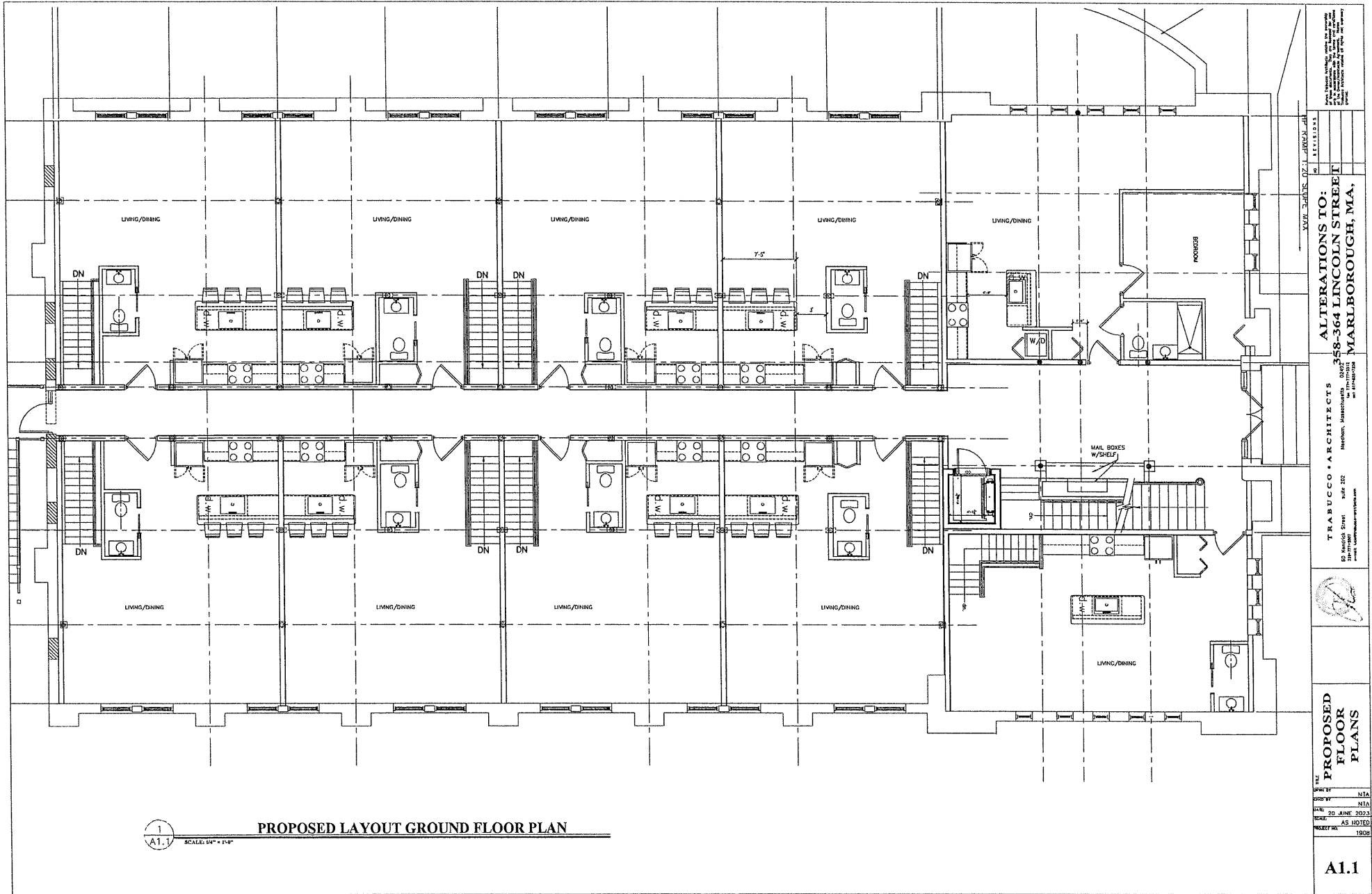
DATE:	5/15/2023
DRAWN BY:	G.P.
CHECKED BY:	E.S.
APPROVED BY:	E.S.

DETAILS
E2.2



1
A1.0 **PROPOSED LAYOUT BASEMENT FLOOR PLAN**
SCALE: 1/4" = 1'-0"

<p>TRABUCCO ARCHITECTS 358-364 LINCOLN STREET MARLBOROUGH, MA, 01752 TEL: 978-271-7817 WWW.TRABUCCOARCHITECTS.COM</p>		<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION						
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<p>PROPOSED FLOOR PLANS</p>		<p>DATE: 20 JUNE 2023 SCALE: AS NOTED PROJECT NO: 1905</p>								
<p>DESIGNED BY: NTA CHECKED BY: NTA DATE: 20 JUNE 2023 SCALE: AS NOTED PROJECT NO: 1905</p>		<p>A1.0</p>								



1
A1.1 SCALE: 1/4" = 1'-0"

PROPOSED LAYOUT GROUND FLOOR PLAN

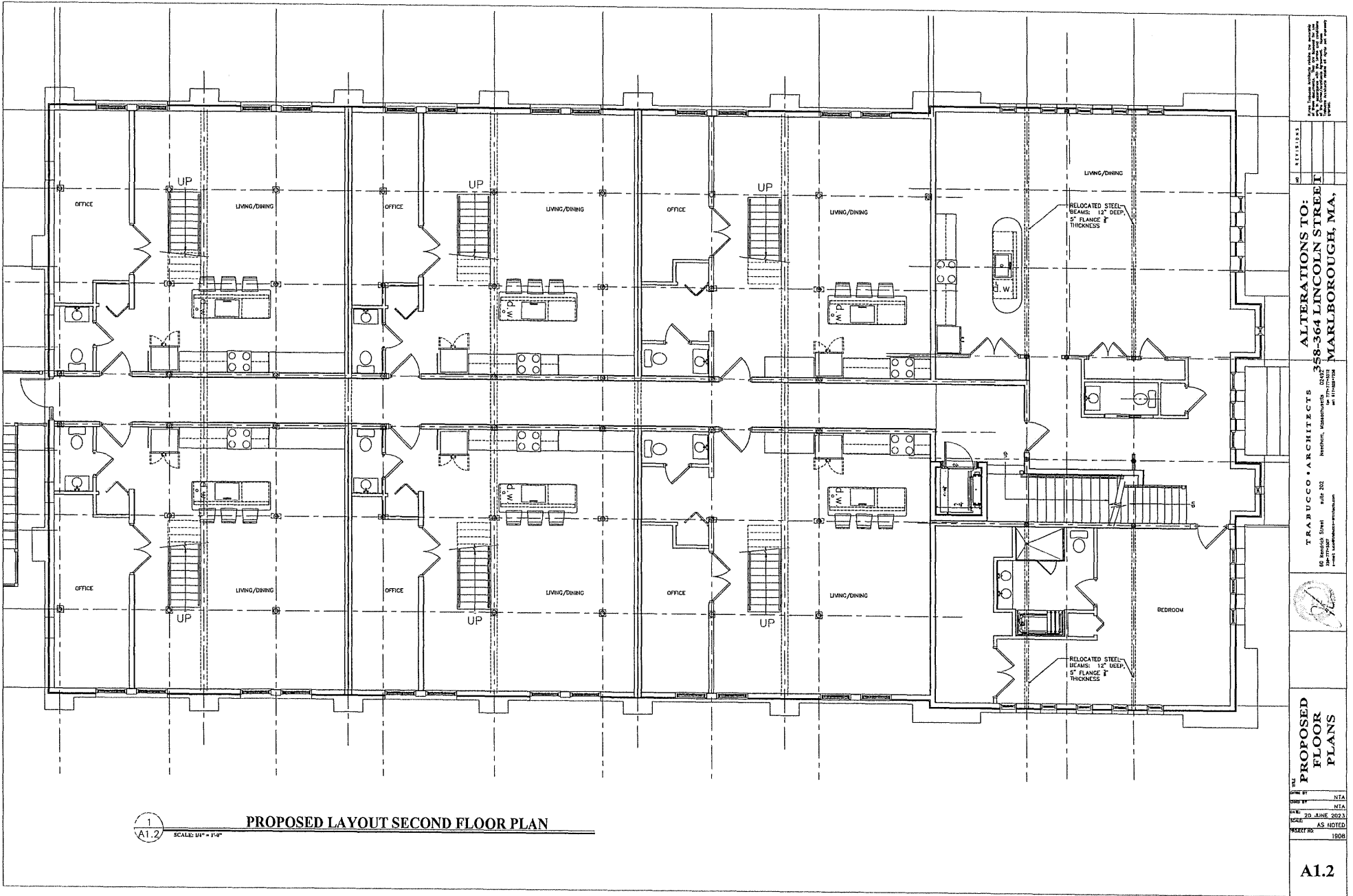
ALTERATIONS TO:
 58-364 LINCOLN STREET
 MARLBOROUGH, MA,

