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## CITY OF MARLBOROUGH

### City Council Agenda

Monday, April 22, 2024

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](http://www.marlborough-ma.gov)).

1. Minutes, City Council Meeting, April 8, 2024.
2. PUBLIC HEARING on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan, Order No. 24-1009138.
  - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Simarano Drive.
3. PUBLIC HEARING on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street, Order No. 24-1009139.
  - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Cashman Street.
4. PUBLIC HEARING on the Proposed Zoning Amendment to Code, Chapter 650 "Zoning" to create the Lizotte Drive Overlay District (LDOD), Order No. 24-1009121.
  - a) Communication from Attorney George Bahnan, re: Updated copies of Proposed Zoning Amendment to create the Lizotte Drive Overlay District.
5. Communication from the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works for an additional 60-day term to expire June 19, 2024.
6. Communication from the Mayor, re: Grant Acceptances in the amount of \$250,000.00 awarded to the Police Department for reconstruction of the parking lot at the Police Station and \$175,000.00 awarded to the Fire Department for the purchase of the CAD Dispatch System, as part of the Fiscal Year 2024 state budget earmark funding.
7. Communication from the Mayor, re: Transfer Request in the amount of \$2,784,983.00 from Free Cash to Capital Outlay to fund the Capital Improvements for the Police Department, Fire Department, Inspectional Services and Department of Public Works.

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

8. Communication from City Solicitor Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 "Zoning" to create the Donald Lynch Boulevard Overlay District.
9. Communication from Assistant City Solicitor Jeremy McManus, re: Opinion relative to Special Permit Application by Alta Behavioral Health, LLC, 400 Donald J. Lynch Boulevard, Order No. 24-1009099.
10. Communication from City Clerk Steven Kerrigan, re: Approval of ImageCast Precinct Optical Tabulators pursuant to MGL Chapter 54 §34.
11. Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.
12. Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.
13. Application for Taxi/Livery License from Adam Smith d/b/a First Class Limo, Inc., to operate a Livery Service with one vehicle, 715 Robin Hill Street.
14. Minutes of Boards, Commissions and Committees:
  - a) School Committee, January 24, 2024 & March 26, 2024.
  - b) Historical Commission, February 15, 2024.
  - c) Planning Board, February 26, 2024.
15. CLAIMS:
  - a) Bruce Jordan, 19 Emer Road, residential mailbox claim (2b).
  - b) Zachary Skinner, 42 Grove Street, Upton, pothole or other road defect.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Finance Committee

16. **Order No. 24-1009118: Transfer Request in the amount of \$477,122.41 from PEG Funds to the Marlborough Cable Trust to fund Capital items and the operation of the WMCT-TV for FY2025.**

##### **Recommendation of the Finance Committee is to APPROVE.**

The Chair read the communication from Mayor Dumais. Director Malyar discussed his proposed budget with councilors. Councilors were unanimously supportive of his request.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the Transfer in the amount of \$477,122.41 from PEG Funds to the Marlborough Cable Trust to fund Capital items and the operation of the WMCT-TV for FY2025. Vote 5-0.

From Personnel Committee

17. **Order No. 24-1009120: Appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term effective May 1, 2024.**

**Recommendation of the Personnel Committee is to APPROVE.**

Mr. Blatchley will replace Lee Thomson who has served on the Commission since 1980. Chair Navin read the letter from the Mayor into the record.

On a motion by Councilor Doucette, seconded by the Chair, the Personnel Committee recommends approval of the appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term, replacing longtime member, Lee Thomson. Vote 3-0.

**Councilors-at-Large**

Sean A. Navin  
 Mark A. Oram  
 Michael H. Ossing  
 Kathleen D. Robey



**Ward Councilors**

Ward 1 – Mark A. Vital  
 Ward 2 – David Doucette  
 Ward 3 – Robert Preciado  
 Ward 4 – Teona C. Brown  
 Ward 5 – John J. Irish  
 Ward 6 – A. Trey Fuccillo  
 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, APRIL 8, 2024**

The regular meeting of the City Council was held on Monday, April 8, 2024, at 8:00 PM in City Council Chambers, City Hall. Councilors Present: Ossing, Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, & Robey. Meeting adjourned at 8:20 PM.

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

ORDERED: That the Minutes of the City Council meeting, MARCH 25, 2024, **FILE**; adopted.

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

ORDERED: That the Communication from Councilors Ossing & Navin, re: Municipal Aggregation – March 2024 Update, **FILE**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$762,465.00 (Seven hundred sixty-two thousand, four hundred sixty-five dollars) from Economic Development to MEDC Funding for the FY 2025 Operating Budget of MEDC, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Mayor				FISCAL YEAR:		2024	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
\$1,923,893.90	\$762,465.00	27000099	42440	Economic Development	\$762,465.00	11740006	53950	MEDC Funding	\$0.00
Reason:		To allow the MEDC to continue it's work in promoting the economic development of the City for FY25							
\$762,465.00	Total				\$762,465.00	Total			

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

ORDERED: That the Transfer Request in the amount of \$150,000.00 (One hundred fifty thousand dollars) from Economic Development to MEDC Funding for the Economic Development Toolbox, referred to **FINANCE COMMITTEE**; 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	
\$1,923,893.90	\$150,000.00	27000099	42440	Economic Development	\$150,000.00	11740006	53950	MEDC Funding	\$0.00	
Reason:		To replenish the Economic Development Toolbox for FY25								
\$150,000.00	Total				\$150,000.00	Total				

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$250,000.00 from the Marlborough Public Library Foundation awarded to the Marlborough Public Library to be used for the library renovation project; adopted.

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

ORDERED: That the Proposed Ordinance Amendments the City Code, Chapter 125 "Personnel" §5 "Preparation of Classification Descriptions" and to Chapter 125 "Personnel" §6 "Salary Schedule" relative to the position of Drop-Off Attendant and Junior Civil Engineer within the Department of Public Works, referred to the **FINANCE COMMITTEE & ADVERTISE**.

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

ORDERED: That the Proposed Acceptance of Deed In Lieu of Foreclosure concerning parcels of land located off Mosher Lane identified as Map 10, Parcel 41, Map 10, Parcel 82, Map 11, Parcels 3 & 40, referred to the **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE, LEGAL DEPARTMENT & ENGINEERING DEPARTMENT**; adopted.

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

ORDERED: That the Proposed Acceptance of Easement for a small portion of land at the corner of Hayes Memorial Drive and Boston Post Road West (Route 20) from the property owner(s) of 1000 Nickerson Road for a "Welcome to Marlborough" sign, referred to the **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of David Williams as Interim Comptroller/Treasurer for an additional 60-day term to expire May 31, 2024, **FILE**; adopted.

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

ORDERED: That Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of David Williams as Interim City Collector effective April 1, 2024, for a 60-day term to expire May 31, 2024, **FILE**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus on behalf of Councilor Robey, re: Proposed Zoning Ordinance Amendment to Chapter 650 “Zoning” relative to updating provisions regarding Medical and Adult Use Marijuana, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 6, 2024**; adopted.

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

I. Section 650-17, entitled “Table of Uses” is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

	RR	A-1	A-2	A-3	R B	R C	RC R	N B	B	CA	LI	I	M V	<u>WAYSIDE</u>
Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, <del>or transporter (47)</del> <u>craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter (47)</u>	N	N	N	N	N	N	<u>N</u>	<u>N</u>	N	N	S P	S P	N	<u>N</u>

II Section 650-18, entitled “Conditions for Uses,” is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(47) Medical and/or adult use marijuana cultivator, independent testing laboratory, ~~product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter~~:

- (b) Shall be limited in number to one of each type (cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter), but in no event fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the City of Marlborough;
- (d) All aspects of a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building; and

III The following portions of Section 650-32 are hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-32. ~~Medical and Adult Use Marijuana marijuana treatment centers; adult use marijuana retail; marijuana accessories retail; medical and/or adult use marijuana cultivator; independent testing laboratory product manufacturer or transporter.~~

A. Medical marijuana treatment centers. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and ~~105 CMR 725.000~~935 CMR 501.101, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A medical marijuana treatment center should provide medical support, security, oversight by a physician, and standards that meet or exceed said regulations~~105 CMR 725.000~~. These centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such centers.

(A.2) ~~Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter,~~ craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, ~~105 CMR 725.000, 935 CMR 500.000~~regulations promulgated pursuant to said general laws, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of craft marijuana cooperatives, cultivators, microbusinesses, independent testing laboratories, product manufacturers, or marijuana transporters, marijuana courier, marijuana delivery operator, or marijuana research facilities for the purposes of medical marijuana or adult use marijuana, within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.

- B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in this § 650-32 of the Code of the City of Marlborough, entitled "medical marijuana treatment centers," Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, and regulations promulgated pursuant to said general laws Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 105 CMR 725.000, MGL e. 94G and 935 CMR 500.002, all as amended, and unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:

**MEDICAL AND/OR ADULT USE MARIJUANA INDEPENDENT TESTING LABORATORY**

- A laboratory that is licensed by the Cannabis Control Commission and is (i) currently and validly licensed under 935 CMR 500.101, or formerly and validly registered by the Commission; (ii) accredited to ISO 17025: 2017 or the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (iii) independent financially from any MTC marijuana establishment or licensee; and (iv) qualified to test marijuana and marijuana products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000; 935 CMR 501.000; Medical Use of Marijuana; and Commission protocol(s).~~accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission, (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test, and (iii) qualified to test marijuana in compliance with 105 935 CMR 725.031501 and MGL c. 94C, § 34 and/or 935 CMR 500.160 and MGL e. 94G, § 34.~~

**ADULT USE MARIJUANA** (including the words "MARIJUANA" AND "or CANNABIS" as those words pertain to adult use marijuana)

Means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; Clones of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL c. 94G, § 1, as amended, provided that ~~adult use marijuana, marijuana or cannabis shall~~ does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

**MARIJUANA ACCESSORIES** (or CANNABIS ACCESSORIES)

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, injecting, inhaling or otherwise introducing marijuana or cannabis into the body.



**MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR**

An entity licensed and registered under ~~105 CMR 725.100 and/or 935 CMR 500.000, as amended, to cultivate, process and package marijuana, and to transfer deliver to medical marijuana treatment centers and/or to other marijuana establishments, but not to consumers. A craft marijuana cooperative is a type of marijuana cultivator.~~

**MARIJUANA ESTABLISHMENT (ME)**

A licensed marijuana cultivator (indoor or outdoor), craft marijuana cooperative, marijuana product manufacturer, marijuana microbusiness, marijuana retailer, independent testing laboratory, marijuana research facility licensee (as defined in 935 CMR 500.002: Marijuana Research Facility Licensee), marijuana transporter, delivery licensee, social consumption establishment (as defined in 935 CMR 500.002: Social Consumption Establishment) or any other type of licenseds marijuana-related business, except a medical marijuana treatment center (MTC).

**MARIJUANA-INFUSED PRODUCT (MIP)**

A marijuana product infused with marijuana that is intended for use or consumption, including, but not limited to, edibles products, ointments, aerosols, oils, and tinctures. A marijuana-infused These product s(MIP), when created or sold by a medical marijuana establishment or an MTC treatment center business, shall not be considered a food or drug as defined in MGL c. 94, § 1. MIPs are a type of marijuana product.

**MEDICAL AND/OR ADULT USE MARIJUANA MARIJUANA PRODUCT MANUFACTURER**

An entity licensed to obtain, manufacture, process and package marijuana or and marijuana products, to deliver marijuana and marijuana products and to transfer these products to other marijuana establishments and/or to medical marijuana treatment centers, but not to consumers.

**ADULT USE MARIJUANA RETAILER**

An entity licensed and registered under ~~935 CMR 500.050, as amended, as a marijuana retailer to purchase repackage, white label, and transport marijuana or marijuana product from marijuana establishments a craft marijuana cooperative, marijuana cultivator, independent testing laboratory, product manufacturer or transporter and to sell or otherwise transfer or otherwise transfer this product to marijuana establishments and sell the marijuana to consumers, and to marijuana establishments. Unless licensed, retailers are prohibited from offering marijuana or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.~~

**MEDICAL AND/OR ADULT USE MARIJUANA TRANSPORTER**

An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments or MTCs and/or to medical marijuana treatment centers, but not for sale to consumers. Marijuana transporters may be an existing licensee transporter or third-party transporter.

**MEDICAL MARIJUANA TREATMENT CENTER (MTC) (FORMERLY KNOWN AS A REGISTERED MARIJUANA DISPENSARY (RMD))**

~~Refers to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not for profit An entity or a for-profit entity registered/licensed under 10935 CMR 725.100 501.101 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes [including development of related products, such as edibles, marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments], repackages/transfers, transports, sells, distributes, delivers, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.; and shall be subject to the regulations under § 650 32 of this chapter.~~

**MEDICAL-USE OF MARIJUANA (OR MEDICAL-USE CANNABIS)**

~~Marijuana that is cultivated, processed, transferred, tested or sold in compliance with M.G.L. c. 94I, and 935 CMR 501.000.~~

~~The acquisition, cultivation, possession, processing [including development of related products such as marijuana-infused products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments], transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.~~

**PERSON**

~~An individual or, nonprofit entity, or for-profit entity under the laws of the Commonwealth.~~

**ADULT-USE CANNABIS OR MARIJUANA**

~~Marijuana that is cultivated, processed, transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.~~

**ADULT-USE CANNABIS OR MARIJUANA PRODUCTS**

~~Marijuana product that are processed, manufactured, transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.~~

**COLOCATED MARIJUANA OPERATIONS (CMO)**

~~An MTC operating under a license pursuant to 935 CMR 501.000; *Medical Use of Marijuana* and a marijuana establishment operating under at least one license pursuant to 935 CMR 500.000 on the same premises. Colocated marijuana operations pertain to cultivation, product manufacturing, and retail licenses, but not any other adult-use license.~~

**COMMUNITY IMPACT FEE (CIF)**

~~Impact fee(s) claimed by a host community in relation to the operations of a particular marijuana establishment or MTC which have been certified by the Commission or ruled upon by a court of competent jurisdiction, as being reasonably related to the actual costs imposed on a host community by a marijuana establishment or MTC's operations.~~

**CRAFT MARIJUANA COOPERATIVE**

~~A marijuana cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package, brand and transfer marijuana or marijuana products to marijuana establishments, but not to consumers.~~

**HOST COMMUNITY**

A municipality in which a marijuana establishment, MTC or independent testing laboratory is located or in which a license applicant has proposed locating an establishment.

**HOST COMMUNITY AGREEMENT (HCA)**

An agreement entered into and executed between a host community and a license applicant or between a host community and a marijuana establishment or MTC pursuant to M.G.L. c. 94G § 3(d).

**HOST COMMUNITY AGREEMENT (HCA) WAIVER**

A written statement executed by a host community and a license applicant, or by a host community and a marijuana establishment or an MTC, which expresses the parties' mutual intent to waive the regulatory requirement to have a host community agreement.

**LICENSE APPLICANT**

A person or entity pursuing a license to operate a marijuana establishment or MTC who has submitted or intends to submit a license application to the Commission. A license applicant may also be considered a prospective marijuana establishment.

**MARIJUANA COURIER**

An entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a marijuana retailer, or directly to registered qualifying patients or caregivers from an MTC, but is not authorized to sell marijuana or marijuana products directly to consumers, registered qualifying patients or caregivers and is not authorized to wholesale, warehouse, process, repackage, or white label. A marijuana courier is an additional license type under M.G.L. c. 94G § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a marijuana retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

**MARIJUANA DELIVERY ENDORSEMENT**

Delivery endorsement means authorization granted to licensees in categories of marijuana establishments identified by the Commission to perform deliveries directly from the establishment to consumers.

**MARIJUANA DELIVERY OPERATOR OR DELIVERY OPERATOR**

An entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, marijuana product manufacturer, microbusiness or craft marijuana cooperative, and white label, sell and deliver finished marijuana products, marijuana accessories and marijuana branded goods directly to consumers, but is not authorized to repackage marijuana or marijuana products or operate a storefront under this license. A delivery operator is an additional license type under M.G.L. c. 94G § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a marijuana retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

**MARIJUANA RESEARCH FACILITY**

An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed marijuana establishment or MTC, that is licensed to conduct research by the Massachusetts Cannabis Control Commission.

**MARIJUANA RESEARCH FACILITY LICENSEE OR RESEARCH LICENSEE**

An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed marijuana establishment or MTC, that is licensed to conduct research.

**MICROBUSINESS**

An entity that can be either a tier 1 marijuana cultivator or marijuana product manufacturer or both, in compliance with the operating procedures for each license and, if in receipt of a delivery endorsement issued by the Commission, may deliver marijuana or marijuana products produced at the licensed location directly to consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A microbusiness that is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments for the purpose of marijuana product manufacturing by the licensee.

**REASONABLY RELATED**

A demonstrable nexus between the actual operations of an ME or MTC and an enhanced need for a host community's goods or services in order to offset the impact of operations. Fees customarily imposed on other non-marijuana businesses operating in a host community shall not be considered reasonably related.

**WHITE LABELING**

To affix a product label that includes the branding, including the name and logo, of a specific marijuana establishment licensee to a finished marijuana product that was previously produced and packaged by a licensed product manufacturer, cultivator, microbusiness or craft marijuana cooperative for sale to consumers. Vaporizer devices shall not be white labeled. White labeled products shall be required to comply with 935 CMR 500.105(5), and (6), 935 CMR 500.130(6) and 935 CMR 500.146(7).

**MEDICAL MARIJUANA**

All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

- B. In such zoning districts where a special permit is required for medical marijuana treatment center, adult use marijuana retail business, marijuana accessories business, or medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter, upon application, the special permit granting authority shall grant the special permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this chapter, the determination shall include, but is not limited to, consideration of each of the following:

- (C)(9) To the extent permitted by law, Requiring payment of a community impact fee;
- (C)(16) Signs and signage; and
- (C)(17) Names of businesses, business logos and symbols, subject to state and federal law and regulations; and
- (C)(18) If applicable, reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

F. A medical marijuana treatment center, adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter shall not be located:

- (1) Within a radius of 500 feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and
- (2) Within a radius of 500 feet of a day-care center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five-hundred-foot distance is measured in a straight line from the geometric center of the above-referenced medical marijuana treatment center or marijuana establishment entrance to the geometric center of the nearest school or day-care center entrance, unless there is an impassible barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the proposed medical marijuana treatment center or marijuana establishment to the geometric center of the nearest school or day-care center entrance. Terms referenced herein shall be interpreted consistent with 935 CMR 500 and 935 CMR 501, as applicable.

~~The five-hundred-foot distance in this Subsection F is measured in a straight line from the nearest point of the building in which the school or day-care center in question is located to the nearest point of the building within which the proposed medical marijuana treatment center would be located.~~

~~F.1.~~

~~An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:~~

~~{Added 5-21-2018 by Ord. No. 18-1007163-2D}~~

~~(1)~~

~~Within a radius of 500 feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and~~

~~(2)~~

~~Within a radius of 500 feet of a day-care center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.~~

~~The five-hundred-foot distance in this Subsection F.1 is measured in a straight line from the nearest point of the building in which the school or day-care center in question is located to the nearest point of the building within which the proposed adult use marijuana retail business, marijuana accessories retail business, and medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.~~

- G. Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a medical marijuana treatment center (except for the administration of marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary), an adult use marijuana retail business, a marijuana accessories retail business, and to a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter.
- I. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer-~~or~~, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter shall not be an allowable home occupation use or an allowable accessory use.
- K. Direct delivery to a consumer or client from a marijuana cultivator or product manufacturer is prohibited. Notwithstanding, a marijuana establishment (including an existing establishment previously authorized by special permit) which obtains a marijuana delivery endorsement may deliver only if authorized by a special permit (or amendment to an existing special permit) granted by the City Council.
- L. No special permit shall be granted without first having an executed host community agreement (to the extent applicable by law) with the City of Marlborough.
- M. The hours of operation of a medical marijuana treatment center or marijuana establishment may be further conditioned by the City Council, but in no event shall a marijuana medical treatment center or marijuana retailer be open before 10:00 a.m. or remain open after 10:00 p.m. In no case shall a marijuana courier, holder of a marijuana delivery endorsement, or marijuana delivery operator deliver to Marlborough locations before 8:00 a.m. or after 9:00 p.m.

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

ORDERED: That the Communication from Attorney William Brewin on behalf of Robert LeDuc, re: Request for the release of a low-income deed restriction on the unit at 66 Village Drive, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY APRIL 22, 2024**, as the **DATE FOR PUBLIC HEARING**, on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY APRIL 22, 2024**, as the **DATE FOR PUBLIC HEARING**, on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street; 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, March 12, 2024.
- b) Commission on Disabilities, August 7, 2023.
- c) Conservation Commission, March 7, 2024.
- d) Cultural Council, February 7, 2024.
- e) Library Trustees, February 6, 2024 & March 5, 2024.
- f) Traffic Commission, February 28, 2024.

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

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

- a) Dilaila Cruz, 33 Vineyard Street, Cambridge, pothole or other road defect.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee  
April 1, 2024  
Minutes and Report**

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

Voting Members Present: Chair Irish, Councilors Fuccillo, Brown, Oram and Vital.

Non-Voting Members Present: Councilors Ossing, Landers, and Doucette.

Also Present: Mayor Dumais, WMCT-TV Director Ryan Malyar, City Auditor Diane Smith, and Temporary Comptroller David Williams.

**Order No. 24-1009118: Communication from Mayor Dumais, together with a Transfer in the amount of \$477,122.41 from PEG Funds to the Marlborough Cable Trust to fund Capital items and the operation of the WMCT-TV for FY2025.**

The Chair read the communication from Mayor Dumais. Director Malyar discussed his proposed budget with councilors. Councilors were unanimously supportive of his request.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the Transfer in the amount of \$477,122.41 from PEG Funds to the Marlborough Cable Trust to fund Capital items and the operation of the WMCT-TV for FY2025. Vote 5-0

**Order No. 24-1009119: Communication from Mayor Dumais, together with a Transfer in the amount of \$34,020.00 from Reserve for Salaries to HR Director to cover the accruals incurred and to replenish the account.**

Reports of Committee Continued:

The Chair read the communication from Mayor Dumais. The Mayor submitted the funds were necessary to replenish the HR Director account and to fund the negotiated separation agreement between the city and Mr. Harmon, and his payout for unused sick and vacation time. Finance Committee voting members Oram and Vital spoke in support of the transfer. Councilor Fuccillo asked the Mayor if he had considered using funds from the conference and training account to back fill any of the shortfall to which the Mayor replied that instead of piecemealing the transfer from multiple accounts it was decided to transfer the entire amount from Reserve for Salaries.

On a motion by Councilor Vital, seconded by Chair Irish, the Finance Committee recommends approval of the Transfer in the amount of \$34,020.00 from Reserve for Salaries to HR Director to cover the accruals incurred and to replenish the account. Vote 5-0

On a motion to adjourn by Councilor Brown, seconded by Chair, and approved; the meeting adjourned at 7:30 PM

Councilor Navin reported the following out of the Personnel Committee:

**City Council Personnel Committee**  
**April 8, 2024**  
**Minutes and Report**

This meeting convened at 7:25 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](http://www.marlborough-ma.gov)).

Voting members present: Chair Navin, Councilors Brown and Doucette.

Non-Voting members present: Councilors Landers and Fuccillo; Councilors Vital and Irish arrived at 7:30 PM; Councilor Oram arrived at 7:34 PM, Councilor Ossing arrived at 7:35 PM.

