

## City of Marlborough Public Meeting Posting

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 APR 10 PM 4:01

**Meeting Name:** City Council Urban Affairs Committee  
**Date:** April 17, 2024  
**Time:** 7:00 PM  
**Location:** City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

This meeting will be held in the City Council Chamber. Public attendance is permitted. The 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's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

04-08-24 – Order No.23-1009137: Communication from Attorney William Brewin on behalf of Robert LeDuc re: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East)  
-REFER TO URBAN AFFAIRS

12-18-23 – Order No.23-1009035: Communication from ViewPoint Sign and Awning on behalf of Best Western Royal Plaza Hotel for replacement of Freestanding EMC Sign at 181 Boston Post Road West.  
-REFER TO URBAN AFFAIRS/ CARRY OVER TO 2024-2025 LEGISLATIVE SESSION  
PUBLIC HEARING: FIRST MEETING IN FEBRUARY (FEBRUARY 12, 2024)

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

**The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.**

**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.**



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ APRIL 8, 2024 \_\_\_\_\_

## 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, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE**.

ADOPTED

ORDER NO. 24-1009137

**William F. Brewin, Jr.**  
Attorney And Counsellor At Law  
277 Main Street  
Marlborough, Ma 01752

TEL: (508) 460-3484  
FAX: (508) 624-4599  
E-MAIL: Bill@BrewinLaw.com

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2024 APR -4 AM 10: 29

URBAN

April 4, 2024

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

RE: Release of Restriction

Dear President Ossing and Councilors:

Please be advised that this office represents Robert H. LeDuc ("Mr. LeDuc") who resides at 101 Edinboro Street, Marlborough, Massachusetts. Bob owns a condominium unit at 66 Village Drive, Marlborough, Massachusetts in the Villages at Marlborough East Condominium (the "Unit"). Mr. LeDuc is requesting a release of a low-income deed restriction on the Unit.

#### SUMMARY OF RESTRICTION

The Marlborough City Council on September 8, 1997 granted a Special Permit for the proposed use of the condominium premises at 388 Boston Post Road East as a Retirement Community for no more than 102 units. The Master Deed to the Condominium limits the occupancy of the condominium units to persons over age 55. The City Council designated two units as affordable and the resale of such a unit is limited to a **"price not greater than the maximum price allowed in this area for affordable owner-occupied single family townhouse units, according to the current DHCD criteria of affordability."** The units were never approved or accepted as low-income units by DHCD. As a result, Mr. LeDuc is unable to obtain a resale certificate from DHCD which would allow him to sell his unit.

The unit was originally conveyed on September 9, 1998 by the developer at the Village Condominium, First Colony Management, Co., Inc. to John Hartley and Rose M. Hartley. Page 4 of the deed contains a restriction on the sale of the Unit as follows:

"No deed conveying this unit to any other person or persons prior to September 1, 2097, shall be recorded unless it is accompanied by a certified vote of the Marlborough Community Development Authority or its successor agency indicating that:

1. this unit is a countable unit under the provisions of Massachusetts General Laws, Chapter 40B, or successor legislation and will continue to be countable following

said retransfer;

2. the unit is being conveyed pursuant to the provisions of the so-called Local Initiative Program or comparable successor programs.”

Mr. LeDuc is requesting the City Council to release the Low Income Restriction in order that he or his heirs can sell the property.

#### PROPERTY TAXES

Mr. LeDuc has been assessed and paying property taxes on the full assessed value of the property without a deduction for the low-income deed restriction. A summary of his assessments and taxes is attached as Exhibit A.

#### DHCD MEMO

The Massachusetts Department of Housing and Community Development has a longstanding policy to maximize opportunities for families with children in housing that receives DHCD subsidy or program approval. Its policy is stated as follows:

**“Accordingly, it has long been DHCD’s policy and practice not to approve affordable units under the Local Initiative Program (“LIP”), including Local Action Units (“LAUs”), in age-restricted housing for persons 55 years of age or older (“55+ housing”), if selection or occupancy policies, special permits or other zoning approvals, or underlying zoning would exclude persons 18 years of age or younger from occupying those affordable units.<sup>1</sup> DHCD is restating the policy at this time given the inquiries on the subject.”** A copy of the Policy is attached as Exhibit B.