TRABUCCO ARCHITECTS
 65 Middle Street, Suite 202
 Marlborough, Massachusetts 01752
 Phone: 508-251-1111
 Fax: 508-251-1112
 Email: info@trabuccoarchitects.com

DATE: 20 JUNE 2023
 SCALE: AS SHOWN
 PROJECT NO: 1808

PROPOSED FLOOR PLANS

A1.1



1
A1.2

SCALE: 1/4" = 1'-0"

PROPOSED LAYOUT SECOND FLOOR PLAN

PROJECT NO. 20-010
DATE: 04/11/2023
SCALE: AS NOTED
PROJECT NO. 1906

ALTERATIONS TO:
358-364 LINCOLN STREET
MARLBOROUGH, MA,

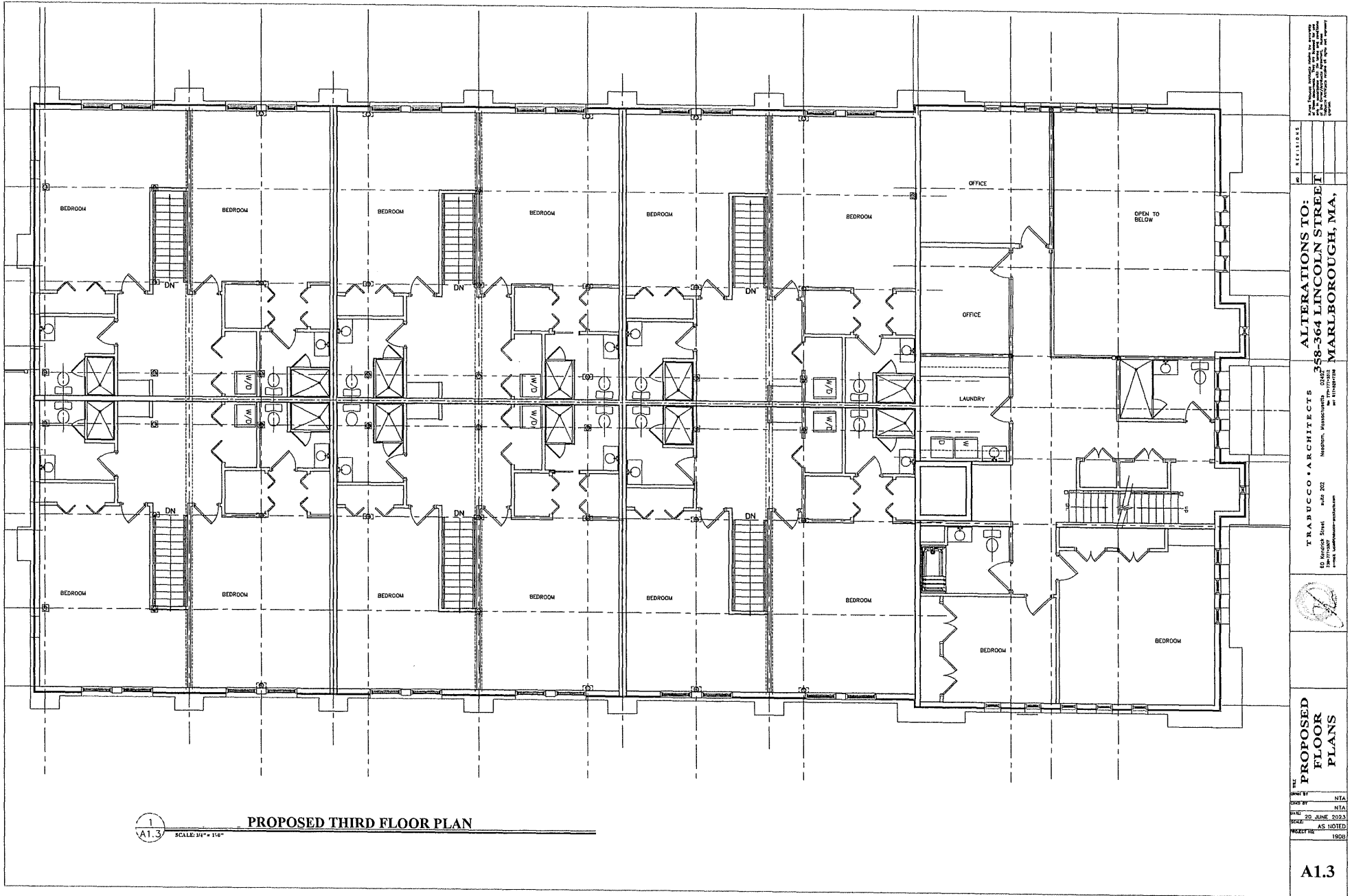
TRABUCCO ARCHITECTS
68 Bedford Street, Suite 202
Needham, Massachusetts 02462
Phone: 781-455-1100
www.trabuccoarchitects.com



PROPOSED FLOOR PLANS

DATE: N/A
DRAWN BY: N/A
DATE: 20 APRIL 2023
SCALE: AS NOTED
PROJECT NO. 1906

A1.2



1
A1.3
SCALE: 3/4" = 1'-0"

PROPOSED THIRD FLOOR PLAN

TRABUCCO ARCHITECTS
 50 Bedford Street
 Cambridge, MA 02139
 TEL: 617.552.3333
 FAX: 617.552.3334
 WWW: www.trabuccoarchitects.com

02027
 Middlesex, Massachusetts
 0191301010

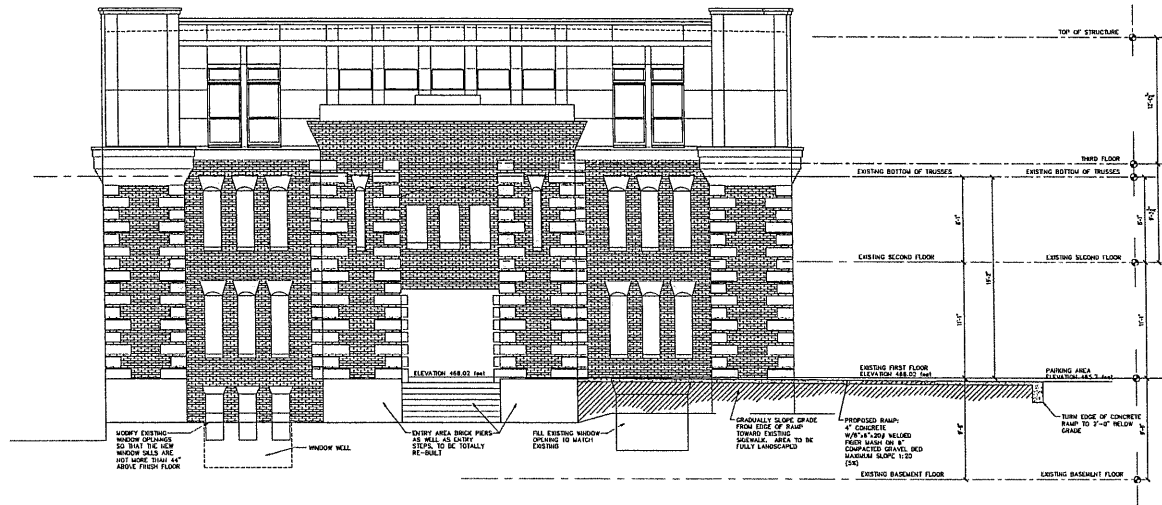
358-364 LINCOLN STREET
 MARLBOROUGH, MA.