Also present: Mayor Dumais and Lee Thomson.

**Order No. 24-1009120: Communication from Mayor Dumais submitting, for City Council approval, the appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term.** Mr. Blatchley will replace Lee Thomson who has served on the Commission since 1980. Chair Navin read the letter from the Mayor into the record.

Mr. Blatchley read a prepared statement, asking those present to applaud Mr. Thomson for his service. He answered questions from councilors.

Councilor Oram spoke in support of the appointment.

Councilor Landers spoke in support of the appointment.

On a motion by Councilor Doucette, seconded by the Chair, the Personnel Committee recommends approval of the appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term, replacing longtime member, Lee Thomson. Vote 3-0

The Chair stated that he has spoken with the Clerk, and this appointment will be effective May 1, 2024.

Motion made and seconded to adjourn; the meeting adjourned at 7:38 PM.



**Suspension of the Rules requested – granted.**

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

**ORDERED:** That the Transfer Request in the amount of \$34,020.00 (Thirty-four thousand twenty dollars) from Reserve for Salaries to HR Director, to cover the accruals incurred and to replenish the account, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		HR			FISCAL YEAR:		2024		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$91,600.00	\$34,020.00	11990006	57820	Reserve for Salaries	\$34,020.00	11520001	50530	HR Director	\$28,501.32
Reason:		Available funds			To fund exit payout and new hire through June 30th.				
\$34,020.00	Total				\$34,020.00	Total			

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

**ORDERED:** That the Transfer Request in the amount of \$786,500.00 (Seven hundred eighty-six thousand five hundred dollars) from Free Cash to Fire Equipment for the purchase of an E-ONE Fire Engine for the Fire Department, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Fire			FISCAL YEAR:		2024		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$7,562,846.40	\$786,500.00	10000	35900	Undesignated Fund	\$786,500.00	19300006	58512	Fire Dept Equipment	\$58.40
Reason:		To fund a new E One Pumper Truck							
\$786,500.00	Total				\$786,500.00	Total			

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

ORDERED: That the “Vision for Donald Lynch Boulevard” document which includes a Proposed Zoning Ordinance Amendment to Chapter 650 “Zoning” to create the new Donald Lynch Boulevard Overlay District as submitted by President Ossing, **FILE**; adopted.

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

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

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

Position		Step 0	Step 1	Step 2	Step 3 Maximum
Senior Assessor (40 hours per week)	Effective upon Passage	\$42.2741	\$43.9651	\$45.7237	\$47.5523

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

**First Reading, suspended; Second Reading, adopted; DOES NOT CARRY**

**President Ossing declared the hand count vote of seven Councilors in favor.**

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:20 PM; adopted.



## IN CITY COUNCIL

Marlborough, Mass., APRIL 8, 2024

### ORDERED:

That there being no objection thereto set **MONDAY APRIL 22, 2024**, as the **DATE FOR PUBLIC HEARING**, on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan.

ADOPTED

ORDER NO. 24-1009138

**Steven Kerrigan**

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**From:** City Council  
**Sent:** Thursday, April 18, 2024 12:39 PM  
**To:** Steven Kerrigan  
**Subject:** FW: Order No. 24-1009138  
**Attachments:** Standard Conditions for Utility Petitions.docx

**From:** Thomas DiPersio  
**Sent:** Thursday, April 18, 2024 12:32 PM  
**To:** City Council  
**Subject:** Order No. 24-1009138

I have reviewed the petition of Massachusetts Electric and Verizon New England, to install one joint-owned pole on Simarano Drive, and have only the following comments:

The location shall be marked out for approval by the Engineering Division prior to the work. I recommend the attached standard conditions also be applied.

Thank you

**Thomas DiPersio, Jr., PE, PLS**

City Engineer

Department of Public Works

135 Neil Street

Marlborough, MA 01752

Phone:(508)624-6910x33200

t



**STANDARD CONDITIONS FOR UTILITY PETITIONS**

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



# IN CITY COUNCIL

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Marlborough, Mass., APRIL 8, 2024

## ORDERED:

That there being no objection thereto set **MONDAY APRIL 22, 2024**, as the **DATE FOR PUBLIC HEARING**, on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street.

ADOPTED

ORDER NO. 24-1009139

**Steven Kerrigan**

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**From:** City Council  
**Sent:** Thursday, April 18, 2024 12:38 PM  
**To:** Steven Kerrigan  
**Subject:** FW: Order No. 24-1009139  
**Attachments:** Standard Conditions for Utility Petitions.docx

**From:** Thomas DiPersio  
**Sent:** Thursday, April 18, 2024 12:36 PM  
**To:** City Council  
**Subject:** Order No. 24-1009139

I have reviewed the petition of Massachusetts Electric and Verizon New England, to install one joint-owned pole on Cashman Street, and have only the following comments:

I note that the proposed pole location may conflict with the proposed sewer service for the new building at that location. This can be rectified with coordination with the development engineers. I recommend a condition that the proposed location be marked out for approval by the Engineering Division prior to the work, and that the attached standard conditions also be applied.

Thank you

**Thomas DiPersio, Jr., PE, PLS**

City Engineer

Department of Public Works

135 Neil Street

Marlborough, MA 01752

Phone:(508)624-6910x33200



**STANDARD CONDITIONS FOR UTILITY PETITIONS**

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





# IN CITY COUNCIL

Marlborough, Mass., MARCH 25, 2024

ORDERED:

PAGE 1

That the Communication from Attorney George Bahnan on behalf of FD 130 Lizotte, LLC, re: Proposed Zoning Amendment to Code, Chapter 650 "Zoning" to create the Lizotte Drive Overlay District (LDOD), be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, APRIL 22, 2024.**

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 BY AMENDING AND ADDING THERETO AS FOLLOWS:

## **LIZOTTE DRIVE OVERLAY DISTRICT**

- A. **PURPOSE AND OBJECTIVES**: The Lizotte Drive Overlay District (the "LDOD") allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district. The establishment of the LDOD is to enhance land use development and promote:
- (1) Housing by allowing the construction of market-rate and affordable-rate multifamily condominiums; and
  - (2) Trade growth by allowing the construction of self-service storage facilities and contractor's yards for the use of contractors, tradespeople, and the public at large.
- B. **LOCATION**: For the purposes of this section, the LDOD shall be superimposed on the Limited Industrial District located along Lizotte Drive, inclusive of the property known and numbered as 130 Lizotte Drive thence south to and concluding at the intersection of Lizotte Drive and Williams Street; and from the intersection of Lizotte Drive and Jackson Drive to the intersection of Jackson Drive and Forest Street, as indicated on the City Zoning Map and more particularly depicted in Exhibit A attached hereto and incorporated herein by this reference.



# IN CITY COUNCIL

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Marlborough, Mass., MARCH 25, 2024

PAGE 2

**ORDERED:**

- C. **PERMITTED USES:** All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. 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 LDOD, the City Council may, by special permit in accordance with § 650-59, permit multifamily condominium dwellings, self-storage, and contractor's yards of any underlying uses which are allowed, either as of right or by special permit, in the underlying district consistent with the following provisions:
- (1) Multifamily condominium dwellings created pursuant to the LDOD are subject to the provisions of §650-18(A)(4).
  - (2) Affordable rate units created pursuant to the LDOD are subject to the provisions of §650-26.
  - (3) Self-service storage facilities created pursuant to the LDOD are subject to the provisions of §650-5B{107}.
  - (4) Contractor's yards created pursuant to the LDOD are subject to the provisions of §650-5B{31}.

ADOPTED

ORDER NO. 24-1009121



April 18, 2024

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 APR 18 AM 11:42

**VIA HAND DELIVERY TO CITY CLERK**

City Council  
140 Main Street, 2<sup>nd</sup> Floor  
Marlborough, MA 01752

**Re: Proposed Overlay District Zoning Amendment – Lizotte Drive Overlay District**

Dear President Ossing and Council Members,

In anticipation of the public hearing on April 22, 2024, please accept the enclosed documents for review and consideration. Enclosed, please find:

1. The draft of the proposed “Lizotte Drive Overlay District” (“LDOD”), amended as of April 18, 2024; and
2. The redlined version of the above-mentioned document.

Sincerely,

George T. Bahnan, Esq.  
Assistant General Counsel

Cc: J. Christian Dumais, Mayor (by email)  
Meredith Harris, Executive Director of Marlborough Economic Development Corp. (by email)

PROPOSED OVERLAY DISTRICT ZONING AMENDMENT  
Article V of § 650

NAME OF OVERLAY DISTRICT: Lizotte Drive Overlay District

PROPONENT: FD 130 Lizotte, LLC

- A. PURPOSE AND OBJECTIVES: The Lizotte Drive Overlay District (the “LDOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district. The establishment of the LDOD is to enhance land use development and promote:
- (1) Housing by allowing the construction of market-rate and affordable-rate multifamily condominiums; and
  - (2) Trade growth by allowing the construction of self-service storage facilities and contractor’s yards for the use of contractors, tradespeople and the public at large.
- B. LOCATION: For the purposes of this section, the LDOD shall be superimposed on the Limited Industrial District located along Lizotte Drive, inclusive of the property known and numbered as 130 Lizotte Drive thence south to and concluding at the intersection of Lizotte Drive and Williams Street; and from the intersection of Lizotte Drive and Jackson Drive to the intersection of Jackson Drive and Forest Street, as indicated on the City Zoning Map and more particularly depicted in Exhibit A attached hereto and incorporated herein by this reference.
- C. AUTHORITY OF PERMIT GRANTING AUTHORITY:
- (1) The City Council shall be the special permit granting authority in the LDOD.
  - (2) The City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to a use or structure by special permit upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent of purpose of this Section.
- D. PERMITTED USES: All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either by right or by special permit, in the underlying district of any land which has been included in the LDOD, the City Council may, by special permit in accordance with § 650-59, allow for the following uses:
- (1) Multifamily dwelling, as defined in §650-5(B).
  - (2) Self-service storage facility, as defined in §650-5(B).

(3) Contractor's yard, as defined in §650-5(B).

- E. AFFORDABLE HOUSING: Notwithstanding any provisions contrary to the Zoning Ordinance, development of multifamily dwellings in the LDOD shall be subject to the affordable housing standards of §650-26.
- F. DIMENSIONAL STANDARDS: Notwithstanding any provisions contrary to the Zoning Ordinance, development in the LDOD shall be subject to the dimensional standards of the Industrial I District.
- G. LANDSCAPING REGULATIONS: Notwithstanding any provisions contrary to the Zoning Ordinance, development in the LDOD shall be subject to the landscaping regulations of §650-47.
- H. PARKING REGULATIONS: Notwithstanding any provisions contrary to the Zoning Ordinance, development in the LDOD shall be subject to the off-street parking regulations of §650-48.

DRAFT

PROPOSED OVERLAY DISTRICT ZONING AMENDMENT  
Article V of § 650

NAME OF OVERLAY DISTRICT: Lizotte Drive Overlay District

PROPONENT: ~~Ferris Development Group, LLC, as managing agent for~~ FD 130 Lizotte, LLC

A. PURPOSE AND OBJECTIVES: The Lizotte Drive Overlay District (the “LDOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district. The establishment of the LDOD is to enhance land use development and promote:

- (1) ~~Owner occupied housing~~Housing by allowing the construction of market-~~rate~~ and affordable-~~rate~~ multifamily condominiums; and
- (2) Trade growth by allowing the construction of self-service storage facilities and contractor’s yards for the use of contractors, ~~and~~ tradespeople and the public at large.

B. LOCATION: For the purposes of this section, the LDOD shall be superimposed on the Limited Industrial District located along Lizotte Drive, inclusive of the property known and numbered as 130 Lizotte Drive thence south to and concluding at the intersection of Lizotte Drive and Williams Street; and from the intersection of Lizotte Drive and Jackson Drive to the intersection of Jackson Drive and Forest Street, as indicated on the City Zoning Map and more particularly depicted in Exhibit A attached hereto and incorporated herein by this reference.

C. AUTHORITY OF PERMIT GRANTING AUTHORITY:

(1) The City Council shall be the special permit granting authority in the LDOD.

~~(2)~~ (2) The City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to a use or structure by special permit upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent of purpose of this Section.

C.D. PERMITTED USES: All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either by right or ~~either as of right or~~ by special permit, in the underlying district of any land which has been included in the LDOD, the City Council may, by special permit in accordance with § 650-59, permit allow for the following uses: multifamily dwellings, self-storage, and contractor’s yards of any underlying uses which are allowed, either as of right or by special permit, in the

underlying district consistent with the following provisions:

~~(1) Multifamily Multifamily dwelling, as defined in dwellings created pursuant to the LDOD are subject to the provisions of §650-18(A)5(B)(4).~~

~~(2)(1) Affordable rate units created pursuant to the LDOD are subject to the provisions of §650-26.~~

~~(3)(2) Self-service storage facility, ies created pursuant to the LDOD are subject to the provisions of as defined in §650-5(B)B{107}.~~

~~(3) Contractor's yard, as defined in s created pursuant to the LDOD are subject to the provisions of §650-5(B){31}.~~

E. AFFORDABLE HOUSING: Notwithstanding any provisions contrary to the Zoning Ordinance, development of multifamily dwellings in the LDOD shall be subject to the affordable housing standards of §650-26.

F. DIMENSIONAL STANDARDS: Notwithstanding any provisions contrary to the Zoning Ordinance, development in the LDOD shall be subject to the dimensional standards of the Industrial I District.

G. LANDSCAPING REGULATIONS: Notwithstanding any provisions contrary to the Zoning Ordinance, development in the LDOD shall be subject to the landscaping regulations of §650-47.

C.H. PARKING REGULATIONS: Notwithstanding any provisions contrary to the Zoning Ordinance, development in the LDOD shall be subject to the off-street parking regulations of §650-48.



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

J. Christian Dumais, Mayor

*Office of the Mayor*

2024 APR 18 AM 11:51

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770

[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

April 18, 2024

Theodore Scott  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

**RE: Extended Temporary Appointment as Commissioner of Public Works Pursuant to M.G.L c. 41 § 61A**

Dear Mr. Scott,

In accordance with the authority vested in me under M.G.L. c. 41 § 61A, I hereby extend your appointment as Temporary Commissioner of the Department of Public Works as said office is vacant. This extension is effective April 20, 2024 and under this appointment, you shall hold and exercise the powers and perform the duties of Commissioner of Public Works for not more than 60 days, from time to time, for so long as the position remains vacant.

Thank you for your support during this interim period.

Please reach out to myself or my office with any questions or concerns.

Sincerely,

**J. Christian Dumais**  
*Mayor*

cc: City Council





# City of Marlborough

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 APR 18 AM 11:51

J. Christian Dumais, Mayor

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770

[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

6-1

April 18, 2024

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

**RE: Acceptance of Earmark Funding for the Marlborough Police Department and the Marlborough Fire Department**

Dear Council President Ossing and Councilors,

I am pleased to submit for your acceptance earmark funding in the amount of \$250,000 for the Police Department and \$175,000 for the Fire Department from the FY24 state budget. This earmark was originally requested by the previous administration and was secured by Representative Danielle Gregoire. These earmarks are to support the new CAD system within the Fire Department and the reconstruction of the parking lot at the Police Department.

I want to thank Representative Danielle Gregoire for securing these earmarks to support our public safety departments.

Enclosed with this letter are the grant coversheets for both earmarks.

Please do not hesitate to contact me or my office with any questions.

Sincerely,

**J. Christian Dumais**  
*Mayor*

cc: City Council

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Fire Department DATE: 4/18/2024

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Kevin Breen

NAME OF GRANT: FY24 State Earmark

GRANTOR: State of Massachusetts

GRANT AMOUNT: \$175,000

GRANT PERIOD: Until June 30, 2024

SCOPE OF GRANT/  
ITEMS FUNDED To be used to support all aspects of the purchase, implementation, etc. of the  
CAD Dispatch system

IS A POSITION BEING  
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? no

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

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

ANY OTHER EXPOSURE TO CITY?  
no

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: no

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

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Police Department DATE: 4/18/2024

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: David Giorgi

NAME OF GRANT: FY24 State Earmark

GRANTOR: State of Massachusetts

GRANT AMOUNT: \$250,000

GRANT PERIOD: Until June 30, 2024

SCOPE OF GRANT/  
ITEMS FUNDED To be used to support the reconstruction of the Police Department parking lot  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: no  
\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? no  
\_\_\_\_\_

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

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

ANY OTHER EXPOSURE TO CITY?  
no  
\_\_\_\_\_

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: no  
\_\_\_\_\_

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



# City of Marlborough

*Office of the Mayor*

RECEIVED  
CLERK'S OFFICE  
CITY OF MARLBOROUGH

2024 APR 18 AM 11:51

J. Christian Dumais, Mayor

140 Main Street  
Marlborough, MA 01752  
(508) 460-3770

[Mayor@marlborough-ma.gov](mailto:Mayor@marlborough-ma.gov)

April 18, 2024

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

**RE: Transfer Request from Free Cash for FY25 Capital Improvement Plan (CIP) Items**

Dear Council President Ossing and Councilors,

Enclosed for your acceptance is a transfer request from free cash in the amount of \$2,784,983.00 to fund CIP items for FY25. These items include requests from the Police Department, Fire Department, Inspectional Services, and Department of Public Works.

I am requesting the use of free cash for these items as they are all smaller in nature and is best financial practice to utilize free cash rather than bonding or adding to the tax levy. The majority of this request (\$1,993, 000) is for aging vehicles/equipment within the Department of Public Works. The existing vehicles/equipment within the DPW have reached the end of their useful life and will increase maintenance costs significantly if not replaced. I want to stress the importance of these items in particular as there is a specific timeframe for ordering. May is the first order bank cycle and November/December is the second. Due to the delivery time of six (6) months to one (1) year, the timing of these purchases is imperative for cost savings and efficiency.

Below is a breakdown of each individual request:

**Police Department:**

The Police Department request consists of three items: Police cruisers, taser replacements, and bulletproof vest replacements. The cruisers are replacing existing cruisers that have and will become more expensive to maintain than it becomes to purchase a new one. The tasers are in year two of a five-year replacement program. Tasers need to be replaced every five years. Similar to the tasers, bulletproof vests have a life span of five (5) years, wherein they "expire". Currently five officers have vests that are due to expire in FY25 and need replacement.

\$280,500	Four (4) police cruisers
\$35,983	Taser replacements
\$5,500	Bulletproof Vest replacements

**Fire Department:**

The Fire Department request consist of two items: Replacement of both the Fire Station Alerting System and Radio Box. The Fire Station Alerting System is for replacement within each fire station that includes ramping tones, new coded light installations, and automated dispatch alerting integrated with new RedNMX Computer Aided Dispatch software. The Radio Box replacement will include upgraded receivers, software, and hardware for aging equipment and enhance the capability of monitoring and maintaining over 400 fire alarm systems that report directly to the dispatch center including city and school buildings.

\$100,000	Fire Station Alerting System
\$70,000	Radio Box replacement

### **Inspectional Services:**

The Inspectional Services Department has requested \$300,000 for imaging and conversion of Inspectional Services records, Assessor Property Record Cards, and Conservation/Zoning records. This service would digitize close to 600 boxes of records and input them into a digital, accessible database. Currently, these items make up the greatest number of public records requests and are housed within the Walker Building. These requests take up considerable staff time and energy due to retrieving the documents from the Walker Building and digitizing them ourselves. With this effort, we will have all records digitized, filed, and accessible for these requests. In addition to public record requests, each respective department often refers to these documents for historical knowledge and information.

\$300,000	Records Imaging & Conversion Services
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### **Department of Public Works:**

The Department of Public Works' requests consist exclusively of the replacement of aging vehicles/equipment. As mentioned above, maintenance costs for these items will continue to increase and cost the city if they are not replaced. There is also a short window for ordering that will take place in May and not take place again until November/December. A detailed breakdown is included within the enclosures.

\$1,993,000	Replacement of aging vehicles/equipment
-------------	---

I am requesting that a Finance Committee meeting be held no sooner than the week of April 29, as some department heads with requests are out of the office until then. Due to the time sensitive nature of this request, I would ask the Council to consider a suspension of the rules.

Department heads with requests will join me at a future meeting to answer any questions you may have.

Sincerely,

**J. Christian Dumais**  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2024

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$6,614,143.45</u>	<u>\$2,784,983.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,993,000.00</u>	<u>19300006</u>	<u>58731</u>	<u>Capital Outlay-DPW Equipment</u>	<u>\$0.00</u>
	Reason:	<u>To fund various capital requests</u>				<u>DPW Equipment</u>			
					<u>\$321,983.00</u>	<u>19300006</u>	<u>58593</u>	<u>Capital Outlay-Police Dept</u>	<u>\$0.00</u>
						<u>Cruisers, vests, tasers</u>			
					<u>\$300,000.00</u>	<u>19300006</u>	<u>57102</u>	<u>Capital Outlay-Building Dept</u>	<u>\$0.00</u>
	Reason:					<u>Records Imaging</u>			
					<u>\$170,000.00</u>	<u>19300006</u>	<u>58512</u>	<u>Capial Outlay-Fire Dept</u>	<u>\$58.40</u>
	Reason:					<u>Alerting System, Radio Box Replacement</u>			
	Reason:								
	Reason:								
	Reason:								
	<u>\$2,784,983.00</u>	<u>Total</u>			<u>\$2,784,983.00</u>	<u>Total</u>			

Department Head signature: \_\_\_\_\_

Auditor signature: \_\_\_\_\_

Comptroller signature: \_\_\_\_\_

Three handwritten signatures in blue ink are present. The top signature is for the Department Head, the middle one for the Auditor, and the bottom one for the Comptroller. The signatures are stylized and cursive.