The Restrictions on Use of Units in the Village Condominium states that “Each unit is hereby restricted to residential use and occupancy by senior citizens or to a senior citizen or his or her spouse.”

Consequently, the DHCD cannot approve Mr. LeDuc’s unit under the Local Initiative Program. Also, the City of Marlborough cannot count the unit in its inventory of low-income housing units.

Council President Michael Ossing  
March 20, 2024  
Page 3

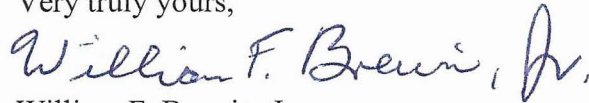
ACTION REQUESTED

It is respectfully requested that the City Council, after proper review and discussion, pass an order stating that the Low Income Restriction on the Deed to be released, terminated and extinguished and that the Mayor of the City of Marlborough be authorized to sign the Release document, a proposed copy of which is attached as Exhibit C.

Mr. LeDuc is presently 82 years old and wishes to be able to either sell the unit or transfer the unit to his children. The release requested would allow him to move forward and be in the same position as any other property owner.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "William F. Brewin, Jr." with a stylized flourish at the end.

William F. Brewin, Jr.

WFB/vjd  
enc.

EXHIBIT A

Tax year	Assessed value	Assessed Tax	Abatement	Tax after abatement
2000	171,900	2,603.08		
2001	179,500	2465.29		
2002	206,900	2,788.43		
2003	272,000	3150.79	2,340.14	810.65
2004	272,000	1,206.15		
2005	302,900	4,173.96	2,065.62 (59A)	2,108.34
2006	300,000	3,684.00	1,805.16 (59A)	1,878.84
2007	153,000	1,935.45		
2008	153,000	1,946.16		
2009	285,500	3,642.98		
2010	268,900	3,605.95	1,554.22	2,051.73
2011	235,100	3,277.29	1,144.47	2,132.82
2012	153,000	2,264.80		
2013	237,500	3,562.50		
2014	237,500	3,862.13		
2015	237,500	3,743.00		
2016	257,200	3,945.45		
2017	263,700	4,039.88		
2018	279,400	4,087.62		
2019	314,300	4,422.20		
2020	341,300	4,835.38		
2021	348,400	4,807.92		
2022	331,700	4,351.90		
2023	338,000	3,900.52		
2024	400,500	4,101.12		

Robert H. LeDuc  
 Tax History  
 66 Village Drive  
 Marlborough, MA



**Local Initiative Program Policy Regarding  
Restrictions on Children in Age-Restricted 55+ Housing**

It is DHCD’s longstanding policy, consistent with its obligation to affirmatively further fair housing under the federal Fair Housing Act, to maximize opportunities for families with children in housing that receives DHCD subsidy or program approval. Families with children not only are protected under federal and state civil rights laws, but also face particular barriers in accessing affordable housing across the Commonwealth. It is also longstanding DHCD policy that housing subject to DHCD subsidy or program approval is also subject to DHCD approval of marketing and resident selection procedures.

Accordingly, it has long been DHCD’s policy and practice not to approve affordable units under the Local Initiative Program (“LIP”), including Local Action Units (“LAUs”), in age-restricted housing for persons 55 years of age or older (“55+ housing”), if selection or occupancy policies, special permits or other zoning approvals, or underlying zoning would exclude persons 18 years of age or younger from occupying those affordable units.<sup>1</sup> DHCD is restating the policy at this time given the inquiries on the subject.