STUDIES
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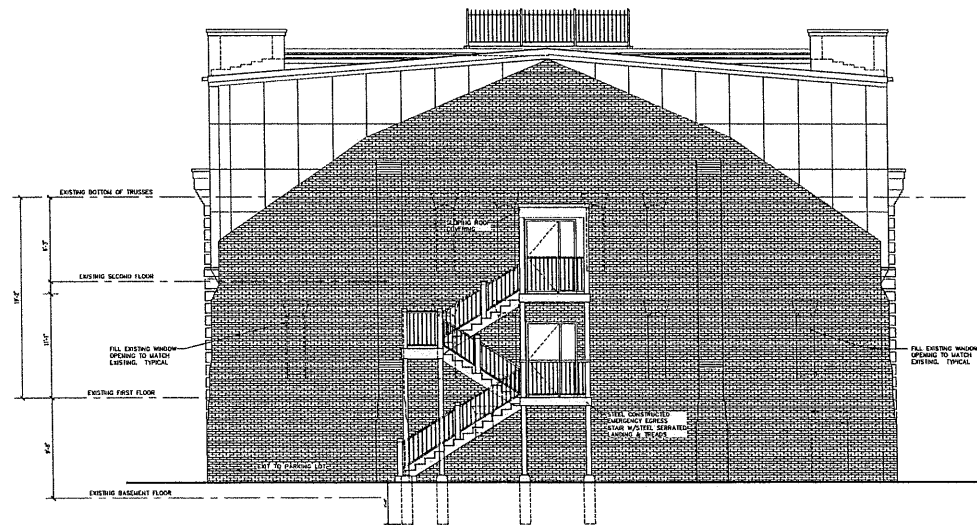
PROPOSED FLOOR PLANS

DATE: N/A
 DRAWN BY: N/A
 CHECKED BY: N/A
 DATE: 20 JUNE 2023
 SCALE: AS NOTED
 PROJECT: 1908

A1.3



1
A2.0
LINCOLN STREET (FRONT) ELEVATION
SCALE: 3/16" = 1'-0"



2
A2.0
REAR ELEVATION
SCALE: 3/16" = 1'-0"

ALTERATIONS TO:
35-364 LINCOLN STREET
MARLBOROUGH, MA,

TRABUCCO ARCHITECTS
 625
 50 MARLBOROUGH STREET
 MARLBOROUGH, MASSACHUSETTS 01501
 TEL: 978-271-7700
 WWW.TRABUCCOARCHITECTS.COM

PROPOSED EXTERIOR ELEVATIONS

DATE: 30 JUNE 2023
 SCALE: AS NOTED
 PROJECT NO: 1908



1 SIDE ELEVATION
SCALE: 3/16" = 1'-0"



2 SIDE ELEVATION
SCALE: 3/16" = 1'-0"

ALTERATIONS TO:
358-364 LINCOLN STREET
MARLBOROUGH, MA,

TRABUCCO ARCHITECTS
 60 Kendall Street Suite 202
 Marlborough, Massachusetts 01752
 Phone: 978-249-1100
 www.trabuccoarchitects.com

DATE: N/A
 DRAWN: ENFER, 09/23
 SCALE: AS SHOWN
 PROJECT NO: 1905

PROPOSED EXTERIOR ELEVATIONS

A2.1



PROJECT: ALTERATIONS TO: 388-364 LINCOLN STREET MARLBOROUGH, MA.	
ARCHITECT: TRABUCCO ARCHITECTS Marlborough, Massachusetts 508-253-1100 www.trabuccoarchitects.com	DATE: July 2022
Proposed Perspective Views	
DRAWN BY: NTA CHECKED BY: NTA DATE: 10/24/2022 PROJECT NO: AS NOTED TYPED BY: TBO	SHEET NO: E3

Attachment B



City of Marlborough
Office of the City Council

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

I, Teona Brown (name), hereby do swear and certify

under the pains and penalties of perjury as follows:

1. I am a member of the Marlborough City Council (council, board or commission).
2. I missed a single hearing session on the matter of Order No.23-1008939
Special Permit for the conversion of former Armory to a 17-unit residential building

which was held on August 21, 2023.

3. On September 10, 2023 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial which one(s) applicable):
 - a. official audio recording of the missed hearing session; or
 - b. official video recording of the missed hearing session; or
 - c. official transcript of the missed hearing session.

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

Signed under the pains and penalties of perjury this 11th day of September, 2023.

Teona Brown
Signature of Member



City of Marlborough

BUILDING DEPARTMENT

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP 11 PM 6:20

TIN HTWAY
BUILDING COMMISSIONER
WILLIAM PAYNTON
ASST. BLDG COMMISSIONER

ROBERT BOURN
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

MICHAEL LEEDS
BUILDING INSPECTOR

RECORD OF SPECIAL PERMIT DEVIATIONS

September 11, 2023

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

Reference: 487 Lincoln Street (Cozy Café) Special Permit, Record of Special Permit Deviations

Dear President and Members:

Based upon the information provided in the recorded Special Permit, Order No. 16/17-1006735H, this office offers the following comments regarding the deviations of Order of Conditions of the above referenced address:

1. Regarding Item J, the architectural design, the window design and locations have deviated from the approved plans for architectural consistency with the design. The Building Department has no objection to this revision.
2. Regarding Item M, the flooring in the kitchens have had engineered flooring installed in place of ceramic tile. The replacement flooring is consistent with high quality finish materials. The Building Department has no objection to this revision.
3. Regarding Item Q, the brass plaque indicating the historical nature of the activities at the site of the Cozy Café is in process of being completed.

Sincerely

William Paynton, MCBO
Assistant Building Commissioner

Steven Kerrigan

From: City Council
Sent: Tuesday, September 12, 2023 9:02 AM
To: Mike Ossing; Kathleen Robey; Samantha Perlman; Mark Oram; Karen Boule; Teona Brown; Christian Dumais; David Doucette; John Irish; Donald Landers; Don Landers; Laura Wagner; Sean Navin
Cc: Steven Kerrigan; Wilson Chu
Subject: From Diane Seligman: Opposition to proposed Overlay Sasseville Way

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2023 SEP 13 PM 12:35

From: D S
Date: September 11, 2023 at 10:20:53 PM EDT
To:
Subject: Overlay

Councilors,

You probably recognize my name since I watch the city meetings all the time. I also write to the council often especially about the rail trail and the Fitchburg and Crowley crossing.

I am so glad that the people are speaking up against the overlay especially about the environmental impact. I wish more people spoke about the rail trail though. The developers didn't even show any walkways from the cul du sac to Fitchburg. Does that mean pedestrians and bikers will travel in the driveway? Mention of the "brown" water on Crowley is appreciated. I walk every day and see it and wonder why and what is being done about it?