## CAPITAL IMPROVEMENT PROJECT REQUEST FORM - *City of Marlborough*

<b>Project Request Date:</b> FY 2025			<b>Priority Level 1-5:</b> 1		
<b>Project Name:</b> Marked Cruiser Replacement					
<b>Project Location:</b> 355 Bolton Street Marlborough, MA 01752					
<b>Department Requesting:</b> Police Department			<b>Contact Person:</b> Chief David A. Giorgi		
<b>Phone Number:</b> 508-485-1212		<b>Ext.:</b> 36974	<b>Email:</b> dgiorgi@marlborough-ma.gov		
<b>Replacing Existing Item:</b> cruisers		<b>Age of Current Item:</b> 3+ years old		<b>Mileage:</b> 75,000+	
<b>Condition of Current Item:</b> Fair to Poor			<b>Make/Model:</b> Ford Police Interceptor		
<b>Estimated Cost:</b> \$280,500		<b>Borrowing/Funding Source:</b> Free Cash/Other <input type="checkbox"/>			
<b>Amount Per Fiscal Year:</b> <i>Identify amount needed each year of Five-Year Capital Plan</i>					
FY25	280,500	FY26		FY27	
<b>Project Description</b>					
<p>The serviceable time of a marked or unmarked cruiser is normally 3 years or when the cruiser reaches approximately 100,000+mi. After that, the cruisers are no longer under warranty and should be replaced, as they cost more to maintain than they are worth. When patrol cruisers are no longer under warranty, the routine maintenance costs increase and, in the long run, it is more cost effective to trade in for a new cruiser than invest funds to maintain an older cruiser with service issues. All cruisers are rated as "Fair" or "Poor" on the accompanying cruiser inventory spreadsheet. Their serviceable years are past and the cruisers are not reliable to run properly.</p>					
<b>Describe Impact on Operating Costs</b>					
<b>Describe Dept. Priority:</b>		1			



# Purchase & Sales Agreement

**Marlborough, MA**

Company/Dept: Andrew Larose, Patrolman  
 Contact: Marlborough Police Department  
 Street Address: 355 Bolton St.  
 City, State, Zip: Marlborough MA 01752  
 Phone: 508-485-1212 X36976 774-245-2534  
 E-Mail: [alarose@marlborough-ma.gov](mailto:alarose@marlborough-ma.gov)  
 Job Description: 2025 Patrol SPT Cage  
 Vehicle: **Contract Number: GBPC / BAPERN GBPC 2022 VEHICLES**

Date: 3.5.2024  
 Valid for: 60 Days\*  
 Customer #:  
 Contract: GBPC / BAPERN  
 Sales Rep: Steve Anderson

CONTRACT LINE REFERENCE	VEHICLE LINE DESCRIPTION	UNIT PRICE	QTY	EXTENDED PRICE
K8A/500A	[Fleet] 2025 Ford Police Interceptor Utility (K8A) AWD Gas	\$ 45,145.00	1	\$45,145.00
UM	Color : Black		1	\$0.00
96	Ebony interior w/cloth front and vinyl rear seating		1	\$0.00
	Full Size Spare Tire, SYNC, LED Headlamps, Trailer Hitch		1	\$0.00
43D	Dark car feature	\$ 24.50	1	\$24.50
52T	Class III Trailer Tow Lighting Package	\$ 78.40	1	\$78.40
52P	Hidden Door Plungers & Rear Interior Door Handles Disabled	\$ 156.80	1	\$156.80
549	Heated mirrors	\$ 58.80	1	\$58.80
76R	Reverse sensing	\$ 266.75	1	\$266.75
87R	Rearview Camera (display in rearview mirror)		1	\$0.00
18D	Global Lock / UnLock		1	\$0.00
51R	Driver Only LED Spot Lamp (Unity)	\$ 387.10	1	\$387.10
	Remainder of Factory Equipment for this Trimline		1	\$0.00
	Remainder of Factory Equipment for this Trimline	\$ -	1	\$0.00
<b>Vehicle Total:</b>				<b>\$46,117.35</b>

**Equipmet: Contract Number: GBPC / BAPERN GBPC 2022 AFTERMARKET**

CONTRACT LINE REFERENCE	CONTRACT EQUIPMENT LINE DESCRIPTION	UNIT PRICE	QTY	EXTENDED PRICE
SERVICES	Fleet Key locally here at MHQ (MHQ Labor)	\$ 375.00	1	\$375.00
VS	VentVisor 4 piece VentShades	\$ 125.00	1	\$125.00
WTFL2	Front Weather Tech Floor Liners Utility or Tahoe	\$ 160.00	1	\$160.00
SERVICES	Tint Front Door Glass - 40%	\$ 195.00	1	\$195.00
SERVICES	MHQ Graphics Package "B"	\$ 550.00	1	\$550.00
267	Pro Gard Command Grille, inc 6 Whelen T-ION DUO Lightheads CG47UJNT2	\$ 1,400.00	1	\$1,400.00
BB2 CORE	Whelen Liberty II DUO LED Lightbar Fully Pop. with TD/Alleys BB2MHQ* W	\$ 4,750.00	1	\$4,750.00
PE215	Whelen remote strobe preemption emitter with a 500 series strobe module (installed in Liberty 2 Lightbar) and park kill module, model # PE215, IJ500ST and WPKM2	\$ 900.00	1	\$900.00
BB2 CORE	Whelen CORE Siren/Switch Controller C399	\$ -	1	\$0.00
BB2 CORE	Whelen CORE 2020+ Ford Utility Gateway Kit C399K4	\$ -	1	\$0.00
BB2 CORE	Whelen CORE CCTL6 3 Section Control Head and 8 Push-Buttons, 4-Position Slide Switch with a 7-Position Rotary Knob.	\$ -	1	\$0.00
CEM16	Whelen WeCanX Expansion Module	\$ 400.00	2	\$800.00
CV2V	Whelen Vehicle To Vehicle Sync Module	\$ 450.00	1	\$450.00
hourly	Enable factory wig wag	\$ 125.00	0.5	\$62.50



VTX609	Whelen Vertex hide away light/PAIR-headlights	\$ 450.00	1	\$450.00
ILINSV2	Whelen LED Under Mirror System LINSV2* / LSVBKT50 - Pair/Installed	\$ 650.00	1	\$650.00
% off MSRP	Whelen Strip Lite DUO (1/side) 1/4 Glass PS*02FCR	\$ 225.00	2	\$450.00
% off MSRP	Whelen Strip Lite+ "L" Bracket	\$ 21.00	2	\$42.00
337	Whelen LED Warning Lights (1 pair) hatch btm. TLIB w/switch	\$ 450.00	1	\$450.00
VTX609	Whelen Vertex LED Hide-a-ways tail lights 2 Red 2White	\$ 450.00	2	\$900.00
BB2 CORE	Whelen 100W Composite Siren Speaker SA315p / SAK*	\$ -	1	\$0.00
425-3816	Magnetic Mic Clip(s) #MMSU1	\$ 50.00	2	\$100.00
% off MSRP	Whelen DUO LED Dome Lights (ea.) - hatch underside/front seats 3SRCCDC	\$ 125.00	3	\$375.00
1834	TREMCO Anti-Theft Device TM113INTUTIL	\$ 350.00	1	\$350.00
CV51012INUT	Havis 2020+ PIU Angled Communications Console	\$ 650.00	1	\$650.00
C-USB-2	Havis Dual USB charge only ports C-USB-3	\$ 120.00	1	\$120.00
C-ARM-108	Havis Side Mount Flip Up Style Arm Rest	\$ 180.00	1	\$180.00
% off MSRP	Havis 3" accessory pocket, 2.5" deep C-AP-0325	\$ 64.00	1	\$64.00
CUP2-1001	Havis Adjustable Dual Internal Cup Holder	\$ 50.00	1	\$50.00
P1000UIN20AOSB	ProGard Single Prisoner Transport w/Outboard Belts	\$ 2,850.00	1	\$2,850.00
1857	Kustom Signal Raptor "RP1" Dual Ka Band Radar System (849)	\$ 2,422.00	1	\$2,422.00
2005	Install / Transfer Cust. Supplied 2-way Radio(s) EACH	\$ 275.00	1	\$275.00
2101	Install / Transfer Cust. Supplied Electronic Gun Mount/Lock (per weapon)	\$ 95.00	1	\$95.00
2104	Install / Transfer Cust. Supplied MDT Solution (modem, Mount, Dock, Antenna)	\$ 395.00	1	\$395.00
<b>Contract Equipment Total:</b>				<b>\$20,635.50</b>

**Non-Contract Equipment:**

CONTRACT LINE REFERENCE	NON-CONTRACT EQUIPMENT LINE DESCRIPTION	UNIT PRICE	QTY	EXTENDED PRICE
Budgeting	Estimated Equipment Increase for Budgeting Purposes (15% of quoted equipment)	\$3,150.00	1	\$3,150.00
	MHQ Equipment Barrier "Large" - MHQ0010	\$ 135.00	1	\$135.00
	RAM Base For MDT	\$ 65.88	1	\$65.88
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
<b>Non-Contract Equipment Total:</b>				<b>\$3,350.88</b>
<b>Vehicle and Equipment Total:</b>				<b>\$70,103.73</b>
<b>Qty:</b>				<b>1</b>
<b>Total:</b>				<b>\$70,103.73</b>

**Trade Vehicle/s:**

CONTRACT LINE REFERENCE	TRADE VEHICLE LINE DESCRIPTION	UNIT PRICE	QTY	EXTENDED PRICE
TRADE	Vehicle: Vin Number:			\$0.00
TRADE	Vehicle: Vin Number:			\$0.00
TRADE	Vehicle: Vin Number:			\$0.00
TRADE	Vehicle: Vin Number:			\$0.00
TRADE	Vehicle: Vin Number:			\$0.00
<b>Trade Vehicle/s Total:</b>				<b>\$0.00</b>

VEHICLE	YEAR AND MODEL	MILEAGE	CONDITION	Assignment
<b>A - 1</b>	2022 Ford Explorer Utility (GRAY)	18,537	<b>GOOD</b>	Chief
<b>A - 2</b>	2014 Ford Taurus (Black)	44,734	<b>FAIR</b>	Captain
<b>A - 3</b>	2019 Ford Edge (gray)	14,975	<b>GOOD</b>	Captain
<b>A - 4</b>	2018 Ford Explorer Utility (Black)	44,733	<b>FAIR</b>	Shift Commander(Lt.)
<b>CP - 1</b>	2014 Ford Explorer Utility (BLACK)	72,478	<b>POOR</b>	Comm. Policing
<b>C - 3</b>	2019 FORD EDGE UTIL (BLACK )	49,390	<b>FAIR</b>	Prosecutor
<b>D - 1</b>	2022 Ford Explorer (Gray)	4,020	<b>GOOD</b>	Detective
<b>D - 2</b>	2016 Ford Fusion (Gray)	49,107	<b>FAIR</b>	Detective
<b>D - 3</b>	2017 FORD FUSION (black)	63,400	<b>FAIR</b>	Detective
<b>D - 4</b>	2017 Ford Explorer Utility (GRAY)	129,802	<b>POOR</b>	Detective
<b>D - 5</b>	2022 Ford Explorer	6,416	<b>GOOD</b>	Detective
<b>K-9</b>	2019 CHEVROLET TAHOE	73,163	<b>POOR</b>	K-9
<b>P - 1</b>	2022 Ford Interceptor Utility	38,649	<b>GOOD</b>	P1-P11 Patrol cruisers
<b>P - 2</b>	2023 Ford Interceptor Utility	5,001	<b>NEW</b>	
<b>P - 3</b>	2022 Ford Interceptor Utility	51,793	<b>FAIR</b>	
<b>P - 4</b>	2023 Ford Interceptor Utility	5,200	<b>NEW</b>	
<b>P - 5</b>	2022 Ford Interceptor Utility	37,456	<b>GOOD</b>	
<b>P - 6</b>	2022 Ford Interceptor Utility	54,410	<b>FAIR</b>	
<b>P - 7</b>	2022 Ford Interceptor Utility	34,663	<b>GOOD</b>	
<b>P - 8</b>	2022 Ford Interceptor Utility	46,108	<b>FAIR</b>	
<b>P-9</b>	2020 Ford Interceptor Utility	72,726	<b>FAIR</b>	
<b>P-10</b>	2023 Ford Interceptor Utility	3,800	<b>NEW</b>	
<b>P 11</b>	2019 Ford Interceptor Utility	62,898	<b>FAIR</b>	
<b>S-1</b>	2023 F150	2,035	<b>NEW</b>	Patrol Supervisor
<b>T - 1</b>	2017 Ford Interceptor Utility	36,088	<b>FAIR</b>	Traffic
<b>T-2</b>	2022 FORD EXPLORER SUV	8,000	<b>GOOD</b>	Traffic
<b>T - 3</b>	2019 Harley Davidson Motorcycle	4,134	<b>GOOD</b>	Traffic/Comm.Policing
<b>T - 4</b>	2011 Harley Davidson Motorcycle	23,981	<b>GOOD</b>	Traffic/Comm.Policing
<b>T - 5</b>	2018 Ford Interceptor Utility	44,444	<b>FAIR</b>	Traffic
<b>SRO1</b>	2017 Ford Interceptor Utility	86,421	<b>POOR</b>	Trade (School)
<b>SRO2</b>	2018 Ford Interceptor Utility	98,479	<b>POOR</b>	Trade (School)
<b>SRO3</b>	2019 Ford Interceptor Utility	103,160	<b>POOR</b>	
<b>DT-1</b>	2018 Ford Interceptor Utility	92,638	<b>POOR</b>	Trade (Detail)



## CAPITAL IMPROVEMENT PROJECT REQUEST FORM – *City of Marlborough*

<b>Project Request Date:</b> FY2025				<b>Priority Level 1-5:</b> 1			
<b>Project Name:</b> Replace Electronic Control Weapons(Tasers)							
<b>Project Location:</b> 355 Bolton Street							
<b>Department Requesting:</b> Police Department				<b>Contact Person:</b> Chief David A. Giorgi			
<b>Phone Number:</b> 508-485-1212			<b>Ext.:</b> 36970	<b>Email:</b> dgiorgi@marlborough-ma.gov			
<b>Replacing Existing Item:</b> Tasers(E.C.W.)		<b>Age of Current Item:</b> 5+ years old		<b>Mileage:</b>			
<b>Condition of Current Item:</b> Good/Fair				<b>Make/Model:</b> Taser X2			
<b>Estimated Cost:</b> 179,916.00			<b>Borrowing/Funding Source:</b> Free Cash/Other <input type="checkbox"/>				
<b>Amount Per Fiscal Year:</b> <i>Identify amount needed each year of Five-Year Capital Plan</i>							
<b>FY25</b>	35,983.20	<b>FY26</b>	35,983.20	<b>FY27</b>	35,983.20	<b>FY28</b>	35,983.20

Project Description	
<p>FY25 IS YEAR #2 OF 5 YEAR REPLACEMENT PROGRAM. The project is the replacement of the department's Electronic Control Weapons (ECWs), commonly called Tasers®. ECWs are critical tools for officers in the field to help diffuse violent and potentially dangerous situations that officers encounter on a regular basis. ECW's can help to eliminate injuries to suspects, emotionally disturbed persons, and to officers, and they are a valuable less than lethal option in many situations. Electronic Control Weapons have a useful life of approximately five years. Timely replacement is important to reduce down time and to make sure these valuable tools are available to officers when needed. This project would replace all department Tasers and upgrade to a newer model, the Taser X7. Replacement will be phased in over five(5) year period.</p>	
Describe Impact on Operating Costs	
<b>Describe Dept. Priority:</b> 1	



**Axon Enterprise, Inc.**  
 17800 N 85th St.  
 Scottsdale, Arizona 85255  
 United States  
 VAT: 86-0741227  
 Domestic: (800) 978-2737  
 International: +1.800.978.2737

Q-486349-45070.813WB

Issued: 05/24/2023

Quote Expiration: 07/15/2023

Estimated Contract Start Date: 09/01/2023

Account Number: 415588

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Business;Delivery;Invoice-355 Bolton St  355 Bolton St Marlborough, MA 01752-3935 USA	Marlborough Police Dept. - MA  355 Bolton St Marlborough, MA 01752-3935 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
William Batherson  Phone: Email: wbatherson@axon.com Fax:	Christopher Atwood  Phone: 508-485-1212 Email: catwood@marlborough-ma.gov Fax:

**Quote Summary**

Program Length	60 Months
<b>TOTAL COST</b>	<b>\$179,916.00</b>
<b>ESTIMATED TOTAL W/ TAX</b>	<b>\$179,916.00</b>

**Discount Summary**

Average Savings Per Year	\$4,096.80
<b>TOTAL SAVINGS</b>	<b>\$20,484.00</b>

**Payment Summary**

Date	Subtotal	Tax	Total
Aug 2023	\$35,983.20	\$0.00	\$35,983.20
Aug 2024	\$35,983.20	\$0.00	\$35,983.20
Aug 2025	\$35,983.20	\$0.00	\$35,983.20
Aug 2026	\$35,983.20	\$0.00	\$35,983.20
Aug 2027	\$35,983.20	\$0.00	\$35,983.20
<b>Total</b>	<b>\$179,916.00</b>	<b>\$0.00</b>	<b>\$179,916.00</b>

Quote Unbundled Price:	\$200,400.00
Quote List Price:	\$184,920.00
Quote Subtotal:	\$179,916.00

## Pricing

*All deliverables are detailed in Delivery Schedules section lower in proposal*

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
<b>Program</b>									
T7Basic	2021 Taser 7 Basic Bundle	60	60	\$50.30	\$46.00	\$44.61	\$160,596.00	\$0.00	\$160,596.00
<b>A la Carte Hardware</b>									
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	240			\$40.25	\$40.25	\$9,660.00	\$0.00	\$9,660.00
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	240			\$40.25	\$40.25	\$9,660.00	\$0.00	\$9,660.00
<b>Total</b>							<b>\$179,916.00</b>	<b>\$0.00</b>	<b>\$179,916.00</b>



## CAPITAL IMPROVEMENT PROJECT REQUEST FORM - *City of Marlborough*

<b>Project Request Date:</b> FY2025		<b>Priority Level 1-5:</b> 1	
<b>Project Name:</b> Replacement of expiring police officer's bulletproof vests			
<b>Project Location:</b> 355 Bolton Street Marlborough, MA 01752			
<b>Department Requesting:</b> Police Department		<b>Contact Person:</b> Chief David A. Giorgi	
<b>Phone Number:</b> 508-485-1212		<b>Ext.:</b> 36970	<b>Email:</b> dgiorgi@marlborough-ma.gov
<b>Replacing Existing Item:</b> Vests		<b>Age of Current Item:</b> 5+ years	
<b>Condition of Current Item:</b> Good/Fair		<b>Mileage:</b>	
<b>Estimated Cost:</b> 5,500.00		<b>Make/Model:</b> Safariland	
		<b>Borrowing/Funding Source:</b> Free Cash/Other	
<b>Amount Per Fiscal Year:</b> <i>Identify amount needed each year of Five-Year Capital Plan</i>			
FY25	5,500.00	FY26	
		FY27	
		FY28	
		FY29	

<b>Project Description</b>	
Bulletproof vests have a warranty of 5 years. After that time, they are considered to be "expired" and need to be replaced. Currently, 5 officers have vests which will expire during FY2025 and need to be replaced.	
<b>Describe Impact on Operating Costs</b>	
<b>Describe Dept. Priority:</b>	1



772 Corporate Circle, New Cumberland, PA 17070  
 Phone: 717-774-3339 • 800-781-2677 • FAX: 717-774-4463

REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

SALES QUOTE	
SQ-80793216	3/5/2024



<b>Customer</b>	<b>Contact</b>	<b>Ship To</b>
Marlborough Police Dept Accounts Payable 355 Bolton St. MARLBOROUGH MA 01752 Tel: (508)-485-1212 Fax: (508)-624-6938		Marlborough Police Dept Attn: Paul Connors 355 Bolton St. MARLBOROUGH MA 01752 Tel: (508)-485-1212 Fax: (508)-624-6938

<b>Account</b>	<b>Terms</b>	<b>Due Date</b>	<b>Account Rep</b>	<b>Schedule Date</b>
343328	NET 30	4/4/2024	James Filek	3/5/2024
<b>Quotation</b>	<b>PO #</b>	<b>Reference</b>	<b>Ship VIA</b>	<b>Page</b> <b>Printed</b>
SQ-80793216	CAMPBELL	ARMOR	FDX G Ground	1   3/5/2024 4:56:30PM

I	Item	Description	Qty	Price UM	Discount	Amount
1	QUOTE-SAFMASC	MASS STATE ARMOR/EQUIP PSE01 -SAF Exp 12.31.26 Sizing TBD	1	\$0.00 EA		\$0.00
2						
3	SBA1219784M	Safariland 1219784-M SX Level II A7 - Male Panel Set	5	\$954.75 EA		\$4,773.75
4	SBA1348925NV	Safariland Armor 1348925 M Series Concealable Carrier Navy	5	\$114 EA		\$570.00
5	SBA122090258	Safariland 1220902-58 Soft Trauma Plate 5" X 8"	5	\$28.5 EA		\$142.50

Pricing is valid for 30 days. * Please verify that the part numbers and descriptions are correct before submitting your order. * Restocking fees may apply to returned items. Firearms, ammunition, special order or customized items and certain other products may not be returned. * Many products sold have manufacturer's warranties. For returns related to matters covered by a manufacturer's warranty, please contact the manufacturer directly for instructions to repair or replace your product. We do not augment or supplement the manufacturer warranty. * Prices on this quotation assume payment with cash or check.	<b>Tax Details</b>	<b>Taxable</b>	\$0.00
	EXEMPT \$0.000		
		<b>Total Tax</b>	\$0.00
		<b>Exempt</b>	\$5,486.25
		<b>Total</b>	\$5,486.25
	<b>Balance</b>	\$5,486.25	



# CAPITAL IMPROVEMENT PROJECT REQUEST FORM – *City of Marlborough*

7-13

<b>Project Request Date:</b> 03/29/2024		<b>Priority Level 1-5:</b> 1	
<b>Project Name:</b> Radio Box Receiver Replacement			
<b>Project Location:</b> Police Department			
<b>Department Requesting:</b> Fire Department		<b>Contact Person:</b> Chief Kevin Breen	
<b>Phone Number:</b> (508) 624-6986	<b>Ext.:</b>	<b>Email:</b> <a href="mailto:kbreen@marlborough-ma.gov">kbreen@marlborough-ma.gov</a>	
<b>Replacing Existing Item:</b> Yes	<b>Age of Current Item:</b> 5+	<b>Mileage:</b> n/a	
<b>Condition of Current Item:</b> Replaces the aging receivers	<b>Make/Model:</b> n/a		
<b>Estimated Cost:</b> \$70,000	<b>Borrowing/Funding Source:</b> Free Cash		
<b>Amount Per Fiscal Year:</b> <i>Identify amount needed each year of Five-Year Capital Plan</i>			
<b>FY25:</b> \$70,000	<b>FY26:</b>	<b>FY27:</b>	<b>FY28:</b>
			<b>FY29:</b>

### Project Description

This project replaces the aging Digitized Receivers located at Marlborough Police Department to an upgraded system. Includes upgrade from legacy KFRA-C receivers to: (1) MCR2 dual channel receiver; (3) workstations w/GUI 2.0 software; and, (1) printer. The upgraded equipment enhances capabilities to monitor and maintain the more than 400 fire alarm systems that report directly to the dispatch center, including all city buildings and schools that have a fire alarm system.

### Describe Impact on Operating Costs

The upgrade provides an operational efficiency by enhancing capabilities of monitoring and maintaining an increasing number of alarm systems throughout the City.

**Describe Dept. Priority:** Top public safety priority to meet demands placed on the aging system.





# CAPITAL IMPROVEMENT PROJECT REQUEST FORM – *City of Marlborough*

7-14

<b>Project Request Date:</b> 03/29/2024			<b>Priority Level 1-5:</b> 2		
<b>Project Name:</b> Fire Station Alerting System					
<b>Project Location:</b> Each Station					
<b>Department Requesting:</b> Fire Department			<b>Contact Person:</b> Chief Kevin Breen		
<b>Phone Number:</b> (508) 624-6986		<b>Ext.:</b>	<b>Email:</b> <a href="mailto:kbreen@marlborough-ma.gov">kbreen@marlborough-ma.gov</a>		
<b>Replacing Existing Item:</b> Yes		<b>Age of Current Item:</b> 10+ Years		<b>Mileage:</b> N/A	
<b>Condition of Current Item:</b> Outdated emergency alerting			<b>Make/Model:</b> N/A		
<b>Estimated Cost:</b> \$100,000			<b>Borrowing/Funding Source:</b> Free Cash		
<b>Amount Per Fiscal Year:</b> <i>Identify amount needed each year of Five-Year Capital Plan</i>					
<b>FY25:</b>	\$100,000	<b>FY26:</b>		<b>FY27:</b>	
<b>FY28:</b>		<b>FY29:</b>			

## Project Description

This project provides updated visual and auditory peripherals throughout existing fire stations. Project includes replacement/installation of a station alerting system at each of our fire facilities to enhance emergency response capabilities. System includes ramping tones, new coded light installations, automated dispatch alerting, integration with the RedNMX Computer Aided Dispatch software.