In submitting an application to LIP for 55+ housing, the following must be submitted to DHCD for review as applicable to the housing:

- Occupancy rules or policies in addition to the LIP required Affirmative Fair Housing Marketing and Resident Selection Plan
- Affordable housing restriction(s) in addition the LIP required Regulatory Agreement and Declaration of Restrictive Covenants
- Condominium documents, including the Master Deed and Declaration of Trust
- Zoning bylaws
- Zoning permit
- Other relevant documents as may be requested by DHCD

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<sup>1</sup> Age-restricted housing for persons 55 years of age or older (“55+ housing”), to the extent permitted under federal and state law including the federal Fair Housing Act (42 U.S.C. § 3601 *et seq.*), as amended, and Massachusetts General Laws Chapter 151B, is not required to exclude persons 18 years of age or younger. Nothing in this policy is intended to prohibit compliance with applicable federal and state legal requirements (e.g., the requirement that at least 80% of the occupied units in the housing are occupied by at least one person who is 55 years of age or older).

EXHIBIT C

RELEASE OF RESTRICTIVE COVENANT DEED

The City of Marlborough, a Massachusetts municipal corporation, having an address at 140 Main Street, Marlborough, Massachusetts 01752, acting pursuant to Marlborough City Council Order No. \_\_\_\_\_ a copy of which is attached hereto and acting by its' Mayor so authorized by said Order

hereby releases, terminates and extinguishes an affordable housing restriction identified as a Local Initiative Program restriction set forth in a unit deed for Unit 3 in Building 1 located at 66 Village Drive in the Villages at Marlborough East Condominium in Marlborough, Massachusetts, said deed from First Colony Management Co., Inc. to John Hartley and Rose M. Hartley dated September 9, 1998 and recorded in the Middlesex South Registry of Deeds in Book 29086, Page 097. Further reference is made to a Notice of Decision Grant of Special Permit from the City Council of the City of Marlborough to Brigham Development Corp. dated October 1, 1997 and recorded in the Middlesex South Registry of Deeds in Book 27885, page 454.

Witness our hands and seals this \_\_\_\_\_ day of April 2024.

City of Marlborough

By: \_\_\_\_\_  
J. Christian Dumais, Mayor



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

April \_\_\_\_\_ 2024

Before me, the undersigned notary public, personally appeared the above-named J. Christian Dumais as Mayor for the City of Marlborough, a municipal corporation, and proved to me through satisfactory evidence of identification, which were:

- \_\_\_ through personal knowledge
- \_\_\_ by oath of a credible witness unaffected by the transaction who personally knows the signatories and is personally known to the undersigned notary public
- \_\_\_ picture IDs to wit

\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Mayor for the City of Marlborough.

\_\_\_\_\_  
William F. Brewin, Jr.,  
Notary Public  
My Commission Expires: 09/7/2029



## IN CITY COUNCIL

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Marlborough, Mass., DECEMBER 18, 2023

### ORDERED:

That there being no objection thereto set **THE FIRST MEETING IN FEBRUARY 2024**, as the **DATE FOR PUBLIC HEARING**, on the Application from ViewPoint Sign and Awning on behalf of **Best Western Royal Plaza Hotel** for replacement of a Free-Standing EMC Sign at 181 Boston Post Road West, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & CARRY OVER TO THE 2024/2025 LEGISLATIVE SESSION.**

ADOPTED

ORDER NO. 23-1009035

*City of Marlborough  
Commonwealth of Massachusetts*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2023 DEC 13 AM 11:53



**BUILDING DEPARTMENT**  
Local Building Inspector  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 XT 30201-  
Fax: (508) 460-3736  
Email: elippitt@marlborough-MA.gov

## City Council Sign Approval Form

12/11/2023

To City Council President and all Councilors,

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

Address of Location seeking approval 261 Boston Post Road West

PERMIT NUMBER: SP-23-83

Current signs upon the lot are internally illuminated and meet all requirements of the City of Marlborough Sign Code.

Current EMC signs upon the lot are in compliance with the City of Marlborough Sign Code.