Of course, you are well aware of the challenges of dealing with developers. All too often they go ahead and then either say "oops" or "we will do what we can to change the situation". I laugh at the architectural renderings. As an abutter, Resilience's renderings eliminated all of the condos and instead put a forest in its place. The renderings also did not include the "metal sculpture park" or tell us about the "symphony" that would be performing all the time, that is on the roof. On a positive note the renderings of the new library and the actual building are very representative.

I appreciate that Priscilla and other members of the commission spoke up.

I am opposed to the overlay and suggest the city investigate purchasing the parcel.

Thank you,
 Diane Seligman



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2023 SEP 13 AM 10:59

Marlborough Public Schools

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

Call to Order

August 29, 2023

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Chairman Vigeant, 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, Tom Lafleur. MEA Representative Elton Thomas was also present.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Superintendent Murphy shared the current district enrollment numbers as of August 24, 2023. A chart is provided in her report and broken down by school.
Superintendent Murphy reported that there are 54 open staff positions as of August 24th as well. Nine of these open positions are MEA positions.
Superintendent Murphy thanked all of the school and custodial staff that helped prepare the schools for the first day. She recognized countless individuals for their dedication and efforts in making Opening Day for staff successful.

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Marlborough Public Schools

School Committee
District Education Center
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A. Director of Finance & Operations Report

Mr. Lafleur, the Director of Finance and Operations, reminded MPS students and families of the free breakfast/lunch program for all students in the district.

Mr. Lafleur reported on the various facilities updates at different schools throughout the district. He recognized Doug Dias for planning so well and handing off these projects in a way that set them up for success. He thanked Rob Quinn, Dan Jackson, Andy White, the facilities and custodial staff, and the Jaworek staff as well.

Mr. Lafleur shared that only four routes are impacted by the shortage of bus drivers this year. There are drivers in the process of being trained, one of which should be licensed around September 15th.

7. Acceptance of Minutes:

A. Minutes of the June 27, 2023 School Committee Meeting

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

Motion passed 6-0-0.

B. Minutes of the August 2, 2023 School Committee Meeting

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

Motion passed 6-0-0.

8. Public Participation: None.

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

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Marlborough Public Schools

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9. Action Items/Reports

A. Policy Updates

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to suspend the rules and vote on the following three policies.

Motion passed 6-0-0.

1. Policy 2.442 Order of Business

The 'Public Participation' section of the School Committee meeting agenda would be renamed to 'Public Comment.'

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 6-0-0.

2. Policy 2.450 Public Participation and School Committee meetings

The 'Public Participation' section of the School Committee meeting agenda would be renamed to 'Public Comment.'

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 6-0-0.

3. Policy 8.001 Student Welfare Plans

This policy would be renamed as Student Welfare Plans/Mandated Reporting.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 6-0-0.

B. Surplus Textbooks

Mr. Lafleur shared that Literature is the new core curriculum for ELA in grades 6 through 10. Therefore, the Prentice Hall and Holt McDougall textbooks are no longer needed.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to allow the 6-12 Humanities supervisor to discard the textbooks.

Motion passed 6-0-0.

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C. Acceptance of Donations and Gifts

Doble Engineering – 60 stackable chairs. MPS received \$3,000.00 for 60 stackable chairs from Doble Engineering.

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

Motion passed 6-0-0.

O'Connor Portraiture, Inc. O'Connor Portraiture, Inc donated \$629.50 to the Early Childhood Center and \$1,928.72 to Goodnow Brothers Elementary School.

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

Motion passed 6-0-0.

O'Connor Portraiture, Inc. O'Connor Portraiture, Inc donated \$1,199.16 and \$82.95 to Kane Elementary School.

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

Motion passed 6-0-0.

Comprehensive School Health Services Renewal. MPS received \$95,000.00 from Comprehensive School Health Services Renewal.

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

Motion passed 6-0-0.

First Congregational Church. MPS received \$3,500.00 from the First Congregational Church.

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

Motion passed 6-0-0.

Henry Schein Inc. MPS received \$2,500.00 from Henry Schein Inc.

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

Motion passed 6-0-0.

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DESE FC729 Address Student Cell Phone Use Pilot Grant. MPS-Whitcomb School received \$24,080.00 through this grant.

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

Motion passed 6-0-0.

DESE FC599 Open Sci Ed Grant. MPS received \$26,900.00 through this grant.

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

Motion passed 6-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy shared that the Policy Sub-Committee will meet on September 5th.

11. Members' Forum:

Mrs. Matthews formally welcome new MEA Representative, Elton Thomas.

Chairman Vigeant shared an update on homeless families at the Holiday Inn. He shared that Superintendent Murphy and her team held some English classes at the Holiday Inn for some of these families.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:06 p.m.

Motion passed 6-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved September 12, 2023

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Conservation Commission
Minutes
August 17, 2023 - 7:00 PM
140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

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2023 SEP 11 AM 10:29

Members Present: Edward Clancy-Chairman, John Skarin, Allan White, William Dunbar, Karin Paquin; Dave Williams. Priscilla Ryder-Conservation officer was also present.

Members Absent: Dennis Demers

The hearing was recorded using Microsoft Teams

Approval of Minutes: The minutes of August 3, 2023, were reviewed and on a motion by Mr. White and second by Mr. Clancy, the Commission voted unanimously to approved 6-0.

Public Hearings:

Notice of Intent – Continued from August 3, 2023

402 Hudson St. – DPW

Proposes improvement to existing landfill cap, recap of existing landfill with work near wetlands. This item was continued to Sept 7th due to no DEP number.

Request for Determination of Applicability

928 Boston Post Rd. – John Marchand

John Marchand of Farland Corp. presented the project referencing the GIS map displayed. The new retaining wall is intended to take some of the burden off the existing wall. The work is within 200' of the riverfront area and outside the 100' riverfront area. The entire site is already developed with pavement and storage units. The modular block wall will be approximately 170 feet long. Mr. Skarin asked about portions of the wall which are already in the parking lot. The plan is to build the new wall in front of the existing wall even in locations where it is already in the parking lot. A motion was made by Mr. White, second by Chairman Clancy to issue a standard negative determination with conditions, the Commission voted to approve 6-0.

Request for Determination of Applicability

63 Boivin Dr. – Mark Cappadona

Mr. Cappadona was present and explained that he proposes to remove a large tree stump located near a pond. The location of the stump is shown on a 2011 as built plan. This tree was been cut down a while ago and the stump is large, his concern is it will become an issue in 7-10 years is it starts to decompose and compromise the berm that is holding in the pond. By pulling out the stump and filling in the hole with soil and compacting it this will allow for the berm to remain structurally sound. After some brief discussion the Commission agreed this was a good idea and asked that erosion controls be used until the site is stable. On a motion by Mr. White for a negative determination with standard conditions, seconded by Mr. Clancy the Commission voted unanimously to approved 6-0.

Request for Determination of Applicability

12 Red Spring Rd. – Neal Vigeant

Neal Vigeant was present he explained that he proposes to add two sheds, a porch, a planted buffer zone and a walking path down to the shoreline. He had met with Ms. Ryder and Mr. Dunbar on site to discuss the removal of 5 trees under the tree removal policy. He has agreed to replant this area as well following the buffer zone restoration guidelines. He explained that he has a stream on one side of this house and a wetland on the other

side so the entire lot is within the 100' buffer zone. His request is really to update the existing stairs and deck landing which have all rotted out. Mr. Vigeant explained that the walkway down to the water will likely be constructed with a wheelbarrow and shovel as getting large equipment to the back will be difficult. He will also restore a small clearing next to the water that has overgrown. Mr. Dunbar noted that the area was identified and this is replacing in kind what had been there in the past. After some discussion about stabilization and restoration on a motion by Mr. White, second by Mr. Clancy for a negative determination with standard conditions, the Commission voted unanimously to approved 6-0.