## Describe Impact on Operating Costs

This project has a clear, positive impact on enhancing operations and lessening the possibility of unplanned, costly alerting system failure.

**Describe Dept. Priority:** A top priority enhancement to emergency response.



# CAPITAL IMPROVEMENT PROJECT REQUEST FORM – *City of Marlborough*

7-15

<b>Project Request Date:</b> 03/28/2024		<b>Priority Level 1-5:</b>	
<b>Project Name:</b> Records Imaging System			
<b>Project Location:</b> City Hall			
<b>Department Requesting:</b> Inspectional Services		<b>Contact Person:</b> Tin Htway	
<b>Phone Number:</b> (508) 460-3776		<b>Email:</b> thtway@marlborough-ma.gov	
<b>Replacing Existing Item:</b> N/A		<b>Age of Current Item:</b> N/A	
<b>Condition of Current Item:</b> N/A		<b>Mileage:</b> N/A	
<b>Estimated Cost:</b> \$300,000		<b>Make/Model:</b> N/A	
		<b>Borrowing/Funding Source:</b> Free Cash	
<b>Amount Per Fiscal Year:</b> <i>Identify amount needed each year of Five-Year Capital Plan</i>			
<b>FY25:</b>	\$300,000	<b>FY26:</b>	
<b>FY27:</b>		<b>FY28:</b>	
<b>FY29:</b>			

### Project Description

Digitization of paper-based documents increases efficiency of access for Staff, the public, design teams, and developers. Currently, requesting documents through the FOIA process involves multiple departments for processing, sometimes retrieving documents from cold storage at the Walker Building, and scanning on a slow multi-function copier. All documents will be indexed for easy access.

### Describe Impact on Operating Costs

Impact on operating costs will be an annual service contract for the equipment and support. A full proposal and quote has been obtained.

### Describe Dept. Priority:

Top priority. This should be considered a project that enhances service capabilities and increases efficiency across many departments that routinely process and store documents.



**RICOH**  
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## Records Imaging & Conversion Services

Version 20220701

Prepared for:

**City of Marlborough, MA**

Project for: MARLBOROUGH CITY OF Municipality Backfile 2023-03-31

Version 1.00

**3/21/2024**

Kyle Blossom

Digital Services Specialist

617-501-0009

[kyle.blossom@ricoh-usa.com](mailto:kyle.blossom@ricoh-usa.com)

**Reservation of Rights**

In response to your RFP or invitation, we are pleased to submit this proposal for your consideration. We recognize your right to negotiate and approve the terms and conditions of any contract following award and respectfully reserve the right to do the same. We acknowledge that all contract terms and conditions must be mutually agreed upon by both of us. Our proposal represents our commitment with respect to pricing, equipment specifications and service levels and contemplates that both parties reserve the right to review and negotiate appropriate and mutually acceptable terms and conditions in the exercise of good faith. As is customary for transactions of this type, our proposal is based upon the information provided by you and the assumptions set forth in our response, and any changes to such information or assumptions may, if material, require modification. Upon award, we will be pleased to work with you to promptly finalize mutually acceptable contract terms and, if applicable, provide copies of appropriate contract forms for that purpose.

**Proprietary and Confidential Statement**

The enclosed materials are proprietary to Ricoh, and Ricoh reserves all right, title, and interest in and to such materials. The terms, conditions, and information set forth herein are confidential to Ricoh and may not be disclosed in any manner to any person other than the addressee, together with its officers, employees, and agents who are directly responsible for evaluating the contents of these materials for the limited purpose intended. Any unauthorized disclosure, use, reproduction, or transmission is expressly prohibited without the prior written consent of Ricoh. These materials summarize a proposed equipment and/or services solution. They are intended for informational purposes only to assist you in your evaluation of Ricoh as a potential business partner. These materials do not represent an offer or a binding agreement.

Tin Htway  
City of Marlborough, MA  
140 Main Street, 2nd floor.  
Marlborough, MA 01752  
(508) 460-3776  
[thtway@marlborough-ma.gov](mailto:thtway@marlborough-ma.gov)



## Introduction

Thank you for your interest in Ricoh, the premier provider of high-volume document imaging and conversion services, as a potential partner for document processing services.

As part of desired partnership outlined in prior discussions, Ricoh USA, Inc. has prepared the following proposal to detail conversion services for City of Marlborough, MA ("Client"), specific to Backfile Conversion. In this proposal, Ricoh will provide recommendations that include services for the operational processes to convert paper into to electronic images. Ricoh has outlined the Project scope and estimated costs for this Project Based engagement. The estimated service costs outlined in this document are based on Ricoh's experience and preliminary information received from Client.

Ricoh owns and operates the largest network of secure scanning centers nationwide performing image capture of over 3.2 billion pages of paper and microform last year alone. For over twenty-six years, Ricoh's Document Imaging Services' primary mission has been to accurately capture images from any media (e.g., paper, large format drawings, microfilm, microfiche, aperture cards, electronically stored information, etc.) and deliver them to our clients in a hard-copy or a database-ready format.

Our emphasis on quality, performance, mutual project success while maintaining confidentiality and chain of custody has translated into thousands of satisfied customers who have entrusted Ricoh with their legal, PHI, PII, HIPAA and business-critical documents.

Our technology and labor infrastructure, coupled with our experience within your industry on comparable projects, uniquely positions Ricoh to deliver a superior work product under budget and within deadline.

## Purpose of Project

To ensure City of Marlborough, MA has the most complete and high-quality outcome for the project that supports operational needs and known business requirements, Ricoh will provide services to specific focus areas as outlined below. Per our discussions, goals identified during discovery are:

- Real Estate Optimization or Repurposing
  - Support "Remote Work Initiatives"
  - Consolidation, moving and closing existing offices
  - Conversion of storage space to revenue-generating space
- Enterprise efficiencies
  - Information mobility / digital transformation
  - Improved customer response times
  - Continuity of data & disaster recovery
  - Mobile & on-demand access to documents

## Ricoh Digital Imaging Services Overview

Ricoh has been providing fast, secure, local scanning of virtually any type or size of documents for more than 25 years. Ricoh's unique strengths include:

### Standardized Process and Services



### Professional Conversion Services

Through our national network of processing centers, we have the capacity to scan more than 50 million pages per month. This reinforces our proven track record as the nation's largest provider of document imaging services.

### Security and Confidentiality

Ricoh's procedures and protected facilities are designed to ensure that your documents will be kept secure and confidential through the entire project. Each employee has completed a background check, drug testing, and confidentiality agreements. Ricoh trains its processing center staff relative to HIPAA standards for handling confidential healthcare-related documents.

### Imaging Expertise and Best Practices

Organizations outsource scanning operations to gain access to expertise and best practices. Using one of our document processing centers, Ricoh consistently delivers world-class service and results by understanding our customers' unique business requirements and applying best practices to meet those needs. Additional details are provided herein.

### Turnkey Project Management

Ricoh assigns an experienced project manager and operations team to every imaging project, so projects proceed as planned, and clients have a single point of contact for regular communication. Additional details are provided herein.

### Universal Imaging Capabilities

Ricoh supports a wide range of industry-standard and vendor-specific input and output formats. Ricoh has the experience and expertise to provide a seamless data conversion to migrate existing images and metadata to a new document management system while minimizing conversion costs. Ricoh also provides roll microfilm, microfiche, and aperture card scanning services.

## Ricoh Security Measures

Ricoh has developed a methodology based on more than a quarter-century of experience that provides our clients a consistent deliverable from any of our Business Information Services Source (BIS Source) locations across the country. These time-tested, documented procedures are rigorously enforced through a continuing education and audit process for both our managers and production staff.

### Chain of Custody

We understand the risk associated with the movement of your documents. We track all documents throughout the process - from initial pickup through to delivery - via a documented chain of custody. We collect signatures of release and acceptance whenever all or portions of your materials leave our processing operation. At the completion of the process, you will sign off that you have received all of your materials. Our chain-of-custody process has been designed to document the custody of all customer materials, regardless of type, from release to Ricoh to return. This process enables us to track the location of all materials throughout the process.

#### Protect.

We simplify interactions to protect our customers' businesses — and enhance both internal and external customer experiences.

#### Manage.

We simplify everyday processes as we manage, interpret and route critical information throughout the digital transformation journey.

#### Connect.

We capture data and transform it into meaningful, actionable business insights — so you can make more informed decisions.

### Document Handling and Confidentiality

Each of our employees has completed a background check, drug testing and signed a confidentiality agreement. Ricoh BIS professionals are experienced in handling, disassembling, and reassembling clients' important legal files. Our BIS staff is also trained relative to HIPAA and HITECH standards for handling confidential healthcare-related documents.

### Security at Every Level

We employ strict protocols for handling data and other confidential information. All BIS Source locations are tightly secured, and our staff goes through rigorous confidentiality and security training and background checks. Your data, whether electronically stored information or paper, is protected physically within our centers, and all converted electronic data is subject to multilevel security through encryption and firewalls. Each BIS Source location has a business continuity plan documented and on file.

### Disaster Recovery

Each of our BIS Source locations has a business continuity plan outlining the procedures for that location. Those plans are reviewed and updated quarterly. Additionally, Ricoh's infrastructure mitigates risk associated with data loss and sustained production downtime because Ricoh has BIS Source locations across the country, all adhering to the same policies and procedures and using the same production equipment. We have redundancy built into each of our production conversion processes. If a disaster were to strike our local office, we would personally move all of the work to a nearby office (designated "hot site").

## Scope of Services

### Volume & Condition Specifications

- Ricoh will pick up the boxes from designated customer facility.
  - Assumes 1 trip for pick up
    - Customer will provide boxes.
    - Customer will prepare and box documents for shipment.
  - Distance is assumed to be 86 miles (one-way) from Ricoh Processing Center
    - Customer Pickup Address is: 140 Main Street, 2nd floor, Marlborough, MA 01752

### Project Details

- Total of 3 Record Type Populations:
  - Record Type / Population #1 – Inspectional Services / with 423 Boxes or Drawers
    - The boxes are generally 100% full
  - Record Type / Population #2 – Assessors Propert Cards/Files / with 73 Boxes or Drawers
    - The boxes are generally 100% full
  - Record Type / Population #3 – Conservation/Zoning & Planning Board / with 94 Boxes or Drawers
    - The boxes are generally 100% full

### Transportation, Processing Location & Schedule

- Offsite Transportation may be provided by the Client or may be purchased from Ricoh.
  - For Details and Discussion Topics for Transportation, see Appendix C
- Offsite scanning is provided at Ricoh's secured scanning center(s) in the United States, specifically:
  - Hartford, CT
  - Atlanta, GA
  - Cleveland, OH
  - Houston, TX
- Project commencement is estimated to begin within one week of receipt of an executed Statement of Work and/or Customer Order Authorization.
- Chain of custody is documented upon pick-up/delivery and a Ricoh representative will transfer confidential client documents to a secure imaging center for preparation and scanning.
- Ricoh will retain electronic images on Ricoh production server(s) throughout the project for up to thirty (30) days after final delivery. After thirty (30) days from delivery of data and images, Ricoh is not responsible for maintaining any archival image or data information in connection with the delivery.



## Record Type Population 1 Specifications

The Record Type 1 Population consists of the following:

### Capture Specifications

- Population #1: Record Type / Population Name: Inspectional Services
  - Estimated number of file boxes (1.2cf) total 423
    - Estimated qty UP TO 11"x17" in dimension: 1,057,500 pages in 423 file boxes (1.2cf)
    - Estimated qty OVER 11"x17" up to 36"x48" in size: 0 per file boxes (1.2cf)
    - Percent of duplex pages: 0%
    - Percent of B&W originals: 100%
    - Percent of color originals: 0%
    - Total anticipated image count: 1,057,500
    - Total number of resulting electronic files: 39,250 PDFs created
    - Barriers per box: 700-899
  - Data file will be provided by the Client containing all index values: No
- Paper Logical Document Determination is based on .
  - Examples: Acco clips, staples, paperclips, bands, folders, each folder, or physical file etc.

### Paper Condition

- This population will NOT require Archival Handling based on understanding that documents currently ARE in a condition that is suitable for loading into a document handler/feeder for scanning.

### Processing Location

- Processing will occur in no other locations than those listed below, without Client approval.
  - Imaging of source media will be performed at Ricoh's or Ricoh's business partner's processing center(s) located in the Continental United States
  - Index capture from images will be performed at Ricoh's or Ricoh's business partner's processing center(s) located in India.
  - Final conversion processing of images and index data will be performed in Ricoh's AWS Amazon cloud

### Image Capture Specifications

- Population pages delivered to Ricoh will be imaged
  - Document preparation is defined as Heavy Prep.
  - Document reassembly is defined as Light Reassembly.
- Capture is based on multi page images in PDF format.
- A Quality Control process will take place at the time of scanning to ensure accuracy.
  - Image quality checking is defined as Statistical/Sample QC.
- Ricoh will capture originals based on the following:
  - Originals will be scanned at a resolution of 300 dots per inch (dpi).
    - Resolution higher than 300 dpi will require custom quotation from Ricoh Operations
- Files will be delivered as multi page PDF images.
  - Capture of black & white originals as bi-tonal (b&w) images.
  - Capture of color originals, (ie: charts, photographs, etc) as bi-tonal (b&w) images.

## Paper Index Capture Specifications

- Final indexing requirements will capture 3 total fields
- Ricoh will capture of the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes
  - **FIELD 1**
    - ✓ Field Name: Street Name
    - ✓ Field Description: DI - Index Coding Offshore 11 to 35:MP
    - ✓ Value is located on the file folder tab
- Ricoh will capture of the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes
  - **FIELD 2**
    - ✓ Field Name: Street Number
    - ✓ Field Description: DI - Index Coding Offshore 11 to 35:MP
    - ✓ Value is located on the File Folder Tab
- Ricoh will capture of the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes
  - **FIELD 3**
    - ✓ Field Name: Map/Lot Number
    - ✓ Field Description: DI - Index Coding Offshore 6 to 10:MP
    - ✓ Value is located on the File Folder Tab
- File naming will be based on indexed fields, as follows:
  - Population 1 = Street Name \_ Street Number \_ Map/Lot Number
  - **ADVANCED INDEX SERVICES**
    - ✓ Project requires merging and/or splitting of PDFs: No
    - ✓ Project requires database or spreadsheet lookup for naming of PDFs: No

## Delivery of Images

- Index data will be delivered in a comma separated value (CSV) format.
- OCR (Optical Character Recognition) – **Required for Searchable PDF.**
  - OCR will be performed on all images of paper-based populations to create searchable PDFs.
- Resultant images and indexed data will be delivered to Client -provided External USB Hard Drive.

## Original Media

Original Media for this project be re-assembled and returned to Client

## Record Type Population 2 Specifications

The Record Type 2 Population consists of the following:

### Capture Specifications

- Population #2: Record Type / Population Name: Assessors Property Cards/Files
  - Estimated number of file boxes (1.2cf) total 73
    - Estimated qty UP TO 11"x17" in dimension: 182,500 pages in 73 file boxes (1.2cf)
    - Estimated qty OVER 11"x17" up to 36"x48" in size: 0 per file boxes (1.2cf)
    - Percent of duplex pages: 0%
    - Percent of B&W originals: 100%
    - Percent of color originals: 0%
    - Total anticipated image count: 182,500
    - Total number of resulting electronic files: 182,500 PDFs created
    - Barriers per box: 700-899
  - Data file will be provided by the Client containing all index values: No
- Paper Logical Document Determination is based on No.
  - Examples: Acco clips, staples, paperclips, bands, folders, each folder, or physical file etc.

### Paper Condition

- This population will NOT require Archival Handling based on understanding that documents currently ARE in a condition that is suitable for loading into a document handler/feeder for scanning.

### Processing Location

- Processing will occur in no other locations than those listed below, without Client approval.
  - Imaging of source media will be performed at Ricoh's or Ricoh's business partner's processing center(s) located in the Continental United States
  - Index capture from images will be performed at Ricoh's or Ricoh's business partner's processing center(s) located in India.
  - Final conversion processing of images and index data will be performed in Ricoh's AWS Amazon cloud

### Image Capture Specifications

- Population pages delivered to Ricoh will be imaged
  - Document preparation is defined as Heavy Prep.
  - Document reassembly is defined as Heavy Reassembly.
- Capture is based on multi page images in PDF format.
- A Quality Control process will take place at the time of scanning to ensure accuracy.
  - Image quality checking is defined as Statistical/Sample QC.
- Ricoh will capture originals based on the following:
  - Originals will be scanned at a resolution of 300 dots per inch (dpi).
  - Resolution higher than 300 dpi will require custom quotation from Ricoh Operations
- Files will be delivered as multi page PDF images.
  - Capture of black & white originals as bi-tonal (b&w) images.
  - Capture of color originals, (ie: charts, photographs, etc) as bi-tonal (b&w) images.

## Paper Index Capture Specifications

- Final indexing requirements will capture 2 total fields
- Ricoh will capture of the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes
  - **FIELD 1**
    - ✓ Field Name: Street Name
    - ✓ Field Description: DI - Index Coding Offshore 11 to 35:MP
    - ✓ Value is located on the file folder tab
- Ricoh will capture of the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes
  - **FIELD 2**
    - ✓ Field Name: Map/Lot Number
    - ✓ Field Description: DI - Index Coding Offshore 6 to 10:MP
    - ✓ Value is located on the File Folder Tab
- Ricoh will capture of the following File Level index fields.
  - ✓
- File naming will be based on indexed fields, as follows:
  - Population 1 = Street Name \_ Map/Lot Number
  - **ADVANCED INDEX SERVICES**
    - ✓ Project requires merging and/or splitting of PDFs: No
    - ✓ Project requires database or spreadsheet lookup for naming of PDFs: No

## Delivery of Images

- Index data will be delivered in a comma separated value (CSV) format.
- OCR (Optical Character Recognition) – **Required for Searchable PDF.**
  - OCR will be performed on all images of paper-based populations to create searchable PDFs.
- Resultant images and indexed data will be delivered to Client -provided External USB Hard Drive.

## Original Media

Original Media for this project be re-assembled and returned to Client

## Record Type Population 3 Specifications

The Record Type 3 Population consists of the following:

### Capture Specifications

- Population #3: Record Type / Population Name: Conservation/Zoning & Planning Board
  - Estimated number of file boxes (1.2cf) total 94
    - Estimated qty UP TO 11"x17" in dimension: 235,000 pages in 94 file boxes (1.2cf)
    - Estimated qty OVER 11"x17" up to 36"x48" in size: 0 per file boxes (1.2cf)
    - Percent of duplex pages: 0%
    - Percent of B&W originals: 100%
    - Percent of color originals: 0%
    - Total anticipated image count: 235,000
    - Total number of resulting electronic files: 5,875 PDFs created
    - Barriers per box: 700-899
  - Data file will be provided by the Client containing all index values: Yes
- Paper Logical Document Determination is based on No.
  - Examples: Acco clips, staples, paperclips, bands, folders, each folder, or physical file etc.

### Paper Condition

- This population will NOT require Archival Handling based on understanding that documents currently ARE in a condition that is suitable for loading into a document handler/feeder for scanning.

### Processing Location

- Processing will occur in no other locations than those listed below, without Client approval.
  - Imaging of source media will be performed at Ricoh's or Ricoh's business partner's processing center(s) located in the Continental United States
  - Index capture from images will be performed at Ricoh's or Ricoh's business partner's processing center(s) located in India.
  - Final conversion processing of images and index data will be performed in Ricoh's AWS Amazon cloud

### Image Capture Specifications

- Population pages delivered to Ricoh will be imaged
  - Document preparation is defined as Heavy Prep.
  - Document reassembly is defined as Light Reassembly.
- Capture is based on multi page images in PDF format.
- A Quality Control process will take place at the time of scanning to ensure accuracy.
  - Image quality checking is defined as Statistical/Sample QC.
- Ricoh will capture originals based on the following:
  - Originals will be scanned at a resolution of 300 dots per inch (dpi).
  - Resolution higher than 300 dpi will require custom quotation from Ricoh Operations
- Files will be delivered as multi page PDF images.
  - Capture of black & white originals as bi-tonal (b&w) images.
  - Capture of color originals, (ie: charts, photographs, etc) as bi-tonal (b&w) images.

## Paper Index Capture Specifications

- Final indexing requirements will capture 3 total fields.
- Ricoh will capture the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes.
  - **FIELD 1**
    - ✓ Field Name: Street Name
    - ✓ Field Description: DI - Index Coding Offshore 11 to 35:MP
    - ✓ Value is located on the file folder tab
- Ricoh will capture the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes.
  - **FIELD 2**
    - ✓ Field Name: Street Number
    - ✓ Field Description: DI - Index Coding Offshore 11 to 35:MP
    - ✓ Value is located on the File Folder Tab
- Ricoh will capture the following File Level index fields.
  - **FOLDER CAPTURE**
    - ✓ Ricoh needs to scan the paper folder itself to capture index values: Yes.
  - **FIELD 3**
    - ✓ Field Name: Map/Lot Number
    - ✓ Field Description: DI - Index Coding Offshore 6 to 10:MP
    - ✓ Value is located on the File Folder Tab
- File naming will be based on indexed fields, as follows:
  - Population 1 = Street Name \_ Street Number \_ Map/Lot Number
  - **ADVANCED INDEX SERVICES**
    - ✓ Project requires merging and/or splitting of PDFs: No

## Delivery of Images

- Index data will be delivered in a Select one... format.
- OCR (Optical Character Recognition) – **Required for Searchable PDF.**
  - OCR will be performed on all images of paper-based populations to create searchable PDFs.
- Resultant images and indexed data will be delivered to Client -provided USB Flash Drive.

## Original Media

Original Media for this project be re-assembled and returned to Client

## Unit Pricing Table

The table below, including the "estimated pre-tax total", is calculated based on the aggregate of all unit pricing multiplied by the corresponding quantities for the services outlined above. The "estimated pre-tax total" is not a fixed cost estimate and is intended solely as a general guideline for anticipated cost(s). Ricoh will invoice for actual volumes processed.

### Unit Pricing

#### Inspectional Services

QTY	Description	P-Code	Unit	Unit Price	Total
1,057,500	DI - Image Capture (Heavy-2)	7094	Image	\$ 0.1124	\$ 118,863.00
1,057,500	DI - QC (Statistical/Sample)	7082	Image	\$ 0.0231	\$ 24,428.25
1,057,500	DI - Re-Assemble (Light)	7084	Image	\$ 0.0258	\$ 27,283.50
1,057,500	DI - OCR	7055	Image	\$ 0.0110	\$ 11,632.50
1,057,500	DI - Image Conversion - PDF	723	Image	\$ 0.0071	\$ 7,508.25
1	DI - USB Drive	7020	Drive	\$ 385.00	\$ 385.00
39,250	DI - File Folder Capture Offshore	7013	File	\$ 0.0330	\$ 1,295.25
39,250	DI - Index Coding Offshore 11 to 35:MP	7111	Field	\$ 0.0266	\$ 1,044.05
39,250	DI - Index Coding Offshore 11 to 35:MP	7111	Field	\$ 0.0266	\$ 1,044.05
39,250	DI - Index Coding Offshore 6 to 10:MP	7110	Field	\$ 0.0207	\$ 812.48
<b>Estimated Pre-Tax Total:</b>					<b>\$ 194,296.33</b>

Pricing does not include oversized.