Zoning District:	B/LI
Meets Current Sign Code:	YES
Planning Board Variance Needed:	NO

Code Enforcement Officer Ethan Lippitt

CC File  
City Council  
Commissioner Htway

Sign Permit · 1340 – 261 BOSTON POST RD WEST-2023-ROYAL PLAZA SIGN ⋮

 **Expiration Date**

Active

**Request Changes**

(/#/explore/request-changes/122767)



## SP-23-83



### Details

Submitted on Nov 15, 2023 at 1:03 pm



### Attachments

8 files



### Activity Feed

Latest activity on Dec 11, 2023



### Applicant

David Randa



0



### Location

261 BOSTON POST RD WEST, MARLBOROUGH, MA 01752




View ▼

Edit Workflow



### Sign Permit Fee

Paid Nov 15, 2023 at 1:04 pm

 Due: 12/15/2023



### Application Review

Completed Nov 30, 2023 at 2:00 pm




### Sign Design Review

In Progress



### Sign Inspection

 In Progress


EL

12-3



 **Sign Permit**  
Document



 **Sign Inspection**  
Inspection



**Please search the MA licensed Contractor Name or License Number. If not found please key in.**

CSL Contractor's Name

DAVID J RANDA

CSL Business Name

DAVID J RANDA

CSL License #

CS-076718

CSL License Expiration Date

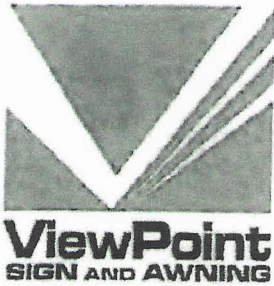
03/15/2024

CSL License Type

Construction Supervisor

CSL License Status

Active



# Owner Authorization

Date. 11/8/2023

To whom it may concern:

I Anthony J. Lacava - President, ASL Inc, Royal Plaza Marlboro, LLC Manager

Owner of the property located at 201 Boston Post Road West, Marlborough

Do hereby consent to allow Scott Spaulding of ViewPoint Sign and Awning to act on my behalf in submitting all necessary design review, building permits, and ZBA applications pertaining to all signage located at the above mentioned property.

Sincerely,

Lacava Companies  
Address 375 Totten Pond Road, Suite 404  
Waltham, MA 02451

Telephone 781-890-4464 x11

Deeded name of property

Royal Plaza Marlborough LLC

Location: 201 Boston Post Rd West

Book/Page: 28384/502

35 Lyman Street  
Northboro, MA 01532

508 393-8200  
508 393-4244 Fax  
signs@ViewPointSign.com  
www.ViewPointSign.com

### INTERIOR/EXTERIOR SIGNAGE

- Electric
- Architectural
- Dimensional
- Wayfinding
- Channel Letters
- LED/Neon
- Electronic Message Centers
- Digital Graphics