Request for Determination 240 East Main St. – Matthew Millon

Mr. Matt Millon was present and explained that he is back for final approval of the loading dock since they have finally, received approval from the electric company to raise the existing electric manhole. Erosion control will also be added to the edge of construction area for the duration of the estimated 10 days it will take to complete construction. Mr. Clancy pointed out that nowhere on the plans does it show the wetlands location Mr. Millon replied that the brook is not included because it is not part of the land being leased. Mr. Clancy explained that he has no issue with the work being done as he has looked at the site himself, as had many of the members, however he has an issue with the lack of basic information within the plans and as result the inability for DEP to review coherently. After some further discussion about the current condition at the site, A motion was made by Mr. White, second by chair to issue a negative determination with conditions including attaching a reference plan of the stream, the Commission voted unanimously to approved 6-0.

Notice of Intent – Continued from August 3, 2023

68 River St. – Louis Frate

Proposes to raze and reconstruction of a single-family home within riverfront area, bordering land subject to flooding, and 100' buffer into inland bank. This item was continued to September 7th to allow the Commission to review the draft conditions

Notice of Intent – Continued from August 3, 2023

689 Pleasant St. Subdivision Roadway – Tim Beauchemin

Mr. David Crossman of B&C Associates and Mr. Dan Koravas the site engineer from DK Engineering were both present. Mr. Crossman presented the changes made to the plan based on comments from the last meeting.. The basin cannot be removed so rather than become an infiltration basin it is now a detention basin. The forebays will be used during construction as sediment basins temporarily then cleaned out when finished. The sidewalk was adjusted to move it further away from the wetland a 1:1 rip rap slope will be made to support it and pull it 25 feet away from the wetland, he suggested that wetland planting mitigation be proposed to compensate for the 5' encroachment. Mr. Clancy asked about the tree plantings along the road and the proximity to houses. Mr. Koravas introduced himself he discussed the tree location and indicated he was waiting for the tree warden to approve tree types to be used along the entrance and by the homes. He also answered questions about construction sequencing on this small site. He has proposed silt socks as erosion controls and Mr. Clancy suggested using the stump grindings as well. Abutter Christina Debonaire asked about the trees along the roadway and the fact that she is concerned about her drainage and elevation changes as her yard often contains standing water after it rains. DK Engineering explained that the tree planting has been confirmed, only what type of tree planted has not yet been chosen. Furthermore, the purpose of the trees is for screening, so they would be short and wide trees and that the homeowners association would be maintaining the trees. Christina also expressed issues regarding flooding which could get worse due to the road. The engineer explained that a swale as well as a 15" pipe will be installed to remedy this. Mr. Dunbar asked about putting in a second pipe and if not, then what happens if the single pipe is not enough. DK Engineering explained that they designed this for a 100-year storm which should be beyond adequate. Mr. White explained that the grades are close, so the water table

is high. Christina expressed her concerns regarding runoff from Pleasant St as well. DK Engineering explained that the slope to address the runoff would remain stable because it would be compacted and landscaped. After a lengthy discussion about the drainage this item was continued to September 7th. Ms. Ryder was asked to draft an order of conditions for review.

Notice of Intent – Continued from August 3, 2023

689 Pleasant St. Lot 6 – Tim Beauchemin

Mr. Crossman from B&C Associates indicated that the utilities on this plan need to be adjusted based on the last meeting. They will provide a revised plan. This hearing was continued to September 7th.

Request for Determination of Applicability – Continued from August 3, 2023

689 Pleasant St. Lot 5 – Tim Beauchemin

Mr. Crossman noted that based on the DEP comments they received he is withdrawing this RDA and will be submitting an NOI for review at the next meeting. The Commission accepted this withdrawal.

Abbreviated Notice of Resource Area Delineation – Continued from August 3, 2023

279 South St. Including map-parcels 92-19;92-32 and 103-19 – Martin Reilly Real Estate Inc. The Commission is waiting for the peer review report which should be available at the next meeting. This item was continued to the September 7th meeting.

Certificate of Compliance

- DEP 212- 1080 - 280 Locke Dr. – Certificate of Compliance -Michael Welsh

A motion was made by Mr. Skarin, seconded by Mr. Clancy to grant a full certificate of compliance, the Commission voted unanimously to approve 6-0.

- DEP 212-1060 Certificate of Compliance – 791 Boston Post Rd. Waste Management

Ms. Ryder will provide draft ongoing conditions for the next meeting; This item was continued to September 7th meeting.

- DEP 212-942 Partial Certificate of Compliance – 77 Shane’s Lane, Unit 7

A motion was made by Mr. Skarin, seconded by Mr. Clancy to grant a full certificate of compliance, the Commission voted unanimously to approve 6-0.

Extension Permits

- 387 Hayes Memorial Dr. Lot K. – DEP – 212-1228 – Gutierrez Company

A motion was made by Mr. Skarin, seconded by Mr. Clancy to grant a 3-year extension, the Commission voted unanimously to approve 6-0.

- 242 Hayes Memorial Dr. Lot M. - DEP – 212-1230 – Gutierrez Company

A motion was made by Mr. Skarin, seconded by Mr. Clancy to grant a 3-year extension, the Commission voted unanimously to approve 6-0.

- 322 Hayes Memorial Dr. Lot L. – DEP – 212-1229 – Gutierrez Company

A motion was made by Mr. Skarin, seconded by Mr. Clancy to grant a 3-year extension, the Commission voted unanimously to approve 6-0.

Discussion

DEP 212-1250 - Hillside School – Ms. Ryder presented a revised plan which changes some grading on the plan but doesn’t increase the disturbed area. The Commission agreed these were minor changes not requiring further review.

DEP 212-1264 - 114 Concord Rd. – Ms. Ryder presented a revised plan. The footprint for disturbance will be the same, only location of the spa and addition are swapped to meet building codes. The Commission agreed these were minor changes not requiring further review.

New overlay district proposal on Boston Scientific property off Sasseville Way-

Ms. Ryder explained that the City Council will hold a public hearing Sept. 11, 2023, regarding this proposed overlay district which the Commission received in their meeting packets. The property in question abuts conservation property at the corner of Sasseville and Fitchburg St. Ms. Ryder recommends that the board decides if they want to provide comment to city council regarding this overlay district. The property is currently zoned Limited Industrial so property owners currently has a right to use it for for something. One large concern is the value this land currently has to keeping the adjacent Ft. Meadow Reservoir clean and cool. She asked. at what point do we say enough is enough in order to keep the lake healthy. Red Spring Rd has always been heavily vegetated, but with change in ownership that dense vegetation could be removed too. The cooler the rainwater runoff is when it gets to the lake the healthier the lake will be, vegetation is the key to infiltrating water and cooling the soil. One condition to aid the situation is to keep a 200-foot buffer from the lake, which it appears from the schematic the applicant is doing and should be noted in the overlay district. She noted that this parcel has been on the open space plan as a parcel of high importance to protect. Mr. Clancy pointed out that the area in question is a heavily forested area, it would be a huge loss of green space if this apartment complex was built. All the water from all the parking lots and rooftops will flow directly into the lake, no amount of detention basins would stop this. Priscilla reinforced that the commission needs to determine the natural “services” of this property. What purpose does the parcel serve the lake, what other values does it serve and what exactly are the detriments to this, or any project allowed by this overlay district moving forward. Mr. Clancy stated that as a life-long resident of Marlborough, he has seen a lot of changes in that area. Green space increased heavily after the landfill was capped and life drastically improved in that area. Current plans are taking away all this gained green space. Councilor Robey Chair of Urban Affairs spoke up and reinforced that if this project were to move forward, Blaiswood Ave would not become a thru street, emergency access only. 23 acres of trees would be removed for this project. Several neighbors were present and provided a letter with their concerns about the project that they would like the Commission to consider as well. They will be attending the Sept. 11th public hearing but also wanted to know the interest of the Commission. There was discussion about water temperature, water table, access and disturbance. Ms. Ryder will draft a letter to the City Council for review at the next meeting, this item was continued to September 7th