#### Assessors Property Card/Files

QTY	Description	P-Code	Unit	Unit Price	Total
182,500	DI - Image Capture (Heavy-2)	7094	Image	\$ 0.1124	\$ 20,513.00
182,500	DI - QC (Statistical/Sample)	7082	Image	\$ 0.0231	\$ 4,215.75
182,500	DI - Re-Assemble (Light)	7084	Image	\$ 0.0258	\$ 4,708.50
182,500	DI - OCR	7055	Image	\$ 0.0110	\$ 2,007.50
182,500	DI - Image Conversion - PDF	723	Image	\$ 0.0071	\$ 1,295.75
1	DI - USB Flash Drive 8 GB	7043	Drive	\$ 39.00	\$ 39.00
182,500	DI - File Folder Capture Offshore	7013	File	\$ 0.0330	\$ 6,022.50
182,500	DI - Index Coding Offshore 11 to 35:MP	7111	Field	\$ 0.0266	\$ 4,854.50
182,500	DI - Index Coding Offshore 6 to 10:MP	7110	Field	\$ 0.0207	\$ 3,777.75
<b>Estimated Pre-Tax Total:</b>					<b>\$ 47,434.25</b>

**Conservation/Zoning & Planning Board**

QTY	Description	P-Code	Unit	Unit Price	Total
235,000	DI - Image Capture (Heavy-2)	7094	Image	\$ 0.1124	\$ 26,414.00
235,000	DI - QC (Statistical/Sample)	7082	Image	\$ 0.0231	\$ 5,428.50
235,000	DI - Re-Assemble (Light)	7084	Image	\$ 0.0258	\$ 6,063.00
235,000	DI - OCR	7055	Image	\$ 0.0110	\$ 2,585.00
235,000	DI - Image Conversion - PDF	723	Image	\$ 0.0071	\$ 1,668.50
1	DI - USB Flash Drive 8 GB	7043	Drive	\$ 39.00	\$ 39.00
5,875	DI - File Folder Capture Offshore	7013	File	\$ 0.0330	\$ 193.88
11,750	DI - Index Coding Offshore 11 to 35:MP	7111	Field	\$ 0.0266	\$ 312.55
5,875	DI - Index Coding Offshore 6 to 10:MP	7110	Field	\$ 0.0207	\$ 121.61
<b>Estimated Pre-Tax Total:</b>					<b>\$ 42,826.04</b>

**Additional Services**

QTY	Description	P-Code	Unit	Unit Price	Total
1	DI - Transportation - Pickup	7044	Trip	\$ 945.00	\$ 945.00
1	DI - Transportation - Return	7044	Trip	\$ 1,047.00	\$ 1,047.00
50	DI - (hr) Project Management	7002	Hour	\$ 225.00	\$ 11,250.00
<b>Estimated Pre-Tax Total:</b>					<b>\$ 13,242.00</b>

*Optional transportation services under Ad Hoc pricing table.*

**Total Investment**

<b>Inspectional Services</b>	<b>\$ 194,296.33</b>
<b>Assessors Property Card/Files</b>	<b>\$ 47,434.25</b>
<b>Conservation/Zoning &amp; Planning Board</b>	<b>\$ 42,826.04</b>
<b>Additional Services</b>	<b>\$ 13,242.00</b>
<b>Estimate Pre-Tax Total</b>	<b>\$ 297,798.61</b>

Pricing for any requirements to deliver images or data to a customer new or existing content management system or other business application requires further discovery.

The minimum fee for off-site services is \$10,000 per project. Ricoh will invoice based on the actual number of units processed multiplied by the unit cost as referenced in the above table. Pricing does not include shipping costs of deliverables.

*This is a fee for service engagement and the foregoing Estimated Pre-Tax Total is not a fixed cost, it is merely an estimate of the cost. Pricing does not include shipping costs of disks or drives. Prices are contingent upon analysis of a sampling of source documents and validation of imaging requirements including indexing methodology.*



For any services that are required due to mutually agreed upon out-of-scope changes in requirements, the following rates will apply:

#### Ad Hoc Pricing as needed

DI - Image Capture (Heavy-3)	7095	Image	\$ 0.1558
DI - QC (Full Image to Page)	7083	Image	\$ 0.0770
DI - Image Capture - Color	7035	Image	\$ 0.1848
DI - Image Capture (Glasswork)	7041	Image	\$ 0.5628
DI - File Retrieval	7077	Hour	\$ 85.00
DI - (hr) Hand-time/Labor	7000	Hour	\$ 85.00
DI - Overtime Labor	7100	Hour	\$ 127.50

#### Optional Transportation Services

Ricoh pallets, pallet jack, services to load trailer	7044	Trip	\$ 3,000.00
Ricoh services to load trailer, client provides pallets and pallet jack	7044	Trip	\$ 2,500.00

#### Production Workflow Notes

Ricoh is extremely sensitive to the fact that we are handling confidential legal, PHI, HIPAA and/or business-critical documents. As such, Ricoh designed its document handling procedures around the tight security standards established for evidentiary and privileged documents relating to extremely sensitive litigation matters. This allows us to maintain strict confidentiality and chain of custody throughout the entire workflow.

Ricoh is also sensitive to the fact that we frequently handle active files that our clients rely on during the regular course of business. When a file from a box that is identified as being "out for imaging", Ricoh's *Rapid Response* service can be activated to retrieve and return the original(s) or produce an electronic copy that can be downloaded securely. Ricoh's entire imaging workflow and customer service is designed to not adversely impact daily business operations.

#### Pricing Notes:

The foregoing price quotation is valid for 30 days from the date of this proposal. Unit prices are based on the volumes and assumptions as detailed in the *Production Scope & Assumptions* section and are contingent upon analysis of a representative sampling of source media and indexing methodology.

Should the scope or process vary from the assumptions outlined herein, Ricoh reserves the right to submit a revised proposal based on definitions representative of the true project scope and technical requirements. The "Estimated Pre-Tax Total" listed above is calculated based on the aggregate of all unit pricing multiplied by their corresponding quantities. This estimated total is not a fixed cost estimate and is intended solely as a general cost estimate. Ricoh will invoice for actual volumes processed.

Ricoh and Client acknowledge that the services and prices that are offered to Client herein are based on the assumptions contained within this response, and assumptions to be identified by Ricoh during its more detailed evaluation and scope assessment following the engagement contemplated hereunder. All production processing will be executed pursuant to the imaging and coding instructions and instructions contained in this document and in its addenda herein.

If Ricoh determines during the production processing of Client's document collection that the collection deviates from assumptions, Ricoh reserves the right to adjust unit price for the impacted service (effective as of the earliest date that such deviation occurred), and Client agrees to pay Ricoh in accordance with Ricoh's standard terms and conditions for such services. Ricoh will notify Client of its determination of any deviation from the assumptions contained within this response.

#### Assumptions:

1. **Transportation quotes are valid for 10 days**, and subject to change due to variances in fuel, courier fees, etc.
2. Archival "Glasswork" imaging would be required in the event the condition of the originals are fragile/antique, hard bound, or the integrity of the document(s) would be compromised by placing them into a mechanized document handler/feeder for scanning.
3. Imaging Pricing assumes originals are in good condition without frayed edges, tears, or brittle/antique paper, not requiring Special Handling or use of a carrier sheet to facilitate scanning.
4. Optical Character Recognition (OCR) - Provides keyword search capability. Should OCR be requested at a later date, Ricoh will provide a revised quote.
  - a. OCR is not recommended for oversize maps, photo images, drawings, floor plans files, etc.
  - b. OCR is not a reliable method for extraction of handwritten, serif font, small type font under 12 point, data in tables or charts, etc. and should not be considered a reliable method for obtaining "searchable" files in larger PDFs. Ricoh cannot guarantee all words and characters will be captured consistently.
  - c. OCR will not be performed on any microform images. Ricoh cannot guarantee the consistency of OCR on microform media.
5. If processing exceptions exceed 3% of the total volume, the Change Order Process will be initiated for review and disposition.
6. If returning originals, original media will be returned to Client thirty (30) days after associated image delivery is complete. Upon Request, for a transport fee, originals may be returned to Customer Site, within 30 days of Scan
7. If shredding, original media will be shredded by Ricoh within thirty (30) days after associated image delivery is complete and Ricoh has written Client authorization to proceed with document destruction. If written authorization is not received within 30 days, original media will be returned to Client and will incur additional return shipping fees. Original Images will be shredded based on the schedule of fees outlined herein

## Project Planning

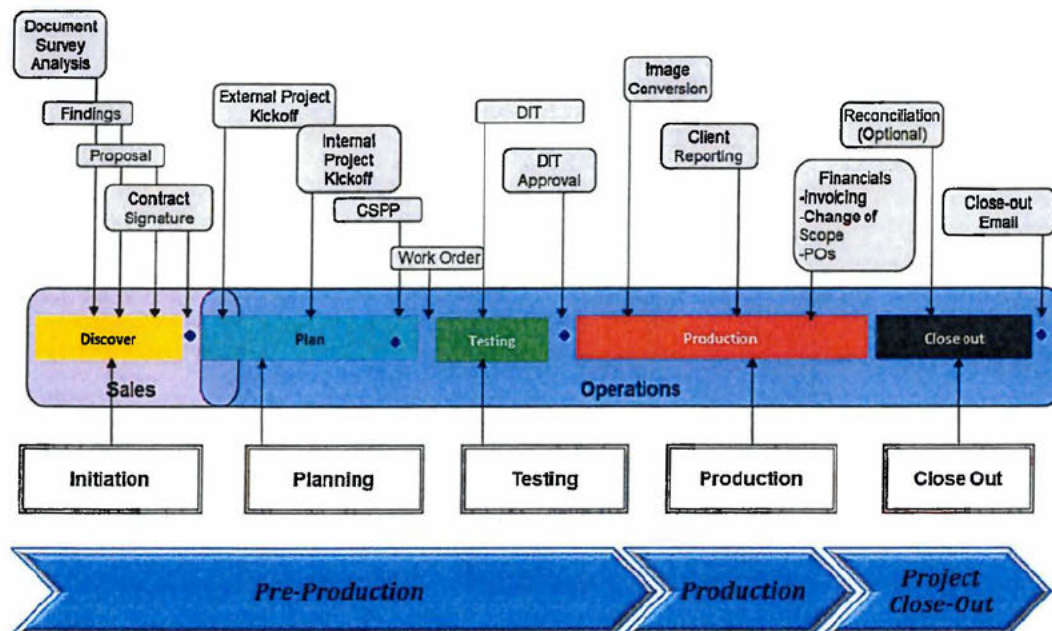
### Project Management

A Ricoh Project Manager will be assigned to plan, direct, and coordinate activities of the project to ensure goals and objectives are accomplished within the prescribed time frame and funding parameters.

Specific responsibilities include, but are not limited to:

1. Reviews project proposals and general requirement documents to determine schedule, manpower, funding, and scope limitations.
2. Develops the basic project plan for executing and controlling the project, including workflow, budget and timeline(s), including the technical specifications with the assistance of the Engineering and Technical staff.
3. Directs the preparation of the plan for organizing, staffing, budgeting, executing and controlling field projects.
4. Interprets and executes written and/or oral job specifications and instructions into project plan.
5. Coordinates with operations effected by project to plan and develop workflow/procedures and manpower needs.
6. Anticipates and mitigates potential risks by maintaining current knowledge of overall project status.
7. Develops clear written strategy guidelines for communication with clear definition of responsibilities and restraints.
8. Acts as additional client communication liaison between operations, engineering, sales, finance and/or technical staff for a project.
9. Communicates issues and suggestions succinctly and clearly so as to be understood by clients and co-workers.
10. Documents conversations, instructions and changes or deviation in work statements and procedures.
11. Proactively informs clients of project status and issues both in verbal and/or written format.
12. Proactively communicates status of projects and issues to relevant stakeholders.
13. Escalates all issues to a higher mgt level at signs of client dissatisfaction with performance of services or expectations.
14. Responsible for the reconciliation of all client materials.

### High-Level Project Plan



\*\* Note: DIT (Datea Interchange Test) requires Ricoh ASG Technical Services and client approval which may impact Pproject Timeline.

Pre-production activity is targeted to be completed in approximately two to three weeks. Following Customer approval and acceptance of the Conversion Service Project Plan (CSPP), production conversion will commence, and continue over a mutually agreed-on period. The final schedule will be mutually determined between the Ricoh project manager and Customer. Customer will deliver Source Media as necessary to support the planned schedule.

Ricoh's project lifecycle consists of three major phases:

- Pre-production
- Production
- Project close-out

The Ricoh project manager assigned to your account will be responsible for directing all phases and will be the primary point of contact for the entire project. The project manager will execute the operations based on a structured methodology approach. The Ricoh project manager will ensure that each of the phases has mutually agreed upon objectives and deliverable products. Both Ricoh and your organization will have defined responsibilities in each phase, and accordingly both will share in the project success. Transition from one phase of the project to the next shall occur only with Customer expressed approval.

The activities for each phase are described below:

**Pre-Production** —After contract award, Ricoh's project manager will lead a kick-off meeting with Customer. After kick-off, Ricoh begins work with Customer to finalize procedures and quality specifications.

During this phase, the Ricoh project team works with Customer to complete the Conversion Services Project Plan (CSPP) and presents it to Customer for approval. The purpose of the CSPP is to provide a detailed, documented reference for the complete execution of the project. In the plan, the project manager describes in detail all of the logistical, operational and technical requirements, specifications and procedures of the project.

After approval of the CSPP, Ricoh performs a data interchange test (DIT). The DIT is an end-to-end test of workflow and procedures, and is performed to verify both the technical and logistical elements of the project. The results of the DIT are to be reviewed by Customer and any required adjustments will be communicated back to Ricoh. Ricoh will not proceed with production until a successful DIT is completed and approved by Customer.

**Production** —With Customer's approval of the interchange test, Ricoh will pick up boxes of files to begin the scanning production and produce deliverable images. The production process will mirror the DIT model.

Ricoh will work with Customer to ensure that the implemented process, scan, index, and import are meeting all of Customer's requirements.

During production, Ricoh will generate monthly reports of production statistics. The format of this report will be developed with Customer but should include totals of documents and images produced and delivered and invoice summaries.

**Close-out** —The Ricoh project manager closes out all open items and issues and performs a final reconciliation. The project manager conducts an end-of-project meeting. Optionally, data reconciliation reports can be produced detailing anomalies, such as documents in database but not delivered, documents delivered but not in database, duplicate documents or indices.

## Appendix A – Definitions

### Document Preparation

#### Client Preparation:

Client performs 100% of the document preparation. This includes removal of all barriers, creation, and insertion of make-ready copies to address contrast issues, fragile pages, small pages that won't feed, etc. Client preparation also includes the unbinding or cutting/trimming of books, pamphlets, etc. that are hard bound, and the insertion of Ricoh-provided barcode sheets, patch sheets, or document coding/indexing sheets. Client preparation requires that all pages are loose.

#### Light Preparation:

Ricoh performs 100% of the preparation and includes the assumptions listed below:

- Documents are 8 ½ by 11" (letter size) up to 11"x17" (tabloid size)
- Ricoh will insert required barcodes and document coding sheets
- 100 barriers (see definition for barrier) with ~25 pages per barrier
- Guidelines are based on average box size (16x12x10 or 1.2cf)

#### Medium Preparation:

Ricoh performs 100% of the preparation and includes the assumptions listed below:

- Documents are 8 ½" x 11" (Letter Size) or 11"x17" (tabloid size)
- Ricoh will insert required barcodes and document coding sheets
- 101-499 barriers (see definition for barrier).
- Guidelines are based on average box size (16x12x10 or 1.2cf)

#### Heavy Preparation:

Ricoh performs 100% of the preparation and includes the assumptions listed below:

- Preparation includes mixed paper sizes
- Ricoh will insert required barcodes and document coding sheets
- 500 barriers (see definition above for barrier) or more in per box
- Guidelines are based on average box size (16x12x10 or 1.2cf)

### Quality Control

#### Basic Quality Control:

Document Scanning Specialist will ensure scanner is cleaned and operating as required. Does not include a page-to-image comparison.

#### Statistical/Sample Quality Control:

Ricoh will complete image to page QC on 10% of the images per box. **Example** - For a box with an images count of 2,500 images - The Ricoh Quality Control Specialist will review (page-to-image comparison) the first 100 images (~4%) of every box, 50 images (~2%) from the middle of the box, and 100 images (~4%) from the end of the box. The quality control process involves the QC Specialist checking for the following items on the ~10% of the population as defined above:

- Ensure all pages defined in the ~10% sampling were scanned
- No missed back sides
- Images are legible to the original
- Images requiring color are scanned per instructions
- Post-it notes handled per instructions
- Physical document breaks captured correctly per instructions

#### Full/Image-to-Page Quality Control:

Quality Control Specialist will:

- Perform page-to-image comparison of every page
- Ensure all pages are scanned
- No missed back sides
- Images are legible to the original
- Images requiring color are scanned per instructions
- Post-it notes handled per instructions
- Physical document breaks captured correctly per instructions

**Reassembly****No Reassembly:**

All documents will remain loose, not returned to folders or binders. No removal of barcode and document coding sheets is necessary. Paper returned to its original pick-up box/container

- Documents are not reassembled (re-stapled, re-clipped, re-bound, etc.)
- Documents are not returned to original folders or binds
- Documents are placed in original pick-up box/container
- Document order is maintained
- Ricoh may or may not remove barcodes placed in the documents during the preparation process

**Light Reassembly:**

Re-Assembly includes placing pages into folders (not including placing on prongs or within binder rings) without any staples or clips or any other type of barrier. Ricoh may or may not remove barcode and/or document coding sheets.

**Medium Reassembly**

Re-Assembly includes placing pages into folders, placing them on prongs or binder rings without any staples or clips or any other type of barrier. Ricoh may or may not remove barcode and/or document coding sheets.

**Heavy Reassembly:**

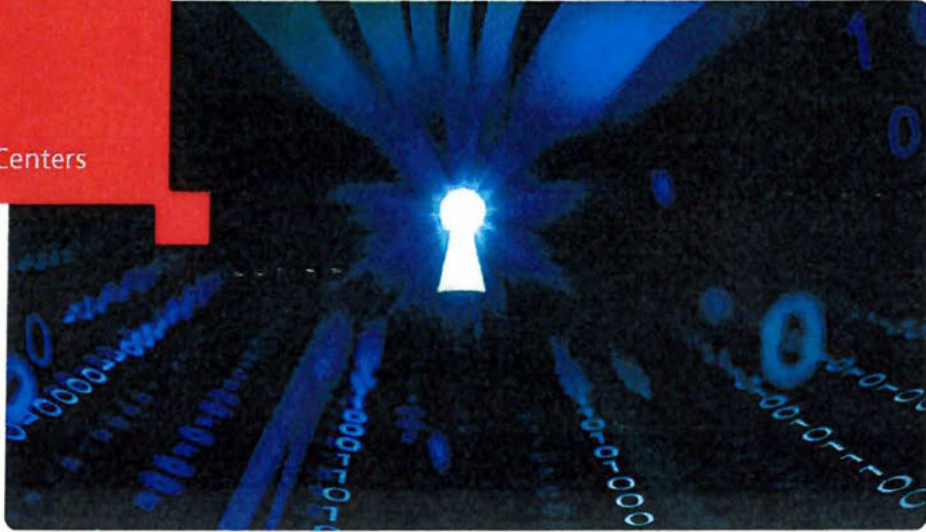
Re-Assemble documents as originally received. All barriers replaced as original. Ricoh will remove barcode and document coding sheets.

## Appendix B: Security & Confidentiality Measures

### Digital Imaging Services

#### Security: Processing Centers

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#### Certifications and Accreditations

Ricoh has various third-party certifications and accreditations:

- Ricoh USA, Inc. is Safe Harbor certified for our processing centers.
- Ricoh has undergone a Service Organization Controls (SOC) Type 2 audit. A copy of the report, issued by PricewaterhouseCoopers, is available upon request.

Keeping your electronic data and documents secure as well as ensuring the privacy of your employees and customer is critical to the success of your business. If your information becomes compromised, the risk to your reputation and overall goodwill — along with potential sanctions and damages — is greater than ever before. Therefore, it is crucial that your documents are entrusted to a partner who understands document and data security and offers proactive solutions to assist you in protecting your information.

Ricoh is that partner. At our processing centers, our training, processes and technology are designed to provide security for your documents throughout the entire engagement, from the point of pickup to final delivery.

#### Employee Training & Confidentiality

Ricoh knows that security starts with our employees. Our team is trained and experienced in managing sensitive and confidential documents. We provide focused training on the proper security protocols.

Ricoh's employee training and confidentiality measures include, but are not limited to:

- Annual confidential information training for all processing center employees
- Employee confidentiality agreements
- Company code of ethics
- Pre-employment background checks

## Security: Processing Centers

### Facility Security

Ricoh's processing centers are secured with controlled, restricted and monitored access. Electronically stored information (ESI) and paper are physically protected within our centers and are subject to our data security policies and processes. We also conduct regular and unannounced security audits to review and reinforce compliance.

Ricoh's facility security measures include, but are not limited to:

- A dedicated corporate security team
- Site-specific business continuity plans
- Security leads in each location
- All facilities locked and secured 24/7
- All office access is controlled and monitored
- All guests escorted at all times
- Regular and unannounced security audits
- Clean desk policy
- No personal items allowed in production areas (including cell phones)
- Production areas are controlled and monitored

### Electronic Document Management System Security – DocumentMall™

Ricoh can provide images and index data for import into virtually any commercially available electronic document management system, including DocumentMall from Ricoh - a powerful, Web-enabled document management and storage solution.

DocumentMall security measures include, but are not limited to:

- All data is stored in the data center and is protected from loss, corruption, and unauthorized access
- Physical perimeter and internal defenses designed to protect against unauthorized access to the systems and internal network
- Firewalls and intrusion detection/prevention systems, with monitoring and event logging to evaluate potential threats
- Multi-tiered system architecture to limit access and vulnerabilities due to security breaches
- Redundant storage devices to prevent data loss and ensure integrity
- Regularly scheduled data backups with remote storage of duplicates and a documented recovery plan
- Hardened operating systems on all production machines with regular security patching and vulnerability scanning

### Data Security

Ricoh recognizes the importance of protecting your data and treats all data, regardless of classification, as confidential. Ricoh's processing center team works hand-in-hand with Ricoh's physical and information security teams, as well as legal and audit departments, to ensure that robust, relevant data policies, procedures and processes are always in place.

Ricoh's data security measures include, but are not limited to:

- Secure indexing process
- Dedicated, secure document network
- Production area access is restricted and monitored
- Data transmissions utilize SSL 128-bit encryption or better, including importing and exporting of data
- Application-level security for role-based user access privileges
- Audit logs capture user activities
- Third-party vulnerability assessments performed on routine basis
- Anti-virus management

### Document Security

Ricoh understands the risks associated with the movement of client documents. That's why we track all documents from initial pickup, through the production process, and to delivery through a documented chain of custody. Ricoh offers company-owned vehicles to provide secure local document pickup and delivery services, and we offer encrypted media delivery upon request.

Ricoh's document security measures include, but are not limited to:

- Local pickup and delivery by trained Ricoh employees
- Documents are secured at every point
- Delivery media encrypted upon request; during transportation data is protected using AES 256-bit encryption
- Secure File Transfer Protocol is utilized for electronic data transfers
- Documented chain of custody
- All documents, regardless of classification, are treated as confidential

Visit Ricoh at [www.ricoh-usa.com](http://www.ricoh-usa.com).