DEP 212-1256 Lake Williams Boardwalk project

Tom DiPersio, City Engineer and Mike Beam from EZDock were present. Mr. DiPersio explained that he has brought Mr. Beam as requested at the last meeting, to explain a bit more about the floating boardwalk. The hope is that this change in materials will be considered by the Commission to be a minor modification to the permit, especially as this is such a low impact and less impact than the helical pier design. Mr. Beam explained that he custom aluminum railings would be made and sent with the EZDock boardwalk. Mr. Clancy asked about the width of the boardwalk which will be 8 feet wide. The capacity of this dock is 62.5 pounds per square foot and requires no float tanks. Mr. Skarin asked about the change in water height, and it was determined that the anchoring system (a chain with a weighted block that rests on the bottom) will accommodate for modest changes in water height. Mr. Clancy asked about handicap accessibility which it will be, and no holes for an individual to get their foot caught in. Mr. Beam explained that EZDock has done work with many government entities including fish and wildlife. The railing system is designed to not sustain damage in turbulent waters as well. EZDock would be the ones to install the project as they have a team of people that travel around New England to install them, and it will require only hand tools. The access point is currently planned to be from the courthouse and using rubber matting for the wet areas. DEP was asked if this new plan could be considered a minor change, . Since the overall project is the same, with less physical construction just different materials. However, DEP has not responded. The

Commission determined that this is a minor change to the plans and on a motion was made by Mr. Skarin, seconded by Mr. Clancy to accept the revised plans as a minor change, the Commission voted unanimously to approve 6-0.

Correspondence/Other Business- none

Next Conservation Commission meetings, September 7th & 21st 2023

Adjournment

A motion was made by Ms. Paquin, seconded by Mr. Clancy to adjourn, the Commission voted unanimously to approve 6-0 at 10:35pm.

Respectfully submitted:

Priscilla Ryder
Conservation/Sustainability Officer

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Massachusetts Cultural Council **Marlborough Cultural Council Meeting Minutes**

Date: Wednesday, July 19, 2023 at 6:30 PM

Location: Marlborough City Hall, Memorial Hall on 3rd floor

After approve, email as Word doc to:

skerrigan@marlborough-ma.gov

wchu@marlborough-ma.gov

Members Present:

Mary Avery	Beatrice "Bea" Mullony
Harmony Larson	Marcia Waldman
Amanda Mayo	Kathy Oliver Jones

Members Absent:

Andrea Bibi	Jagruti Seemungal
Kathryn B. Weaver (resigned)	

I. Call to Order at 6:39pm.

II. Review of Minutes

- May meeting minutes approved. Amanda made a motion to approve, Marcia seconded. Approved unanimously.

III. Updates on Current Grantees & Council Operations

- Need to review / confirm the MCC priorities, in alignment with Mass Cultural Council (seems to be more focused on visual arts currently)
- Add "general updates / MCC operations" to our agenda going forward
- Kathryn Weaver recently made the decision to resign from the MCC. Amanda will follow up to request an official resignation.

IV. Reports from Workgroups

- **Mayor's Mural Project** - Artist has been selected by the Mayor's office. They met with her last Tuesday to discuss edits to the conceptual design and they are working on a contract. There will be a community paint party at Union Commons on Sunday,

September 3. Members of the MCC have informed the Mayor's office that we are available and happy to continue to be involved in the process as the design evolves. Bring MCC pop up / table / sign to promote the next grant cycle.

- **Buddy Letter** - No update.
- **Grantee reception** -
 - Lost Shoe is happy to host our reception on Weds, Sept 13.
 - Need to give them more details. We'll send out a Save the Date asap.
 - Marcia, who has received a local cultural council grant in the past, suggested a brief opening statement, give out awards, invite local politicians to attend, perhaps get an Official Citation from the State.

V. Review of Items for Future Discussion

- Possible collaboration opportunity: Marlborough Makers reps will be coming to our September meeting to discuss the Marlborough Walks (decorated boots) public art project.
- Labor Day Parade - no specific info available yet, standing by
- Food Truck & Arts Festival - sidewalk chalk, order sign & purchase pop up
- MCC would also like to have a table at the mural project paint party
- Review new MCC calendar
- Next meeting: August 9, 6:30pm.

VI. Adjournment. 7:52.

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

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CITY OF MARLBOROUGH
2023 SEP 12 AM 9:59**

1A

Call to Order

June 26, 2023

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

1. Draft Meeting Minutes

A. June 5, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the June 5, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. Street Acceptance - **No updates**

3. Approval Not Required

A. 283-325 Lincoln Street, Alta Marlborough, LLC

Multiple Parcels – See Form A Attachments

Name of Applicant: Alta Marlborough, LLC, c/o Mirick O'Connell (100 Front Street, Worcester, MA 01608)

Name of Owner: BPD Realty Trust, Koby, Inc., MEDC, c/o Mirick O'Connell (100 Front Street, Worcester, MA 01608)

Name of Surveyor: Norman I. Lipsitz c/o Phil Cordeiro, Allen & Major Associates, Inc., (100 Commerce Way, Woburn, MA 01801)

Deed Reference: See Exhibit A Parcel List attached

i. Flowchart

ii. Form A

Kevin Capaldo (Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801) spoke on behalf of the ANR Plan. Mr. Capaldo explained the purpose of the plan is to combine the parcels shown into one continuous parcel "Lot 1", except for in the south easterly corner #283, "Lot 2", which is to be conveyed to the City of Marlborough.

iii. Correspondence from City Engineer, Thomas DiPersio – Engineering Review

Mr. LaVenture read the June 22, 2023, correspondence into the record.

iv. 283-325 Lincoln Street ANR Plan

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the June 22, 2023, correspondence from City Engineer, Thomas DiPersio and to endorse the above referenced Approval Not Required Plan dated June 21, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

4. Public Hearings

A. 7:00 PM Stow Road, Open Space Development Special Permit Application

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)

Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

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

- Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590
- i. Flowchart
 - ii. Legal Notice
 - iii. Certified list of abutters
 - iv. Correspondence from Assistant City Solicitor, Jeremy McManus
 - v. Special Permit Revised: June 22, 2023

Chairperson Fay opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fay 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.

Presentation:

Attorney, Daniel Burger spoke on behalf of the applicant Kendall Homes, Inc. Mr. Burger explained the applicants engineer Connorstone Engineering, Inc. submitted a plan prior to today, which to his knowledge has already been reviewed. He explained he was involved in the review, negotiations and revisions of the Board's draft decision and the applicant was told the plan and the draft decision would be approved today, June 26, 2023.

Mr. Fay asked if there have been any significant changes to the plan since the Board first saw the plan? Mr. Burger explained, he was not aware of any significant changes and if there was, they had been previously presented to the Board.

- vi. Correspondence from Assistant City Solicitor, Jeremy McManus
Mr. LaVenture read the June 22, 2023, correspondence into the record.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

No one spoke in favor.
Mr. LaVenture asked a procedural question.
Mr. Fay closed this portion of the public hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.
Mr. Fay closed this portion of the public hearing.

Questions and Comments from the Planning Board:

Mr. Fay and Dr. Fenby asked the applicant to clarify how the applicant meets all the requirements under paragraph 7 of the findings.

Mr. Burger explained it is his understanding that the project does satisfy everything in paragraph 7 based on discussions that were held before he was involved and negotiations with the Assistant City Solicitor.

Mr. LaVenture explained there was a revised version of the special permit reflecting Mr. Fowlers absence from tonight's meeting, June 26, 2023.

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

Mr. Fay went over the project finding under 7.a) and asked the Board if everyone was in agreeance that the project :

- Encourages a less sprawling form of development that would consume excessive open space, cause land erosion, and destroy attractive natural features of the land.
- Allows for greater flexibility and creativity in the design of residential subdivisions.
- Encourages the permanent preservation of natural resources and open space.
- Protecting scenic vistas.
- Allows for more economical construction and maintenance of streets and utilities.
 - The Board discussed how the development allows for lower than average development costs.
- Encourages the production of more affordable and diverse housing types.

All the Board members agreed.

Mr. DiPersio explained as part of the original filing, the applicant submitted a conventional plan that showed they could get 5 lots in conformance with the Planning Board regulations. As part of that review, they had to show that those lots didn't have excessive steep slopes or wetland area on them. Engineering confirmed the number of lots and confirmed through the Conservation Commission that the open space their showing is desirable to the City, primarily because it connected to other open space that the City has.

Mr. Fay noted the applicant through prior conversations in multiple meetings has presented to the Board that they have satisfied the requirements of the special permit and that all those factors are recited in our draft decision, although not reiterated in full today.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to close the public hearing and the record. Yea: Fay, Fenby, Fortin, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 6-0.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence under item 4.A., and to approve the special permit, to endorse the draft decision, and to confirm the findings therein. Yea: Fay, Fenby, Fortin, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 6-0.

5. Subdivision Progress Reports

A. 76 Broad Street

- i. Draft Covenant Revised: June 5, 2023

Gary White, (319 Stow Road, Marlborough, MA 01752) spoke on behalf of the 76 Board Street Subdivision.

Mr. Fay reminded the Board this covenant is being held under the old Planning Board regulations.

Mr. Fay asked the Board if everyone was okay with the language "two years from the execution of the covenant". The Board agreed they were okay with this language.

The Administrator explained she would coordinate with Mr. White on whether he needed to attend the next meeting and told him his signature would need to be notarized on the covenant.

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On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to refer the 76 Broad Street Covenant to the Legal Department for review. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

6. Preliminary/Open Space/Limited Development Subdivision (None)

7. Definitive Subdivision

A. 689 Pleasant Street, Marlborough, MA 01752 - Open Space Development Definitive Subdivision Plan

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

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

Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)

Deed Reference: Book: 45210 Page: 560

i. Flowchart

ii. Correspondence from City Engineer, Thomas DiPersio – Update on Subdivision Road Names
Mr. LaVenture read the June 21, 2023, correspondence into the record.

iii. Correspondence from Assistant City Solicitor, Jeremy McManus
Mr. LaVenture read the June 22, 2023, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file both correspondence. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. DiPersio explained he reviewed the exhibit A, which the applicant had put together to help outline who was responsible for what.

Mr. Koravos explained the mylars have been updated to reflect the road name, Jewell Road.

The Board went over the waiver requests:

- 1. Article IV Section 676-12.C.(1) width of streets –
Required: The required right-of-way width is fifty (50) feet
Requested: The request is to reduce the right-of-way to a width of forty (40) feet
X Approved Denied

On a motion by Dr. Fenby, second by Mr. LaVenture the Board voted approve the above referenced waiver. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

- 2. Chapter A676 Subdivision Regulation 676-26.A Sidewalks –
Required: Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street.
Requested: The request is to eliminate a portion of the sidewalk on the north side of the roadway to approximately station 2+23
 Approved X Denied

On a motion by Dr. Fenby, second by Mr. LaVenture the Board voted deny the above referenced waiver. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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iv. Certificate of Vote

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to endorse the certificate of vote. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to approve the Open Space Development Definitive Subdivision Plan, dated February 2, 2023, revised April 30, 2023. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

v. Covenant

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to execute the covenant. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

vi. Draft Homeowners Association

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to approve the Declaration of Covenants and Restrictions for Beauchemin Estates and Establishment of Homeowners Association Trust "Homeowners Association Document" inform. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Koravos explained the scenic road application was submitted today June 26, 2023.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to set the scenic road public hearing for July 24, 2023. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Koravos asked about the definition of "the proposed action" in regarding the abutters list. Mr. Fay explained in his opinion the proposed action pertains to the entire parcel.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

i. Not approved or referred Memos

(1) Subdivision Waiver Requests

(2) Public Hearing Process Elements

Mr. LaVenture explained the two above referenced memos have not changed since the Board last saw them but have not been approved or sent to the Legal Department for their review.

On a motion by Dr. Fenby, seconded by Mr. Fortin, the Board voted to accept and adopt the use of the above referenced memos, pending the Legal Departments review and approval. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

11. Calendar Updates

A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to June 26, 2023 - Vote on or before **June 26, 2023**, meeting

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- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Extension granted to June 26, 2023 - Vote on or before **June 26, 2023**, meeting

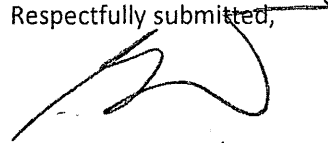
12. Public Notices of other Cities & Towns (None)

The Board endorsed the following documents:

- 283-325 Lincoln Street, Alta Marlborough, LLC, ANR Plan
- Open Space Development Special Permit for Map 20, Parcel 4A, Stow Road
- 689 Pleasant Street, Open Space Development Definitive Subdivision
 - Definitive Subdivision Plan
 - Certificate of Vote
 - Covenant

On a motion by Mr. LaForce, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP 12 AM 9:59

1A

Call to Order

July 24, 2023

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

1. Draft Meeting Minutes

A. June 26, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the June 26, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required

A. 165, 199 & 201 Forest Street, Marlborough MA 01752, Map 90, Parcel 2C, & Map 90, Parcel 4

Name of Applicant/Owner: Advanced Math & Science Academy Charter School (AMSA)
(201 Forest Street, Marlborough, MA 01752)

Name of Surveyor: Glenn D. Odone Jr., Odone Survey & Mapping
(291 Main Street, Suite 5, Northborough, MA 01532)

Deed Reference: Book: 78958 Page: 255
Book: 71011 Page: 127

Liana McLaren, Director of Finance and Lisa Mobley, Executive Director spoke on behalf of the ANR plan and explained Advanced Math and Science Academy Charter School is in the process of building a new academic building and the new campus will sit on the two lots and the new building will straddle the property line and for that reason AMSA wants to merge the two lots into one.

- i. Flowchart
- ii. Form A
- iii. Correspondence from City Engineer, Thomas DiPersio – Engineering Review
Mr. LaVenture read the July 13, 2023, correspondence into the record.

iv. Plan of Land Dated: July 18, 2023

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the July 13, 2023, correspondence from City Engineer, Thomas DiPersio and to endorse the above referenced Plan of Land, dated July 18, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

B. 49 Northboro Road, Marlborough MA 01752, Map 78, Parcel 22, & Map 78, Parcel 25

Name of Applicant/Owner: Dennis Demers (49 Northboro Road, Marlborough, MA 01752)

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

Deed Reference: Book: 12709 Page: 333
Book: 13501 Page: 274

- i. Flowchart
- ii. Form A

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- v. Proposed Conditions
- vi. Street View

Chairperson Fay opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fay 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.

Presentation:

Daniel Koravos of DK Engineering LLC, 59 Granite Lane, Chester, NH 03036 spoke on behalf of the Scenic Road public hearing.