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## Appendix C: Transportation for Physical Records

### Transportation Discussion Details

- The total volume of boxes to be transported Select one... exceed 100 boxes
  - Office Hours (Customer's Local Time): 8:00 – 5:00
  - Any special instructions (E.g. non-typical working days):
- Note: Most Ricoh-provided shipping starts at \$1,000 per trip outside of a 100-mile radius of BIS Centers.

### Common Transportation Options

- **Courier (Box Truck or Van)** - For any size shipments and box sizes.
  - Box Truck sizes vary and may be scaled based on qty of boxes to transport

Box trucks are most common. Below are some alternate shipping methods that could help reduce costs, depending on the size and needs of the project:

- **ReloCubes** - For any size shipments and box sizes.
  - Cubes can handle up to 150 standard (1.2 cu ft) boxes per ReloCube.
  - Cubes can be dropped off one day for loading and picked up the next day for transport.
  - ReloCubes are not available at all locations.
  - ReloCubes do not require a loading dock. They take up half of a typical sized parking spot.
  - Locks are not provided, but they can be locked with Customer supplied locks.
    - If using a combination lock, Customer to send the combination to Ricoh PM
  - Multiple ReloCubes may be rented if a loading dock is not available.
    - Less practical if over 300 boxes due to client loading labor requirement
  - Pallets are not recommended for ReloCubes.
    - Boxes must be loaded directly on the floor of the cube and stacked accordingly for transport
    - They must be loaded properly for transport against walls with no gaps and as flat as possible
    - Customer Select one... provide a flat, open space where the ReloCubes can be offloaded and placed for loading
    - How long will the client need to load or unload the ReloCube? 1 days
- **Exclusive Use Semi-Trailer** - For larger size shipments (70+) of any box sizes.
  - Commonly chosen for larger projects with multiple populations, longer distances and / or many boxes
  - Require boxes to be on Pallets & shrink wrapped. A loading dock is required.
  - Loading Dock: The Customer Select one... a Loading dock that can handle a 53' trailer
    - Client Select one... provide palletizing / shrink wrap
    - Client Select one... require provide forklift / pallet jack and their own staff to load
    - All answers should be yes to use this option.
      - For pickups in large metropolitan areas where freight traffic is high, a trailer with a lift gate may be requested. In this case, pallets with shrink wrapped boxes are still required but a loading dock is not. A pallet jack would be needed. This is rare.
    - Client may elect to select a specific carrier. However, Client will work directly with them to schedule and procure the service and pay that carrier directly.



*City of Marlborough*  
**Department of Public Works**

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

THEODORE L. SCOTT, P.E.  
 INTERIM COMMISSIONER

## MEMORANDUM

**Date:** April 9, 2024  
**To:** Mayor J. Christian Dumais  
**From:** Theodore Scott  
**Re:** Capital Equipment Request

I am writing to follow up on our previous discussions regarding the procurement of DPW capital equipment. Enclosed, please find our specific capital equipment request, which we believe is the most time-sensitive element of our overall capital budget request, for your review and consideration.

The condition of Marlborough DPW's fleet continues to decline each year. Without significant capital investment over the next few years, the cost of repairs and renting replacement vehicles will continue to significantly increase. We are currently forced to perform major repairs costing over \$10,000 on vehicles in need of replacement. Although we can continue with this course of action, it is not the most efficient or cost-effective way of maintaining an operational fleet. In addition, this course of action would necessitate the fleet repair/maintenance account line item in the operating budget to be significantly increased each year.

Furthermore, the timing for ordering this equipment is crucial. The order banks for vehicles will begin to close anytime from May onwards. Our preferred target to have the capital equipment funds approved and encumbered would be early May. If we miss the current order bank cycle, we will likely have to wait until the next cycle opens, which typically occurs in November or December. Considering that delivery times range from 6 months to 1 year from the order date, this would mean replacement vehicles would not be available until 12 to 18 months after the equipment is appropriated. As a point of reference, we still have not taken delivery of our 10-wheeled dump truck that was appropriated in May of 2022.

Please let me know if you need additional information or clarification.

THEODORE L. SCOTT, P.E.  
 ASST. COMMISSIONER, OPERATIONS

CHRISTOPHER S. LAFRENIERE  
 ASST. COMMISSIONER, UTILITIES

THOMAS DIPERSIO, JR. P.E., P.L.S.  
 CITY ENGINEER

## Marlborough DPW Capital Equipment Request

No.	Equipment	Description	Cost
1	1998 John Deere 5310 tractor #205	Vehicle out of service and not replaced. Utility tractor used by Parks for variety of jobs.	\$120,000
2	2003 Ford Ranger utility #209	21 years old. 60,000 miles. Poor body and engine condition. Parks playground maintenance.	\$58,000
3	2004 F150 Pick up #37	Vehicle out of service and not replaced. Fleet service vehicle to respond to break downs and pick-up parts.	\$58,000
4	2005 F250 pick up w/plow #315	19 years old. 181,574 miles. Poor body and engine condition. Facilities craftsman traveling and tools.	\$130,000
5	2006 E250 cargo van #307	Vehicle out of service and not replaced. Facilities plumber traveling to work sites and tools.	\$62,000
6	2006 Sterling L8500 dump P&S #32	18 years old. 80,000 miles. Major rust will not pass next inspection. Streets hauling materials and S&I.	\$398,000
7	2007 F150 pick up #82	Vehicle out of service and not replaced. Engineering traveling to perform field work at construction sites.	\$58,000
8	2008 Ford Ranger Pickup #313	Vehicle out of service and not replaced. Facilities General Foreman vehicle.	\$58,000
9	2008 Ford Escape Hybrid #83	Vehicle out of service and not replaced. Engineering traveling to perform field work at construction sites	\$58,000
10	2008 Ford Fusion #85	Vehicle out of service and not replaced. Engineering traveling to perform field work at construction sites	\$58,000
11	2008 Ford F450 Dump P&S #206	Vehicle out of service and not replaced. Parks hauling loam, mulch and other materials and S&I.	\$192,000
12	2010 Toro 5910 Gang mower #211	14 years old. Used daily during for mowing extensive work over its life. Needs major repairs.	\$112,000
13	2011 John Deere Loader #43	13 years old. 7,165 hours. Major body rust will need replacement of cab. Streets loading materials and S&I.	\$335,000
14	2012 F150 PICK UP #70	12 years old. 96,049 miles. Vehicle has extensive rust, and drive train issues. FPC General Foremen vehicle.	\$58,000
15	2015 Bobcat Toolcat #77	9 years old. 5,310 miles. Vehicle used daily for cleaning downtown area and downtown S&I.	\$118,000
16	2015 F350 DRW Service Utility #52	9 years old. 200,000 miles. Vehicle is water department service truck used 7 days a week.	\$120,000

04/09/24

**Total \$1,993,000**



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# 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](mailto:LEGAL@MARLBOROUGH-MA.GOV)

**JASON D. GROSSFIELD**  
CITY SOLICITOR

**JEREMY P. MCMANUS**  
ASSISTANT CITY SOLICITOR

**BEATRIZ R. ALVES**  
PARALEGAL

April 18, 2024

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

Re: Proposed Zoning Ordinance Amendment re: Donald Lynch Boulevard District

Dear Honorable President Ossing and Councilors:

At the request of Councilor Ossing, enclosed please find a proposed zoning ordinance amendment relative to the creation of a new zoning district known as the Donald Lynch Boulevard District. The proposed amendments incorporate three exhibits, including Exhibit "C" which is a draft map depicting the new district boundaries. This item follows upon the recent City Council Order No. 23-1008861A.

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

Respectfully,

Jason D. Grossfield  
City Solicitor

Enclosure

cc: J. Christian Dumais, Mayor

## ORDERED:

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

- I. Section 650-7, entitled “Districts Enumerated,” is hereby **amended** as follows:
- (1) By deleting from the first sentence the number “14” and inserting in place thereof the number “15.”
  - (2) By inserting at the end of the list of District types, the following:
 

Donald Lynch Boulevard District	DLB.
---------------------------------	------
- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” by **inserting** the highlighted portions and text of Exhibit “A” attached to this order, inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “DLB”, and beneath the new district abbreviation DLB column the text as shown on said Exhibit “A”.
- III. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards, and Height of Structures,” for the DLB, the text as shown in the highlighted portions of Exhibit “B” attached to this order.
- IV. Chapter 650, Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby amended by **inserting** a new Section 650-39A, entitled “Donald Lynch Boulevard District (DLB).”, which shall read as follows:

**§ 650-39A. Donald Lynch Boulevard District (DLB).**

**A. Purpose and objectives.**

- (1) The purpose and objectives of the Donald Lynch Boulevard district are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare and the economic development objectives of the City.
- (2) The vision for the Donald Lynch Boulevard District is to strengthen the vitality of the district by encouraging uses, activities, and improvements that will complement the existing assets. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live.
- (3) The vision shall be achieved through the mix of uses defined by the Donald Lynch Boulevard district and the composition of each new investment, including the site design

and building design, and the relationship of the investment to the surrounding context. Each new investment shall enhance the sense of place that helps to define a recognizable district identity and create an attractive and comfortable environment where people feel invited to visit again.

- (4) The site design, building design, and design of the circulation system shall strengthen the walkability of the district by defining distinct nodes and compact centers of activity in the district. This may include using buildings to define shared outdoor spaces, creating safe and convenient pedestrian and bicycle paths that connect to abutting properties and amenities, creating new outdoor spaces and seating areas, and adding new investments in the landscape of the district.
- (5) The site design, building design, and design of site infrastructure shall enhance the natural assets and sustainability of the district through enhanced landscape with an emphasis on adding shade trees, an investment in green infrastructure and low impact development techniques, and strengthened connections to natural assets such as the Assabet River and a connected network of open spaces.

**B. Site plan review.** Projects within the Donald Lynch Boulevard Overlay District shall be subject to site plan review as provided in § 270-2, of the City Code.

(1) Applicability.

- (a) Site plan review applies to both as of right and uses available by grant of a special permit within the Donald Lynch Boulevard District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.
- (b) Site plan review shall be conducted administratively, as provided in § 270-2, except for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
- (c) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

**C. Special permit granting authority.** The City Council shall be the special permit granting authority within the Donald Lynch Boulevard District.

**D. Dimensional requirements.** The Donald Lynch Boulevard District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance as described for the Limited Industrial (LI) district, with the following exceptions which may be granted by special permit by the City Council:

- (1) No minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot will not impact setbacks or lot coverage of the property subject to subdivision. Access to the subdivided lot shall be coordinated with other site circulation to limit the number of curb cuts to the main roadway and establish shared secondary access roads where feasible.
- (2) Maximum building height in the Donald Lynch Boulevard District of up to 60 feet and elimination of the distance from a residential zone requirement in determining maximum height. Note: Mechanical and elevator equipment, chimneys, or other utilities are not limited to the maximum building height. Mechanicals shall be screened to the maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to the maximum building height.

**E. Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.

- (1) General. In the Donald Lynch Boulevard District, adequate off-street parking shall be provided. The parking facilities provided should be used efficiently to minimize the area of land to be paved for this purpose. The City Council may consider, at its discretion, permitted reductions in the parking requirements for complementary or shared use of parking areas serving activities that have different peak demand times. It is the applicant's responsibility to determine and request a shared parking reduction for review by the City Council. The visual and environmental impact of large parking areas shall be reduced by breaking the total required parking into smaller parking areas that are integrated with the site design and landscape plan. Low impact development techniques and green infrastructure shall be integrated with the parking areas.
- (2) Parking locations. Parking shall be located to the side and/or rear of all building structures. Existing parking that is located between a building and Donald Lynch Boulevard shall integrate enhanced landscaping into the parking area to reduce the visual impact of the parking through the addition of landscape islands and shade trees. Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of a building that is dedicated to other permitted uses, but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.
- (3) Parking requirements. Parking in the Donald Lynch Boulevard District shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and

restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.

- (4) Pedestrian and bicycle friendly. Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized and shared between multiple parking areas and uses. Bicycle parking shall be provided for all new development and shall be located as close as possible to the building entrance(s).
- (5) Location of landscaped islands in parking areas. Landscaped islands with shade trees shall be contained within or project into a parking lot and be so located that some part of every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.

**F. Design standards.** The following design standards apply to all developments within the Donald Lynch Boulevard District:

(1) Site layout

- (a) Site and building layout. Buildings shall be located to define shared outdoor spaces in coordination with adjacent buildings located on the same property or an abutting property and the design of the surrounding landscape.
- (b) Site and parking layout. Parking shall not be the dominant feature of a site plan. Parking shall be one of the components integrated into a cohesive site and landscape design. Large parking lots shall be broken into smaller separated parking areas or through the use of islands and landscape. Landscape features such as plantings and berms shall be used to reduce the visual impact of parking and define shared outdoor spaces that are integrated with other features of the site. Pedestrian circulation shall be integrated into the design of the parking.
- (c) Sustainability and green infrastructure. Sustainability and green infrastructure shall be integrated into the site layout and features in a meaningful way. Approaches may include protecting and retaining existing vegetation, supporting biodiversity, integrating low-impact stormwater management techniques, reducing impervious surfaces, and reducing water use for irrigation.

(2) Pedestrian and bicycle circulation

- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to contribute to a system of pedestrian and bicycle circulation. Where appropriate,



pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access.

- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, shared outdoor spaces, parking areas, amenities adjacent to the property, connections along Donald Lynch Boulevard, and connections between adjacent properties.
- (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.

### (3) Shared Outdoor Spaces

- (a) Shared Outdoor Spaces. Buildings and site features shall be arranged to create functional shared outdoor spaces, including outdoor seating areas, outdoor gathering areas, outdoor areas for eating, and outdoor activities. Landscape features, topographic changes, art, or other features may accent these shared outdoor spaces. Shared outdoor spaces shall be provided and integrated with the site plan and building design. Multiple shared outdoor spaces should be integrated within a larger property. All shared outdoor spaces should be accessible through a network of connected sidewalks and paths. Shared outdoor spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation.
- (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with shared outdoor spaces. Outdoor seating areas shall be located adjacent to or near the use they are serving. Amenities and seating shall not reduce the required sidewalk widths of pedestrian circulation or negatively impact pedestrian or bicycle circulation.

**G. Signage.** Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this section and any provision of Chapter 526 of the City Code, the provisions of this section shall govern and control.

- (1) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs. A master sign plan shall be required for any project that involves more than two signs. For a project that involves one or two signs, a master sign plan is not required.

(2) Sign Locations Permitted by Special Permit. A special permit under this section may authorize the following types of signs at specified locations.

a. I-290 Visibility Signage. In order to enhance visibility for uses within the DLB district from Interstate 290 on the north side of the interstate, a property owner may seek special permit approval for a sign that is coordinated for the entire district to project above the highest line of the roof, or to be mounted on the roof of the building, or on one freestanding pole, monument, or pylon sign designed for visibility from Interstate 290, or one off-premise sign location within the district for one freestanding pole, monument, pylon, or digital display sign when such a location has been identified and is available for such for the purpose of improving business visibility from Interstate 290. The total number not to exceed one (1) sign for the entire district. A sign under this sub-section shall be subject to the following requirements:

- i. Sign design shall conform with § 526-9C unless waived by the City Council;
- ii. Message board signs are prohibited for special permit sign locations;
- iii. No freestanding sign shall be located closer than five feet to any property line;
- iv. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible; and
- v. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.

b. District Gateway Signage. In order to enhance visibility and wayfinding for the district at district gateways in a coordinated manner, a property owner may seek special permit approval for signs coordinated for the entire district at the principal points of entry to the district. The sign may be on one (1) freestanding pole, or a monument, ground, or pylon sign, that is coordinated for the entire district at the principal points of entry to the district. The total number not to exceed (3) signs for the entire district. A sign under this sub-section shall be subject to the following requirements:

- i. Additional secondary directional signs may also be approved by the City Council;

- ii. The signs shall be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district;
- iii. The signs shall be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district;
- iv. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign;
- v. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base;
- vi. No freestanding sign shall be located closer than five feet to any property line;
- vii. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces;
- viii. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety; and
- ix. Signage profile shall be tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials to match the district identity.

#### **H. Application.**

- (1) Special permits. An application for a special permit for a use in a development in the Donald Lynch Boulevard District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Donald Lynch Boulevard District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

**I. Site plan; special permit approval review criteria.** An application for site plan approval or special permit approval in the Donald Lynch Boulevard District under this section shall adhere to the following review criteria, in addition to those specified in § 270-2 of the Marlborough City Code:

- (1) Compliance of the design with the Design Standards in the above subsection F;

- (2) Compliance of sidewalks and paths with Americans with Disabilities Act (ADA) design standards;
- (3) The placement of utilities and wiring underground, to the extent practical;
- (4) The placement of HVAC equipment, fans, generators, and other site-related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view wherever reasonably practicable and where elevation permits;
- (5) Enhanced pedestrian amenities with sidewalks providing access from internal site uses to Donald Lynch Boulevard, property adjacent sidewalks or trails, between parking areas and uses, between abutting properties, to adjacent natural assets and amenities, and to outdoor open spaces on the property or abutting the property;
- (6) All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design;
- (7) Submission requirements, in addition to those specified in § 270-2 of the Marlborough City Code:
  - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, and outdoor open spaces;
  - (b) Building elevations;
  - (c) Landscape plan;
  - (d) Lighting plan with photometrics; and
  - (e) Site and building signage plan.

**J. Standards for roadways and drainage.**

- (1) Roadways. Internal Donald Lynch Boulevard District roadways and site circulation shall be private ways and shall be maintained by owners/developers. Private ways within the Donald Lynch Boulevard District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private ways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation shall be as efficient as possible to reduce the overall development impact and area of impervious surfaces.

(2) Stormwater management system. Developments proposed in the Donald Lynch Boulevard District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate low impact development techniques and green infrastructure such as bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.

V. The Zoning Map described in § 650-8 is **amended** as shown in the accompanying Map (Exhibit C). The newly established Donald Lynch Boulevard District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Map 13, Parcels 2, 4, 4A, 5, 5A, 6, 7, 8, and

Map 25, Parcels 1, 4, 4A, 5, and

Map 26, Parcels 1, 1A, 7, 8, 9, 20, 21A, 21B, 22, 23, 24, 25, 26, 29, 30, 31, 32, and

Map 38, Parcels 1B, 1C, 2, 3, 4, 5, 6, 7, and

Map 39, Parcels 29A, and

Map 50, Parcels 1, 2, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 7, 7B, 8, 9, and

Map 51, Parcels 5, 6 and 7.

VI. The City Clerk is authorized to assign other numbering for the new section 650-39A as deemed appropriate for sequential ordering in the Zoning Ordinance.

VII. The effective date of these amendments shall be the date of their passage.

ADOPTED

In City Council  
Order No. 24-  
Adopted

Approved by Mayor  
J. Christian Dumais

**EXHIBIT "A"**

*650 Attachment 1*  
**City of Marlborough**

**Table of Use Regulations**  
 (§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F;  
 3-11-2013 by Ord. No. 12/13-1005235B; 10-7-2013 by Ord. No. 13-1005481D; 2-10-2014 by Ord. No. 13/14-1005578C; 4-28-2014 by Ord.  
 No. 14-1005693C; 8-14-2014 by Ord. No. 12/13/14-1005247I; 12-1-2014 by Ord. No. 14-1005947C; 11-28-2016 by Ord. No. 16-1006631D;  
 10-16-2017 by Ord. No. 17-1006980B; 11-27-2017 by Ord. No. 17-1007002C; 4-2-2018 by Ord. No. 18-1007163-1C; 5-21-2018 by Ord. No.  
 18-1007163-2D; 9-10-2018 by Ord. No. 18-1007311C; 11-19-2018 by Ord. No. 18-1007337E; 12-16-2019 by Ord. No. 19-1007716E; 5-18-  
 2020 by Ord. No. 20-1007915D; 6-22-2020 by Ord. No. 20-1007947H]

**KEY:**

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.

All uses noted with "N" are not permitted.

	Zoning District Abbreviations													Wayside	DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV		
<b>Residential Use</b>															
Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Single-family, attached (1)*	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	SP	SP	SP	SP	Y	Y	N	Y	N	N	N	N	N	N	N
Two-family homes	N	N	N	N	Y	Y	N	Y	N	N	N	N	N	N	N
Conversion of a two-family dwelling to a three (3)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	N	N	N
Multifamily dwelling (4)(42)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	SP	SP	SP
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y	Y	Y	SP	Y	Y	Y	Y	N	Y	Y

\* (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

	Zoning District Abbreviations													Wayside	DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV		
<b>Residential Use</b>															
Boarding and lodging homes	N	N	N	N	N	SP	N	N	SP	N	N	N	N	N	N
Tourist home\bed-and-breakfast	Y	N	N	N	N	Y	N	Y	N	N	N	N	SP	N	N
Open space development (§ 650-28)	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	N	N	SP
Retirement Community Overlay (§ 650-22)	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	SP
Residential accessory uses (6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	SP
Customary home occupations (7)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N
Artist studio/live/work gallery space	N	N	N	N	N	N	N	Y	N	N	N	N	Y	Y	SP
Recording studio/live/work space	N	N	N	N	N	N	N	Y	N	N	N	N	Y	Y	SP
Assisted living facilities (44)	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N

	Zoning District Abbreviations														DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside	
<b>Business Use</b>															
Convert buildings to office, bank, insurance use (18)	N	N	N	N	N	SP	N	Y	N	N	N	N	Y	Y	SP
Commercial kennels and animal hospitals	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Veterinary hospital	N	N	N	N	N	N	N	SP	N	Y	N	N	SP	N	SP
Commercial kennels	SP	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Riding academy	SP	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y	Y	SP
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP
Offices, banks, insurance and financial institutions	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	SP
Commercial radio and television towers and wireless communications facilities (20)	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	SP	SP	SP
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	Y	N	SP
Hotels < 100 rooms														SP	SP
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y	N	SP



	Zoning District Abbreviations														DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside	
<b>Business Use</b>															
Residential conference and training center with food and recreation services (22)	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Recreation center (23)	N	N	N	N	N	N	N	Y	N	N	SP	SP	N	SP	SP
Private clubs, nonprofit	N	N	N	N	N	Y	N	N	SP	SP	N	N	Y	N	SP
Clubs (24)	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	SP
Self-service laundry	N	N	N	N	N	N	N	Y	Y	Y	N	N	SP	SP	SP
Medical office/clinic	SP	SP	SP	SP	SP	Y	Y	Y	Y	N	N	N	Y	Y	Y
Dental clinics	SP	SP	SP	SP	SP	Y	Y	Y	Y	N	N	N	Y	Y	SP
Consumer service establishments	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	SP
Salesroom	N	N	N	N	N	N	N	SP	N	Y	N	N	N	Y	N
Wholesale office or showroom	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Wholesale sale and warehousing	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Commercial greenhouse	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N	N	Y
Motels	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N	N	SP
Mixed-use development (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	Y	SP	SP
Brew pubs	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Copy shops, newspaper offices	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	Y	SP
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Places of assembly	N	N	N	N	N	N	N	SP	SP	SP	N	N	SP	N	N
Outdoor recreation uses	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	SP
Outdoor storage (26)	N	N	N	N	N	N	N	N	Y	Y	SP	SP	N	N	N
Car parking lots, garages (27)	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N