Mr. Koravos explained 689 Pleasant Street recently got their Open Space Development Definitive Subdivision Plan approved, which consists of a seven-lot subdivision with frontage along Pleasant Street. The Board approved the waiver to reduce the right-of-way width from 50 to 40 feet, which reduces the amount of clearing required to grant access to the subdivision. He went over the plan set which consisted of the existing conditions, proposed conditions, an exhibit which indicates the locations and descriptions of each tree they are proposing to remove from within the City's right-of-way, and pictures from the street where trees had been marked for public viewing. Green ribbons indicated the trees that are to be removed and orange ribbons identify the approximate location of the right-of-way.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

Steven Peck of 64 Victoria Lane, Marlborough, MA 01752 spoke during this portion of the public hearing but did not speak in favor or in opposition of the scenic road application for 689 Pleasant Street. He requested confirmation that the trees indicated on the plans are the correct trees, which Mr. Fay confirmed they are.

Mr. Fay closed this portion of the public hearing.

Speaking in Opposition to the Amendment:

Christine Devona of 705 Pleasant Street, Marlborough, MA 01752 spoke during this portion of the public hearing. She asked for clarification regarding the orange ribbons and stakes that are on the property. The Board and Mr. Koravos provided additional information. Mr. Koravos and Ms. Devona both confirmed that Hugo Findeisen of Findeisen Survey & Design LLC staked out the property line along 689 and 705 Pleasant Street. Ms. Devona asked if she could place her fence directly on the property line and the Board informed her she would need to pull a permit and reach out directly to the Building Department. Mr. Fay asked Mr. Koravos to work directly with Ms. Devona on the fence and landscaping discussion since it falls out of the scope of the public hearing.

Mr. Fay closed this portion of the public hearing.

Questions and Comments from the Planning Board:

Christopher White, Tree Warden for the City of Marlborough explained he has no issues with the proposed removal of the trees. They have been located in the field and are pretty far off the roadway, but still fall within the City's right-of-way. Mr. White made a recommendation to the Board that they request the developer to pay restitution for the loss of the trees.

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Mr. Fortin asked what the distance is between the two orange ribbons. Mr. Koravos said roughly 73 feet and explained the width of the road will be 26 feet with a 5-foot sidewalk on each side, totaling 36 feet wide.

Mr. Fay asked if Mr. Koravos anticipated having to cut anything else down to give a clear line of sight for traveling vehicles? Mr. Koravos explained he didn't believe there were any additional cutting that would be required, but mentioned there is one tree on the private property that may be cut down to provide additional sight distance.

Mr. Fay closed this portion of the public hearing.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to close the public hearing and the record. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. Russ asked Mr. White for clarification on what the restitution money would be used for. Mr. White explained it would be used for future right-of-way planting of trees in locations throughout the City and went over the procedure on how the City plants trees to maintain the health of the tree through its duration of its life while maintaining the aesthetics of the area. He explained the "replacement" trees would likely be planted further up on Pleasant Street, Ash Street and Tassi Drive.

Mr. White and Board went over a proposed method for the calculation for the restitution. Total inches (diameter) of trees removed, replanted at 2" diameter trees. For this proposal, a total of 70 inches of tree removal would require 35 new trees. At a cost of \$200 per new tree, the restitution would be \$7,000.00.

Mr. Koravos explained he needed to confirm with the owner prior to agreeing to the \$7,000.00 restitution request. Mr. Koravos and the Board agreed the decision would be made at the August 21, 2023, meeting.

Mr. Fortin and Mr. Koravos discussed what trees/foliage would remain after the clearing for the roadway and he expressed his concerns on how certain types of trees do better in areas like this.

5. Subdivision Progress Reports

A. 342 Sudbury Street

i. Progress Report

Mr. LaVenture read the July 11, 2023, correspondence into the record.

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

Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

B. 76 Broad Street

i. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the July 20, 2023, correspondence into the record.

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

Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

ii. Covenant Revised: July 20, 2023

Mr. LaVenture confirmed this covenant is held to the standards of the old rules and regulations. Mr. Fay and Mr. White confirmed the missing information on the covenant would be filled out once the Plan was recorded.

Mr. Russ confirmed execution of the covenant would resets the two-year completion clock.

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Mr. Fay reminded Mr. White that the Board feels very particular about projects that sit for a long time without any progress and reminded him to communicate with the Board through the process. Mr. White explained their tentative start date is this Fall.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to execute the covenant. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. White and the Administrator coordinated dropping off his notarized signature for filing the covenant with the City Clerk's Office.

6. Preliminary/Open Space/Limited Development Subdivision (None)

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

- i. Correspondence from Assistant City Solicitor, Jeremy McManus
The Board waived the reading of Mr. McManus's correspondence.

(1) Flowcharts

Mr. Fay tabled this discussed until the August 21, 2023, meeting.

ii. Cul-de-sac photo

Mr. LaVenture explained this photo was taken at 602 Sudbury Street. Which displays is a cul-de-sac with landscaping in the middle. He explained his goals in bringing this photo to the Boards attention is to address the concerns in increased rainfall/drainage issues by reducing the impervious surface area while still maintaining the turning radius required by the subdivision rules and regulations for emergency vehicle use, while additionally increasing the aesthetics of the area.

Mr. DiPersio discussed how previous subdivisions have been approved with landscaped cul-de-sacs and discussed the struggles these can impose during winter plowing and the importance of establishing who is responsible for the maintaining the landscaped area. He explained, throughout the years a few of these areas have been removed and paved over.

Mr. Russ suggested for larger cul-de-sacs to leave the area in a vegetated/wooded state that would require less maintenance and asked about alternative materials that could be used for smaller turn arounds. Mr. DiPersio explained a private property within the City did try this by using pavers, with the hopes that it would allow for additional drainage, but that it did not hold up well against winter plowing.

Mr. Fay suggested when a developer requests a waiver on the roadway length, that the Board sets a condition on the waiver requiring them to create a homeowners association detailing their responsibility for the maintenance for the grass strips along the sidewalks and the center island within the cul-de-sac.

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Mr. Fay asked if the increase in rainfall within these landscaped cul-de-sacs have the potential of deteriorating the roadway around it. Mr. DiPersio explained, yes, it is possible depending on the soil condition and if it is in a cut section within a drain area. He explained he may recommend that there be some kind of drain in the middle to convey the excess water into the drain system. Mr. Fay argued if there was a drain within the landscaped area would the Board be accomplishing anything other an appearance. Mr. DiPersio explained the drain could be designed to only convey excess water so there would still be some infiltration. He suggested if the Board considers including these in future subdivisions that larger cul-de-sacs would be more beneficial.

The Board agreed they like the idea of these pervious cul-de-sacs and agreed they would like to further investigate them. Mr. DiPersio suggesting requiring developers to have a larger cul-de-sac and discussed determining what the tradeoff could be in exchange for a larger cul-de-sac. He also suggested the option of coming up with a standard for it and explained in some cases developers may want to do it for aesthetic purposes. Mr. Russ and Mr. DiPersio discussed the difficulties these landscaped cul-de-sacs may impose to plowing vehicles and Mr. DiPersio explained he would get input from drivers of larger plowing vehicles.

The Board determined they would look further into this over the next few meetings.

iii. Onboarding Binder Draft

Mr. LaVenture asked the Board to the review the draft binder and to let me know if anyone thinks the working group should add anything additional items.

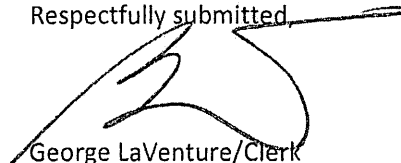
11. Calendar Updates (None)

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

The Board endorsed the covenant for 76 Broad Street.

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

Respectfully submitted,



George LaVenture/Clerk

/kmm