	Zoning District Abbreviations														DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside	
<b>Business Use</b>															
Gasoline filling stations (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N
Auto sales and service (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Car wash (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N
Open air markets (29)	N	N	N	N	N	N	N	N	SP	SP	N	N	Y	N	N
Shopping malls	N	N	N	N	N	N	N	N	N	N	SP	SP	N	SP	SP
Soil removal (30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	SP
Accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	SP
Funeral homes, parlors and mortuaries	N	N	N	N	N	Y	N	Y	N	Y	N	N	N	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	SP
Restaurant, cafe	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y	Y	Y
Restaurant with drive-in or drive-thru facilities (31)	N	N	N	N	N	N	N	SP	SP	SP	N	N	N	SP	SP
Restaurants serving food outdoors (31)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y	Y	SP
Restaurants for employee use	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y
Drive-thru facilities	N	N	N	N	N	N	N	N	SP	SP	N	N	N	SP	SP
Adult bookstore (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
Adult video store (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
Adult paraphernalia store (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N

	Zoning District Abbreviations														DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	M V	Wayside	
<b>Business Use</b>															
Adult movie theatre (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
Adult live entertainment establishment (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
Narcotic detoxification and/or maintenance facility	N	N	N	N	N	N		N	N	SP	SP	SP	N	N	SP
Medical marijuana treatment center (45)	N	N	N	N	N	N		N	SP	N	SP	N	N	SP	SP
Adult use marijuana retail; marijuana accessories retail (46)	N	N	N	N	N	N			SP	N	SP	N	N	SP	SP
Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter (47)	N	N	N	N	N	N			N	N	SP	SP	N	N	SP
Winery, brewery, or distillery with tasting room	N	N	N	N	N	N	N		Y	Y	Y	Y	Y	Y	Y
Contractor's yard (48)	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Landscape contractor's yard (48)	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	N

	Zoning District Abbreviations														Wayside	DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV			
<b>Agriculture, Public and Institutional Use</b>																
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	SP
Forest, woodlots, portable, woodworking mills (11)	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Livestock farms > 10 acres (12)	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Farms and poultry farms (13)	Y	SP	SP	SP	N	N	Y	N	N	N	N	N	N	N	N	N
Cemeteries	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N	N
Hospitals and sanitarium	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
Correctional institutions	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Golf courses, country clubs and beaches (14)	Y	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N	N
Charitable and philanthropic buildings	SP	SP	SP	SP	SP	SP	N	SP	N	N	N	N	SP	N	N	N
Churches and religious buildings (15)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public recreation and conservation	Y	SP	SP	SP	N	N	N	Y	N	N	N	N	N	N	N	Y
Day camps	SP	SP	SP	SP	N	N	N	N	N	SP	SP	N	N	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Child-care centers (16)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Public buildings (17)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

		Zoning District Abbreviations													Wayside	DLB
		RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV		
<b>Agriculture, Public and Institutional Use</b>																
Water towers, reservoirs		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Floodplain and Wetland Protection District (§ 650-23)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water Supply Protection District (§ 650-24)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Convalescent and nursing homes		SP	SP	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
Chicken hens, personal use (6 or fewer) (49)		Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
Chicken hens, personal use (between 7 and 12) (49)		Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N

	Zoning District Abbreviations													Wayside	DLB
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV		
<b>Industrial Uses</b>															
Airports and heliports	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	SP
Newspaper printing and publishing, job printing	N	N	N	N	N	N	N	N	N	Y	Y	Y	SP	N	Y
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	SP
Transportation terminal and freight depots	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	N	SP
Food processing plants	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Research, experimental labs (33)	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Bakery (nonretail)	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Light non-nuisance manufacturing	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	SP
Light manufacturing incidental to research	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Associated/accessory research uses (35)	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	SP
Manufacturing and/or warehousing (36)	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Manufacturing or warehouse (37)	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	SP
Recreation center, indoor and outdoor	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP

	Zoning District Abbreviations														
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside	DLB
<b>Industrial Uses</b>															
Power laundries	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Dry cleaning	N	N	N	N	N	N	N	N	Y	N	N	Y	N	SP	SP
Dye works	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Packaging or bottling plants	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Electric power substation for changing bulk power to distribution voltage	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	SP
Accessory uses and service buildings (39)	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Large tract development (40)	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Data storage/ telecommunications facilities	N	N	N	N	N	N	N	N	N	N	Y	Y		N	SP
Self-service storage facility	N	N	N	N	N	N	N		SP	SP	N	N	N	N	N
Coffee roastery	N	N	N	N	N	N	N		SP	N	SP	SP	SP	SP	SP

**EXHIBIT “B”***650 Attachment 2***City of Marlborough****Table of Lot Area, Yards, and Height of Structures  
(§ 650-41)**

[Amended 12-1-2014 by Ord. No. 14-1005947C; 12-19-2016 by Ord. No. 16-1006667D; 11-19-2018 by Ord. No. 18-1007337E; 12-17-2018 by Ord. No. 18-1007404D; 12-16-2019 by Ord. No. 1007716E]

<b>District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage (feet)</b>	<b>Minimum Side Yard (feet)</b>	<b>Minimum Front Yard (feet)</b>	<b>Minimum Rear Yard (feet)</b>	<b>Height</b>	<b>Maximum Lot Coverage<sup>7</sup></b>
Rural Residence RR	1 acre	180	25	40	50	2 ½ stories	20%
Residence A-1	22,500 square feet	150	20 <sup>2</sup>	30	40	2 ½ stories	25%
Residence A-2	18,000 square feet	120	15 <sup>2</sup>	30	40	2 ½ stories	30%
Residence A-3	12,500 square feet	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence B	8,000 square feet, plus 4,000 square feet for each additional dwelling unit over 2	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence C	10,000 square feet, plus 2,000 square feet for each additional dwelling unit over 3	90	10	20	25	3 stories	30%
Retirement Community Residence	15 acres	250 <sup>7</sup>	25 <sup>8</sup>	50 <sup>8</sup>	— <sup>8</sup>	2 ½ stories	50% <sup>9</sup>
Neighborhood Business NB	5,000 square feet	50	10	15 to 25 <sup>16</sup>	15 to 25 <sup>16</sup>	2 1/2 stories minimum; 52 feet maximum	75%
Wayside	5,000 square feet	50	25	30	25	52 feet (by-right) 85 feet <sup>17</sup> (by special permit)	80%
Business B	5,000 square feet	50	25 <sup>3</sup>	50	None	52 feet	30% for residential; 80% for all other uses
Commercial and Automotive CA	5,000 square feet	50	50 <sup>3</sup>	50	None	2 stories (no limit where use is exclusively for industry)	80%



## ZONING

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height		Maximum Lot Coverage <sup>7</sup>
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet; Maximum: 6 stories: not to exceed a maximum of 70 feet <sup>12</sup>		80% <sup>13</sup>
Limited Industrial LI	2 acres	200	50	50	50	Distance from Residential Zone (feet)	Height <sup>6, 10</sup> (feet)	60
						0 to 150:	30	
						151 to 250:	36	
						251 to 400:	40	
						401 to 500:	52	
Donald Lynch Boulevard DLB	2 acres <sup>18</sup>	200 <sup>18</sup>	50 <sup>18</sup>	50 <sup>18</sup>	50 <sup>18</sup>	Distance from Residential Zone (feet)	Height <sup>18</sup> (feet)	60% <sup>18</sup>
						0 to 150:	30	
						151 to 250:	36	
						251 to 400:	40	
						401 to 500:	52	
Industrial I	1 acre	50	25 <sup>4</sup>	40	40 <sup>5</sup>	— <sup>10</sup>		60 <sup>11</sup>

## NOTES:

<sup>1</sup> Note deleted.

<sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.

<sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.

<sup>4</sup> Except where abutting a residence district, shall be 50 feet.

<sup>5</sup> Except for buildings extending through a block or to a railroad siding.

<sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.

<sup>7</sup> However, this frontage need not be contiguous.

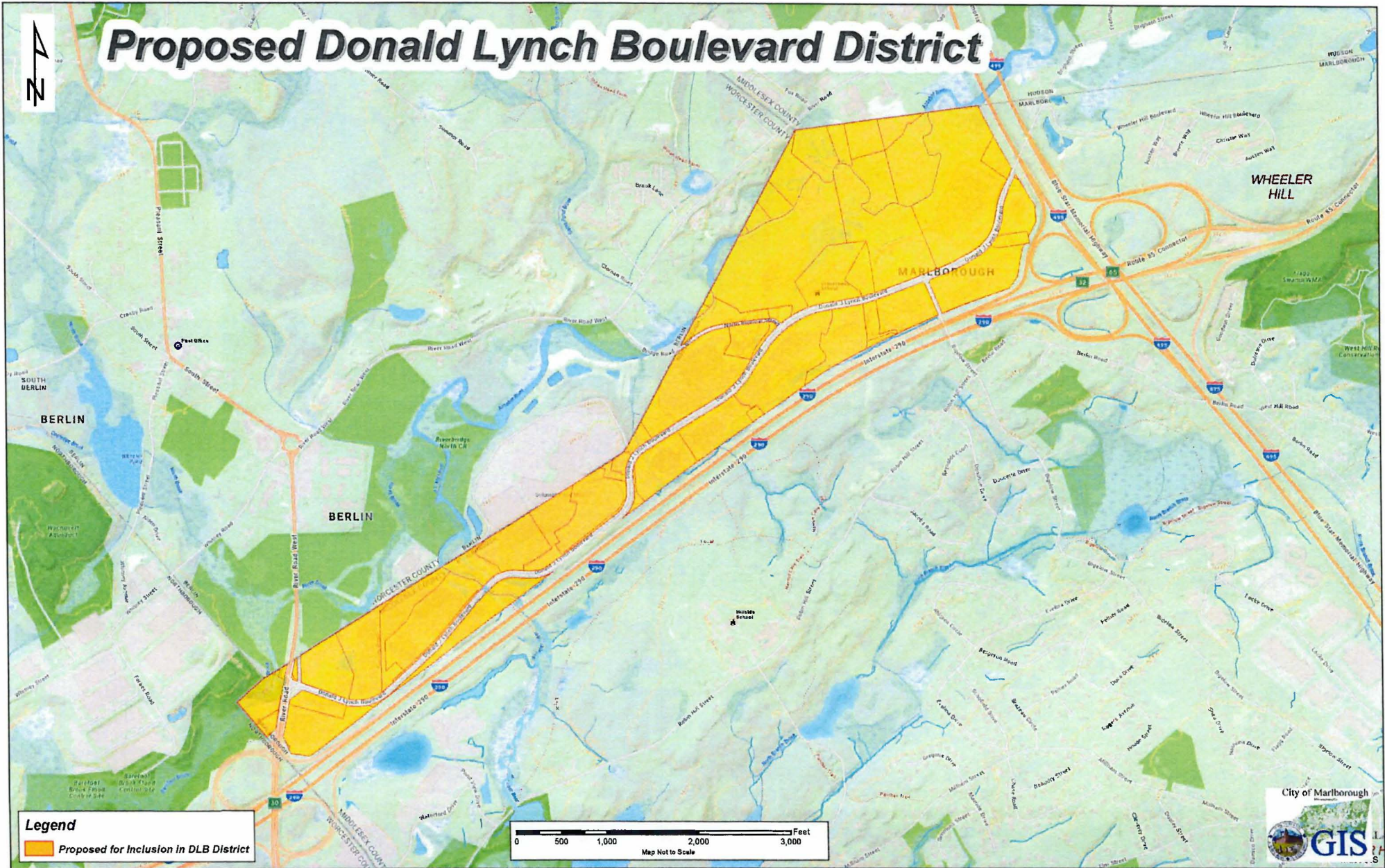
<sup>8</sup> No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided,

## ZONING

however, that no said building shall be less than 50 feet from the side line of a public way.

- <sup>9</sup> Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
- <sup>10</sup> Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.
- <sup>11</sup> Maximum lot coverage for a Large Tract Development Lot shall be 50%.
- <sup>12</sup> Within the Marlborough Village District, special permits may allow for an increase in height 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).]
- <sup>13</sup> Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
- <sup>14</sup> Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
- <sup>15</sup> Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.
- <sup>16</sup> 15 feet for structures under 35 feet; increases to 25 feet for structures 35 feet or taller.
- <sup>17</sup> The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.
- <sup>18</sup> Within the DLB, special permits may allow for: no minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80%, for a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property, subject to the provisions set forth in §650-39A(D). Within the DLB, special permits may allow for a maximum height of up to 60 feet and elimination of the distance from a residential zone requirement in determining maximum height.

EXHIBIT "C"





# City of Marlborough

## Legal Department

140 MAIN STREET

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CITY OF MARLBOROUGH

JASON D. GROSSFIELD  
CITY SOLICITOR

JEREMY P. MCMANUS  
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES  
PARALEGAL

April 11, 2024

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

Re: City Council Order No. 24-1009099  
Special Permit Decision, Alta Behavioral Health, LLC, 400 Donald J. Lynch Blvd.

Dear Honorable President Ossing and Councilors:

You have asked for a legal opinion regarding whether the City Council may grant the above-referenced special permit with a waiver of the zoning requirement prohibiting narcotics detoxification and/or maintenance facilities from being within 1,000 feet of a school ("1,000 Foot Regulation"). See City Ord., § 650-31(C)(2)(a). The applicant has requested this waiver as a reasonable accommodation under the Americans with Disabilities Act, 42 U.S.C. § 12132 ("ADA"). In my opinion, the City Council may grant the waiver.

It is well settled that individuals in recovery from substance abuse qualify as "disabled" for purposes of the ADA. See 28 C.F.R. § 35.108(b)(2); Crossing Over, Inc. v. City of Fitchburg, 98 Mass.App.Ct. 822, 825 (2020). Therefore, in interpreting similar zoning schemes, courts have held that zoning laws facially violate the ADA when they impose requirements on narcotic treatment facilities that do not apply to similar uses unless a "legitimate, nondiscriminatory reason" justifies the difference. See Affinity Healthcare Grp. Voorhees, LLC v. Twp. of Voorhees, No. 22-2769, 2024 WL 195471, at \*5 (3d Cir. Jan. 18, 2024). Under the City of Marlborough zoning ordinance, uses similar to the proposed use – such as medical offices/clinics and dental clinics – are not required to be a particular distance from schools in the districts allowing them. See City Ord., § 650. Further, it is unclear that a legitimate, nondiscriminatory reason has justified the 1,000 Foot Regulation<sup>1</sup>. In my opinion, the 1,000 Foot Regulation is therefore susceptible to legal challenge under the ADA<sup>2</sup>. See Habit Mgmt., Inc. v. City of Lynn,

<sup>1</sup> Records on file with the City Clerk regarding the City Council's 2009 passage of the 1,000 Foot Regulation, including reports of the public hearing and of the Legislative & Legal Affairs Committee, reference, for example, "protection of certain neighborhoods" generally. However, courts have required corroborating evidence before concluding that protecting the health and safety of the community is a legitimate, nondiscriminatory reason to treat disabled individuals differently. See Oconomowoc Residential Programs, Inc. v. City of Milwaukee, 300 F.3d 775, 786 (7th Cir. 2002) ("Generalized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion [of disabled individuals]. The City has not presented any valid evidence that the residents who this group home seeks to serve will present a threat either to their own safety or the safety of others.") (internal citations omitted).

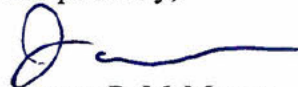
<sup>2</sup> This office notes that the 1,000 Foot Regulation may also be susceptible to legal challenge under other state or federal laws, including but not limited to G.L. c. 40A, § 3.

235 F. Supp. 2d 28, 29 (D. Mass. 2002) (Saris, J.) (holding that City of Lynn zoning ordinance prohibiting methadone clinics within certain distance of schools violated ADA where no nondiscriminatory reason justified distance requirement).

Recognizing this, the applicant has asked that the City Council waive the 1,000 Foot Regulation as a reasonable accommodation under the ADA. The ADA requires that “[a] public entity...make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” See 28 C.F.R. § 35.130(b)(7)(i). Whether a request for an accommodation is reasonable therefore requires a case-by-case evaluation. In the zoning context, courts have held that “a plaintiff is not entitled to a waiver of a zoning or building code rule if the waiver is so at odds with the purposes behind the rule that it would be a fundamental and unreasonable change.” Summers v. City of Fitchburg, 940 F.3d 133, 140 (1st Cir. 2019). In my opinion, it is permissible for the City Council to find that waiving the 1,000 Foot Regulation for this application, which involves a proposed use in an existing office building that is hundreds of feet away from the school in question and across a major double-laned roadway, would not be a fundamental and unreasonable change to the zoning scheme. See id. at 140-41. I am happy to review the draft decision to incorporate the waiver.

Please contact me if you have any questions or concerns.

Respectfully,



Jeremy P. McManus  
Assistant City Solicitor

cc: J. Christian Dumais, Mayor  
Jason D. Grossfield, City Solicitor



*City of Marlborough*  
*Office of the City Clerk*

140 Main Street  
 Marlborough, Massachusetts 01752  
 Telephone (508) 460-3775 Facsimile (508) 460-3723

RECEIVED  
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 CITY OF MARLBOROUGH

2024 APR 18 AM 8:15

*Steven W. Kerrigan*

City Clerk

*Wilson Chu*

Assistant City Clerk

April 18, 2024

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

**RE: Approval of ImageCast Precinct Optical Tabulator, MGL Chapter 54 §34**

Honorable President Ossing and Councilors:

This letter is to request that the Marlborough City Council vote pursuant to MGL Chapter 54 §34 to authorize the use of the new tabulators purchased,

As you and the Councilors are aware on June 26, 2023, a Capital Transfer was approved for the purchase of new voting equipment. In the fall of 2023, we went through the RFP process and the contract was awarded. I am happy to report that the City of Marlborough has taken possession of our new voting equipment and in order to now utilize it a vote of the Council to discontinue use of our old equipment AccuVote machines and begin utilizing our new ImageCast Tabulators is required.

A vote of the City Council is required a minimum of 120 days prior to the use of the machines in the first election which will be the State Primary on Tuesday, September 3, 2024. Therefore, I am asking that the Council adopt the attached Order at the meeting on April 22, 2024 so that our office can notify the Secretary of the Commonwealth that we will begin using the new voting equipment this September.

Our office is working on setting up training dates for our Election Officials and anticipate a very smooth transition from our current equipment to the new equipment. Should you have any questions please feel free to contact me.

Sincerely,

Steven W. Kerrigan  
 City Clerk

Enclosure

cc: Board of Registrars

**ORDERED:**

That the City Council of the City of Marlborough pursuant to MGL Chapter 54, §34 hereby determines and approves the use of the ImageCast Precinct Optical Tabulator for all primaries, preliminary elections and elections of state, city or town officers in the city beginning with the next primary/preliminary and/or general election held within the City of Marlborough in 2024; and thereafter at all primaries/preliminaries and elections of state, city or town officers in the city until otherwise Ordered; and

That the City of Marlborough will discontinue the use of the AccuVote Optical Scanner in any and all future elections held in the City of Marlborough; and further

That notice of this determination to approve and use the ImageCast Precinct Optical Tabulator and to discontinue use of the AccuVote Optical Scanner be set to the Secretary of the Commonwealth of Massachusetts within five (5) days of this determination.

Be and is herewith APPROVED.



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2024 APR -8 PM 1:31

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

**Steven W. Kerrigan  
City Clerk**

MARLBOROUGH, MA

DATE: 4/8/24

**To the City Council:**

Owner Name: GERALD DUMAIS

Residential Address: 6 HIGH STREET MARLBOROUGH MA 01752

Telephone Number: 508 400 4647

Business Name: DUMAIS & SONS SECOND HAND STORE

Business Address: 65 MECHANIC STREET MARLBOROUGH MA 01752

Business Telephone Number: 508 455-4864

Email Address: DUMAISANDSONS@GMAIL.COM

Cell Number: 508 400 4647

Owner Signature: Gerald Dumais

The above-signed GERALD DUMAIS respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

**In City Council**





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CITY OF MARLBOROUGH

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

2024 APR -8 AM 11:48

**Steven W. Kerrigan  
City Clerk**

MARLBOROUGH, MA

DATE: 4-5-2024

**To the City Council:**

Owner Name: ANTOINE BITAR

Residential Address: 5 ROLLING RIDGE LANE, PATTON, MA 01612

Telephone Number: 508-981-5080

Business Name: HANNOUSH JEWELERS

Business Address: 601 DONALD LYNCH BLVD.

Business Telephone Number: 508-303-6595

Email Address: TBITAR@HANNOUSH.COM

Cell Number: 508-981-5080

Owner Signature: *Antoine Bitar*

The above-signed Antoine Bitar respectfully requests that he/she be granted a Junk Dealer/Second Hand Dealer License.

**In City Council**



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CITY OF MARLBOROUGH  
2024 APR 12 AM 10:10

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

**Steven W. Kerrigan  
City Clerk**

**CITY OF MARLBOROUGH  
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

1. TYPE OF LICENSE: \_\_\_\_\_ TAXI \_\_\_\_\_ LIVERY ✓

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: Adam Smith
- B. Address: 715 ROBIN HILL ST MARLBOROUGH MA 01752
- C. Telephone Number: 617 549 7438
- D. Business Name: 617 549 7438 First CLASS Limo, INC
- E. Business Address: 715 ROBIN HILL ST MARLBOROUGH MA 01752
- F. Business Number: 617 549 7438

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE 

**CITY OF MARLBOROUGH  
TAXI/LIVERY LICENSE**

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough. In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: \_\_\_\_\_

A TRUE COPY

ATTEST:

City Clerk



# Marlborough Public Schools

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

## Call to Order

**January 24, 2024**

1. Member Matthews called the Workshop meeting of the Marlborough School Committee to order at 4:02 pm, at 25 Union Street, Marlborough, MA. Members present included Chairman Dumais, Michelle Bodin-Hettinger, Earl Geary, Denise Ryan and Daniel Caruso. Katherine Hennessy joined remotely via Teams. Also present were Superintendent Mary Murphy, and Director of Finance and Operations, Tom Lafleur.
2. **School Committee Workshop**
  - a. Norms/Standards  
Welcoming Mayor Christian as the Chair, the norms and standards utilized by the Committee were discussed.
  - b. Review of policies focused on School Committee Governance, Bylaws & Operations, Mission, Belief, Vision
  - c. Budget Timelines  
There was discussion regarding a proposed timeline for the development, review and vote and submission of the MPS budget. The timeline presented could be:  
March 12 – Deliver Budget book to School Committee  
March 26 – School Committee Workshop  
April 9 or April 30 – Possible Public Hearing & Vote on Budget  
May 1 – Final Budget prepared by Mayor  
May 6 – Mayor Presents budget to the Council  
The Superintendent and Finance will review before presenting at a future School Committee Meeting.
  - d. Website  
The Superintendent has been reviewing different options for replacement of our current website. Mrs. Hennessy will be joining the committee for review.
3. **Adjournment**

Motion made by Mrs. Matthews, seconded by Chairman Dumais to adjourn at 5:17 p.m.  
Motion passed 7-0-0.

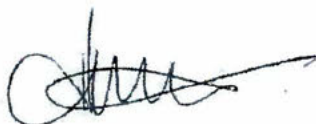
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# Marlborough Public Schools

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



Heidi Matthews  
Secretary, Marlborough School Committee

Hm  
Approved April 9, 2024

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

2024 APR 10 AM 9:44



# Marlborough Public Schools

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

## Call to Order

**March 26, 2024**

1. Chairman Dumais 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, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Tom Lafleur. MEA Representative Elton Thomas and Student Advisory Representative Risha Khanderia were also present.

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

2. **Pledge of Allegiance:** Chairman Dumais led the Pledge of Allegiance.

### 3. Presentation

#### A. MHS Advisory Student Committee

Katalina Cartes Guzman, the junior class representative, spoke about celebrating Panther Periods, which are times for students to receive additional support from teachers during the school day.

Atul Modur, the sophomore class representative, discussed the Robotics first home competition at MHS on January 13<sup>th</sup>.

Taylor Cronis, the freshman class co-representative, talked about the Marlborough Junior Woman's Club Junioresettes and nurse's collaboration for feminine hygiene product within MHS.

Tayla Stempson, the freshman class co-representative, shared about the Polar Plunge fundraiser that students can participate in.

#### B. MHS Robotics Team

The MHS Robotics team shared their accomplishments at the regional event from February 25<sup>th</sup>-February 27<sup>th</sup> in Bridgeport, Connecticut and gave a demo.

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# Marlborough Public Schools

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

**4. Committee Discussion/Directives:** None.

**5. Communications:** None.

**6. Superintendent's Report:**

Superintendent Murphy shared that 29 families currently sheltered at the Extended Stay Hotel will be transferred to another shelter. After April 4, 2024, there will only be one extended shelter in Marlborough. Students that are relocated will be able to choose to transfer to their new school system or remain in MPS.

Superintendent Murphy provided an update on the district-wide goal to reduce chronic absenteeism. Attendance academies were held over February break to re-engage students that are chronically absent; these academies will be held over April break as well. The district currently has about 24% of students classified as chronically absent, which is a reduction from the 32% during this time last year.

Superintendent Murphy submitted a draft Student Opportunity Act Plan earlier this month, which she will request approval for later tonight to then submit it to DESE by April 1, 2024.

Superintendent Murphy mentioned that she will be asking for approval of the FY25 Budget of \$76,252,690.00 later this evening.

**A. Assistant Superintendent of Teaching & Learning**

Dr. Skaza, the Assistant Superintendent of Teaching and Learning, shared that he attended a two-day seminar (March 15<sup>th</sup>-16<sup>th</sup>) on Anti-Racism, Violence Prevention, and Toxic Speech Prevention training led by the Center for the Study of Sport in Society at Northeastern University. Dr. Skaza then met with Mr. Rudzinsky, the MHS Athletic Director, on March 19<sup>th</sup> to outline next steps for annual trainings for coaches and systems that promote and reinforce healthy competition in athletic spaces.

**B. Director of Finance & Operations**

Mr. Lafleur, the Director of Finance and Operations, shared that the district's breakfast participation has risen by 9% and lunch participation has risen by 6% over this past year.

Mr. Lafleur communicated that the district is working with NRT regarding bus driver staffing. Three bus routes do not have an assigned driver and a fourth route has one on medical leave. Four drivers are in training; one passed the test today.

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# Marlborough Public Schools

*School Committee*  
*District Education Center*  
 25 Union Street, Marlborough, MA 01752  
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Mr. Lafleur included budget transfers in tonight's packet per the request of the Principal and Department Head. The district is tracking in line with the FY24 financial plan with no issues to report at this time.

Mr. Lafleur explained that the District and City has completed all required items during the eligibility period of the Richer School Project. The project will be on the April 24<sup>th</sup> agenda of the MSBA Board of Directors.

## 7. Acceptance of Minutes

### A. Minutes of the March 12, 2024 School Committee Meeting

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

Motion passed 7-0-0.

## 8. Public Comment: None.

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

## 9. Action Items/Reports

### A. Student Opportunity Act Plan

Motion made by Mrs. Matthews, seconded by Chairman Dumais to approve the proposed Student Opportunity Act Plan.

Motion passed 7-0-0.

### B. Request to Submit FY25 Budget for Public Hearing

Motion made by Mrs. Matthews, seconded by Chairman Dumais to post for the April 9<sup>th</sup> public hearing at 7pm.

Motion passed 7-0-0.

Motion made by Mrs. Matthews, seconded by Chairman Dumais to include in the post the proposed budget of \$76,252,690.00.

Motion passed 6-1-1 (Hennessy, Dumais).

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# Marlborough Public Schools

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

## C. Acceptance of Donations and Gifts

**Mass Bay Community College.** The MHS Science Department received \$4,500.00 from Mass Bay Community College.

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

Motion passed 7-0-0.

**Hope & Comfort.** MPS received \$500.00 from Hope & Comfort.

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

Motion passed 7-0-0.

**Homeless Transportation Pilot – Foster Care Reimbursement.** MPS received \$129,739.00 from Homeless Transportation Pilot – Foster Care Reimbursement.

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

Motion passed 7-0-0.

**Brookline Center Reimbursement Grant.** MPS received \$70,000.00 from the Brookline Center Reimbursement Grant.

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

Motion passed 7-0-0.

## 10. Reports of School Committee Sub-Committees:

Mrs. Hennessy shared that the Policy Sub-Committee will meeting tomorrow, March 27<sup>th</sup>, to work through the re-organization of the policy preparations for the website.

Mrs. Matthews shared that the Negotiations Sub-Committee has been working with the MEA on negotiations.

## 11. Members' Forum:

Mrs. Matthews has reviewed and signed the warrant.

Mrs. Hennessy thanked MHS administration, Mr. Lafleur, and the custodial staff for assisting with Princess Boutique. 155 students were able to be helped through this event.

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# Marlborough Public Schools

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

## 12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Dumais to adjourn at 8:27 p.m.  
 Motion passed 7-0-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews  
 Secretary, Marlborough School Committee

HM/jm

Approved April 9, 2024

### List of documents and other exhibits used at the meeting:

- City of Marlborough Posting for the Marlborough Public Schools School Committee for March 26, 2024, including Agenda and Attachments
- Budget Transfers 2/26/24
- YTD Budget Report 3/20/24
- Draft of School Committee minutes for March 12, 2024
- Superintendent Student Opportunity Act (SOA) Plan
- Draft of April 9, 2024 Proposed Budget Public Hearing

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2024 APR 16 AM 11:26

## MARLBOROUGH HISTORICAL COMMISSION

**MEETING MINUTES**  
**February 15, 2024**  
**CITY HALL, 140 MAIN STREET**  
**COUNSEL COMMITTEE MEETING ROOM, 7:00PM**

*Board Members: Meeting comes to order 7:00 PM*

*Brendan Downey, Chair – Present*  
*Sarah Hough, Vice Chair – Present*  
*Stephanie Ferrecchia – Present*  
*Kathleen Newton – Present*  
*Adrian Gilbert, Secretary – Present*

1. *Motion put forth and seconded to approve January 25, 2024 minutes. Motion passes 5 - 0*

*Brendan Downey, Chair - Aye*  
*Sarah Hough - Aye*  
*Stephanie Ferrecchia - Aye*  
*Kathleen Newton - Aye*  
*Adrian Gilbert - Aye*

2. *Correspondence & Communications*

*A. Request by owner of 982 Boston Post Road to remove barn. Brendan Downey visited site with owner and recorded barn condition with photograph.. He agreed with owner that barn was in distress and could collapse due to nature in near future. Stated that Historical Commission would not prevent the controlled demolition of the barn. Asked that owner contact a salvage company to remove usable old timbers for future rehabilitation or renovation projects.*

3. *Current Business*

*A. Brendan Downey proposed using 982 Boston Post Road as an educational exercise for residents to protect, rehabilitate, renovate, and take note of the value of outbuildings located on their property.*

*B. Adrian Gilbert borrowed an old city document and photos of leather-bound town minutes from the Historical Commission desk for two hours, February 2, 2024, to obtain the professional opinion of a preservationist at Green Dragon Bindery, Shrewsbury MA. Also informed preservationist of approximate number of books in City Clerks Safe. Borrowed documents were returned February 2, 2024,*

*Summary of preservationist, "damage to the pages has already been done, to de-acidify would be costly and of marginal gain. Leather book covers and bindings could be repaired, again costly. However, if handled correctly and stored correctly may not have to repair for 50-60 years. Store books either standing upright tightly sandwiched with other books or preferably lay flat. Never store upright at an angle, will do great damage to the spine of the book. Current storage location is City Hall safe. Not recommended due to standing air surrounded by all metal. If no other choice leave door open and provide a fan for air exchanges. Never use scotch tape for repairs."*

- C. *Adrian Gilbert requested by the DPW, Engineering Department to remove any and all material from Historical Commission desk due to renovation work on second floor, desk required for Engineering Department. Fourteen boxes of material relocated to Adrian Gilbert's basement as of February 12, 2024. Materials need to be stored at City owned property as soon as possible. List of materials was presented to the MHC Chair.*
- D. *Brendan Downey suggested we determine if any other City Documents or books are located at the DPW, Library, Walker Building, or Marlborough Historical Society for the purpose of evaluating storage conditions. Discussion of the committee members of possible locations ensued with consensus that City lacks available storage.*
- E. *Brendan Downey will reach out to Chandra Lothian for a meeting with her, Brendan, and Adrian Gilbert to review notes she may have to assist with MHC Guidebook. He will also inquire if a requested meeting with Mayor has been scheduled with the MHC.*
4. *New Business*
- A. *Possible initiatives for 2024 will be further discussed at next scheduled meeting. Guide-book, web site, educational opportunities.*
5. *Motion to Adjourn meeting, 8:09PM. Motion passes 5-0*

*Brendan Downey, Chair - Aye  
 Sarah Hough - Aye  
 Stephanie Ferrecchia - Aye  
 Kathleen Newton - Aye  
 Adrian Gilbert - Aye*

*Respectfully Submitted,  
 Adrian Gilbert, Secretary  
 Marlborough Historical Commission*



## INVENTORY MHC, DPW

BOX	1	Marlborough Tax Records	1785-1810	
BOX	2	Marlborough Tax Records	1811-1845	
BOX	3	MHC Minutes & Agenda	2018	
BOX	3	MHC Minutes & Agenda	2018	197 Stowe Rd site plan
BOX	3	MHC Correspondence	pre 2000	
BOX	3	MHC Responsibilities		
BOX	3	Historical Preservation Conference	2017	
BOX	3	MHC Documents		Rte. 20 resurfacing
BOX	3	MHC Minutes & Agenda	2017	book 1
BOX	3	MHC Minutes & Agenda	2017	book 2
BOX	3	MHC Correspondence	2018	
BOX	3	Historic District		Monument Square
BOX	3	Historic District		Center
BOX	3	Rehabilitation of properties	1990	by street number
BOX	3	Old Common Rehabilitation plan	1998	
BOX	3	MHC Agenda	pre 2017	
BOX	3	Design Review: Standards for rehabilitation & Guidelines		
BOX	3	Downtown District: Marlborough Center Historical District, prep notes		
BOX	3	Historical Properties Survey	1978	
BOX	3	Property Index	1994	
BOX	3	Historical Properties Survey, Init notes	1994	
BOX	3	Inventory Forms	1995	
BOX	3	Narrative History		
BOX	3	Final Report Part II, Preliminary Methodology		
BOX	3	National Registry Criteria & Resource Sheets		
BOX	3	Bibliography		
BOX	3	National Registry Criteria Statement Form; Area A, Area B West Main, Area C West Village		
Box	4	Historical Cemeteries & Places		
Box	4	City Council Orders		
Box	4	John Brown Bell		
Box	4	DPW Historical Files		
Box	4	Marlborough Public School Facts	1975-1978	

Box	4	Walker Building (H.S.)		
Box	4	Marlborough Mayors		
Box	4	DPW Facilities		
Box	4	DPW Names & Notes		
Box	4	Preliminary Rep't, Hist. Dist. Committee	1994	
Box	4	MHC Minutes & Agenda		
Box	4	MHC Correspondence & Comments		
Box	4	Massachusetts Historical Comm.		Howe St. Site
Box	4	Walker Building		
Box	4	MA Hist. Commission Preservation Fund	1999	
Box	4	MA Hist. Preservation Fire & Police Station		
Box	4	Historic Reviews		
Box	5	Schools by Name		
Box	5	Historical Facts		
Box	5	Ward park		
Box	5	Photo's & Slides		
Box	5	National Register Historic Places Criteria Forms by Street		
Box	5	Streets per folder with data for each house listed		34 Folders (see Box 12)
Box	6	Streets per folder with data for each house listed		54 Folders (see Box 12)
Box	6	Areas A thru S		
Box	6	Forms for National Register Historic Places (Blanks)		
Box	7	DPW Workers & Aerial Photo's Main St		
Box	8	DPW Dam preparation, City, 1938 Hurricane		
Box	9	City Maps		
Box	10	DPW slides		
Box	10	Open Space		
Box	10	E on Main St		
Box	10	Historic Windows Repair		
Box	10	Renovations, Approval	2018	37 Fairmount st
Box	10	Restoration Project, First Baptist Church	1994	
Box	10			19 Ash St
Box	10	Fairview Farm	2018	115 Union St
Box	10	Marlborough Railway Station		
Box	10	Site Plan		28 Bolton St
Box	10	Photovoltaic Overlay District		Defunct
Box	10	Rotary, Scenic Roads List		
Box	10	Workshops		
Box	10	Seven Year Action Plan, draft	2020-2027	

Box	11	MA Preservation Projects Fund, Applic. Instructions Round 25		
Box	11	State Register of Historic Places	2020	
Box	11	DPW Personnel Guidelines		
Box	11	Deceased Veterans		Females as of 2019
Box	11	Deceased Veterans		DPW, KIA list 2019
Box	11	Deceased Veterans		Vet. Street Names
Box	11	Deceased Veterans		Squares & Memorials List 2015
Box	11	Deceased Veterans		USS Thresher Drive
Box	11	Deceased Veterans		Vet. Souvenir Book, 1919
Box	11	Deceased Veterans		Vet. Markers
Box	12	MHC Survey of Historic Properties	1995	
Box	12	Book 1: Index, Narrative, Final Rep't, Nat Reg Criteria, Bibliography		
Box	12	Book 2: Ash St - Florence St		
Box	12	Book 3: Fort Meadow Area-Martin St		
Box	12	Book 4: Mechanic St - Area E (Mt. Pleasant Hill)		
Box	12	Book 5: Area F Fairmount Hill-Area AL(West Marlborough		
Box	12	Gravestone's Report in Week's Cemetery	2008	Boy Scout Eagle Project
Box	13	Open Spaces, Marlborough		
Box	13	MITs		
Box	13	DPW, various historical projects		
Box	13	Official Guide to the City	2019	
Box	13	MHS, Calendar, Fire Department	2014	
Box	13	Historical Project Names, Book 1	2015-2016	
Box	13	Historical Project Names, Book II	2016	
Box	13	Marlborough Centennial Booklet		
Box	13	DPW		
Box	13	National Park Service, Dept of the Interior		
Box	13	Admin. Of Government, Cities, Towns & Districts (Historic Dist. Act)		
Box	13	City of Marlborough		
Box	14	City of Marlborough, Hist. Landscape Preservation Grant Program 2000		
Box	14	Preservation Maintenance Plan, Historic Cemeteries, 2000		
Box	14	City Of Marlborough	2015	St Listing by Ward/Pct.
Box	14	City Of Marlborough, MA His. Fund	2018	
Box	14	City Of Marlborough, Ward List	1999	
Box	14	MA Special Comm Hist. Preservation	1994	Final report
Box	14	City Of Marlborough	1985	Master Plan

Box	14	Preservation Guidelines, Burial Grounds & Cemeteries		
Box	14	City Of Marlborough	1998	Historic Landscapes, Grant Program
Box	15	Library Lift variance		
Box	15	Flagg Swamp: Archeology Booklet		
Box	15	Crist House History		
Box	15	Marlborough Center Hist. District		Data Sheet
Box	15	Cemetery preservation, How To		
Box	15	Zoning Board		37 Russell St, Shane's Lane
Box	15	Christopher Place		84 Chestnut St
Box	15	Rehabilitation Plan		562 Elm St.
Box	15	State Register of Historic Places	2009	
Box	15	MA Historical Commission Actions		
Box	15	National Register Application Manual		
Box	15	National Reg Application	1997	Central Fire & Police
Box	15	City Of Marlborough	1997	Preservation Projects
Box	15	Cemetery Grants	2000- 2002	
Box	15	Walker Building	1999	Deed
Box	15	MA Hist. Commission prelim. Info		Nat. Reg. Hist. Places
Box	15	Standards Rehabilitation & Preservation		
Box	15	Historical Commission General		
Box	15	MHC Correspondence	1998	
Box	15	MHC, financial		
Box	15	Program Agreement, Block Grant	2005	
Box	15	Historic reviews	2003	

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

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CITY OF MARLBOROUGH  
2024 APR -9 PM 1:31

1A

**Call to Order**

**February 26, 2024**

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, Patrick Hughes, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes**

**A. February 12, 2024**

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the February 12, 2024, meeting minutes. Yea: Fay, Fenby, Fortin, LaForce, and Russ. Nay: 0. Motion carried. 6-0. Abstain: Hughes & LaVenture.

**2. Chair's Business (None)**

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to move up item 6.A. Open Space Definitive Subdivision Application, Stow Road. Yea: Fay, Fenby, Fortin, Hughes, LaVenture, LaForce, and Russ. Nay: 0. Motion carried. 7-0.

**6. Preliminary/Open Space/Limited Development Subdivision**

**A. Open Space Definitive Subdivision Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A**

Name of Applicant:	Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)
Name of Owner:	McCabe Family Irrevocable Trust & Judith McCabe (6 Erie Drive, Hudson, MA 01749)
Name of Surveyor:	Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)
i. Flowchart	

The Board voted on the waivers:

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the below referenced waiver. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Article IV Section 676-7.B(2) adequate access -

Required: The required width for the existing roadway providing access to a subdivision street is twenty-two (22) feet

Requested: Access from an existing roadway with a width of eighteen and six tenths (18.6) feet

X Approved                       Denied

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the below referenced waiver. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Article V Section 676-24.B(2)(b) minimum width of roadways -

Required: Secondary streets require a paved roadway width of twenty-eight (28) feet

Requested: A reduction of the paved roadway width to twenty-six (26) feet

X Approved                       Denied



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

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the below referenced waiver. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Article V Section 676-24(C) surface of roadways -

Required: The wearing surface of roadways shall be of Class 1 bituminous concrete pavement

Requested: A vegetated island in the cul-de-sac in lieu of pavement.

X Approved                       Denied

ii. Final Covenant

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to endorse the covenant. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

iii. Final Certificate of Vote

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to endorse the certificate of vote. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

v. Plan Set

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to approve the Open Space Development Definitive Subdivision "Stow Road Subdivision" (Quinn Road), dated August 3, 2023, revised January 12, 2024, and to endorse the plan. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

iv. Correspondence from Scott Adamson, Coldwell Banker Realty – Broker Price Opinion

Mr. LaVenture read a portion of the February 14, 2024, correspondence into the record.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the correspondence with a note regarding a date error. It is the Board's understanding, where the correspondence references the date "February 14, 2014", it means/should read "February 14, 2024". Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Mr. LaVenture addressed concerns on not having an additional evaluation for the lot value to compare the brokers price opinion to. The Board concluded the provided value would suffice for this application.

Mr. Fay suggested reviewing the procedure on how to value a lot at the next meeting. For future evaluations he suggested requesting an evaluation from the applicant and to have the City's Assessors Office review the evaluation for comparison.

Mr. DiPersio explained the question really is, "is this enough cash to make sure the developer is going to follow through with the acceptance process?". The Board agreed, it is.

Mr. Fay did make note that, the value of one lot would be less effective for a larger subdivision.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the value of \$285,000 for Lot S1 and to set that amount for the bond or deposit of money discussed under item 9 of the covenant. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

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

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to return to item 5. Subdivision Progress Reports. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

**5. Subdivision Progress Reports**

A. 76 Broad Street

Mr. DiPersio read the February 15, 2024, correspondence into the record.

B. 0 Stevens Street (Tobin Road)

Mr. DiPersio read the February 15, 2024, correspondence into the record.

C. 689 Pleasant Street (Jewel Road)

Mr. DiPersio read the February 20, 2024, correspondence into the record.

The Administrator explained she reached out to the developers for 76 Board Street and 0 Stevens Street and notified them that the Board will require a construction schedule and monthly progress reports.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to accept and file all the correspondence under item 5. Subdivision progress reports. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

D. Farooq Ansari – Water’s Edge & Sterling Woods – No new information, research on going, pending update

Mr. DiPersio explained he would have an update at the next meeting.

Mr. Fay requested all the Board members to take a ride out to the Water’s Edge and Sterling Woods subdivisions to review their current condition. The administrator confirmed the list of streets for each subdivision is listed on the February 12, 2024, meeting minutes.

**6. Preliminary/Open Space/Limited Development Subdivision**

B. Informal discussion for potential Limited Development Subdivision on Brigham St – Concept plan

i. §650-30 Limited Development Subdivisions

Robert Parente spoke on behalf of his client Eileen Foynes, who owns map and parcel 103-8 on Brigham Street (between 475 & 453 Brigham Street). He explained she has gone between the Building Department and the Engineering Division to try and determine what her options are for developing the lot. It was concluded she has three options:

- To file a Subdivision Plan
- To file a Limited Development Subdivision Plan
- Request a variance for insufficient frontage from the Zoning Board of Appeals

At the suggestion of the Building Commissioner, it was concluded the best option was to come to the Planning Board for a potential Limited Development Subdivision. Mr. Parente discussed the engineering difficulties the site has, including stormwater runoff concerns and a significant elevation increase from the roadway frontage to the buildable portion of the lot. He explained due to the grades he could not provide a traditional subdivision plan without any waivers. Mr. DiPersio and Mr. Parente were unsure if the concept plan follows the City Code because the language is unclear, “into at least 2 ½ times as many building lots as the number of building lots proposed”. Ms. Foynes explained her goal was to build 1 house. Mr. Parente’s concept plan shows “2 ½ lots” (two compliant lots and one “lot” with ½ of the required frontage and area).

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

Ms. Foynes went over history of the property and a previously approved variance which was appealed by a neighbor at the City level and at Superior Court.

The Board reviewed and discussed the City Code language and concluded they were unsure if this would require proof of 3 buildable lots or if 2 ½ lots would be sufficient, and that legal guidance would be helpful in determining what 2 ½ lots mean for 1 proposed building lot.

The Board concluded that if Ms. Foynes and Mr. Parente proceeded with pursuing an application with the Board, that a conventional subdivision plan with no waivers would be their preferred application.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to refer the limited subdivision specifications for (1) Lot to the legal department for review. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

**7. Definitive Subdivision (None)**

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business**

**B. Working Group**

Mr. LaVenture explained the Working Group would be meeting on Wednesday February 28<sup>th</sup> to further discuss porous pavement to potentially draw up a matrix of material versus applications and recommendations. He explained he reached out to the Town Engineer for Burlington, VT and is hoping he could join their meeting via Teams for further discussion.

Mr. Fay asked on the next agenda there be an item under unfinished business to further discuss how the Board will value lots in the future and asked Mr. LaVenture to compile three options at their next working group meeting.

**11. Calendar Updates (None)**

**12. Public Notices of other Cities & Towns**

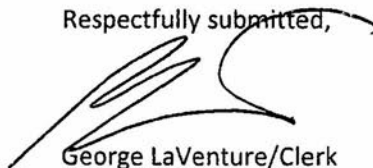
**B. Town of Southborough**

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to accept and file correspondence. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

The Board endorsed Open Space Definitive Subdivision Application, (547 Stow Road, "Quinn Road") documents.

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

Respectfully submitted,



George LaVenture/Clerk

/kml