### AWNINGS

- Commercial
- Backlit
- Canvas
- Retractable

### SIGN SERVICE

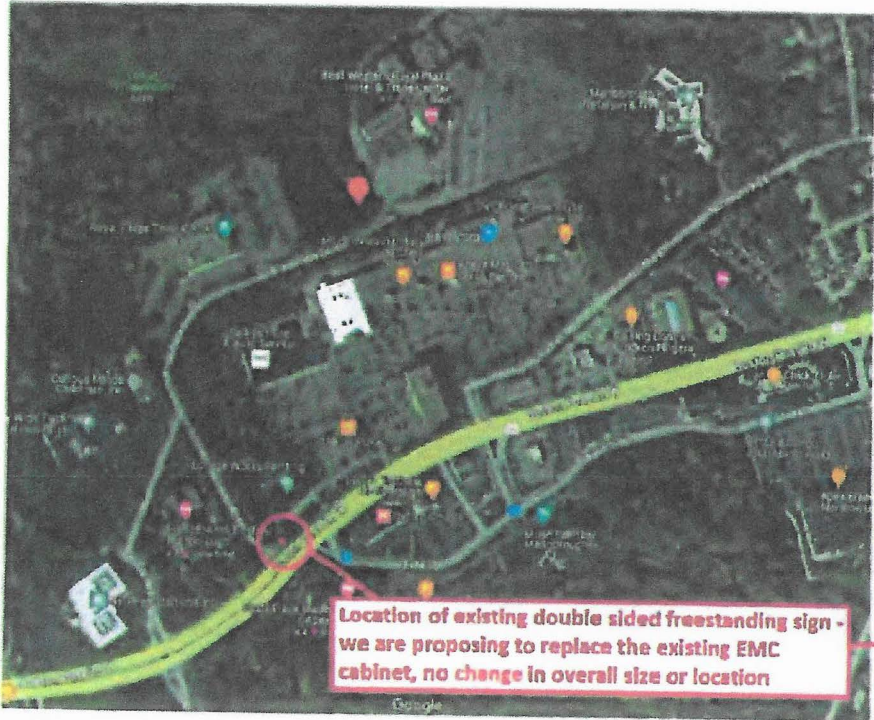
### ARCHITECTURAL METAL FABRICATION

### VEHICLE GRAPHICS

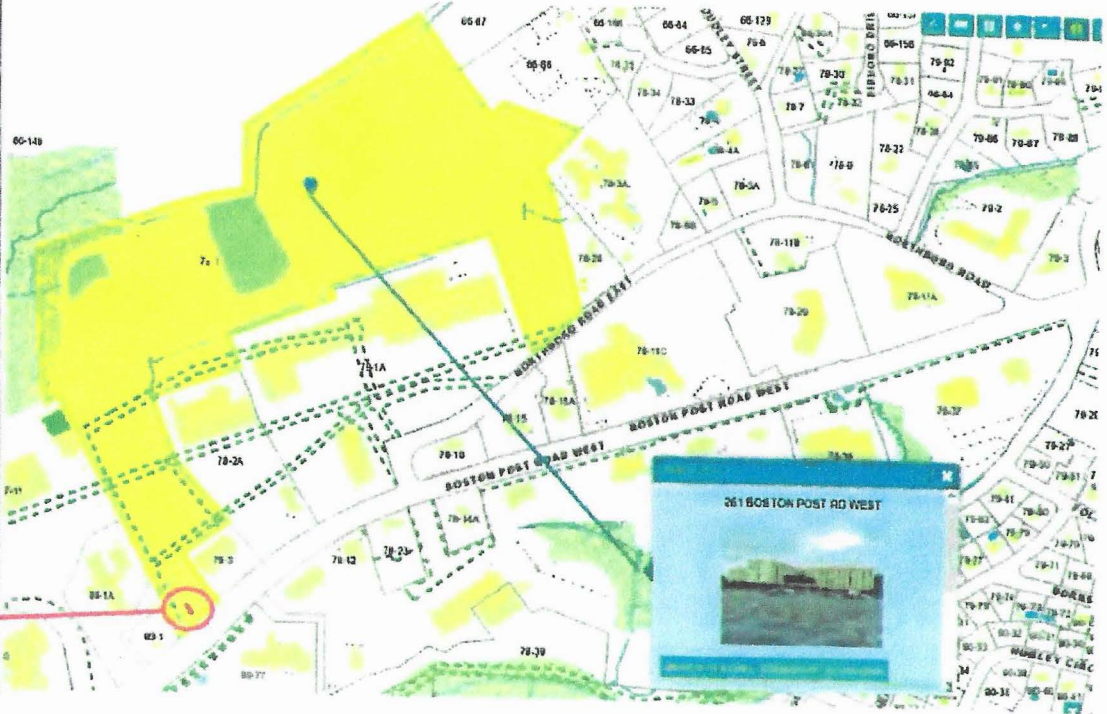
### MEMBERS

- Massachusetts Sign Association
- Rhode Island Sign Association
- International Sign Association
- Northeast States Sign Association
- North East Canvas Products Association
- Industrial Fabrics Association International

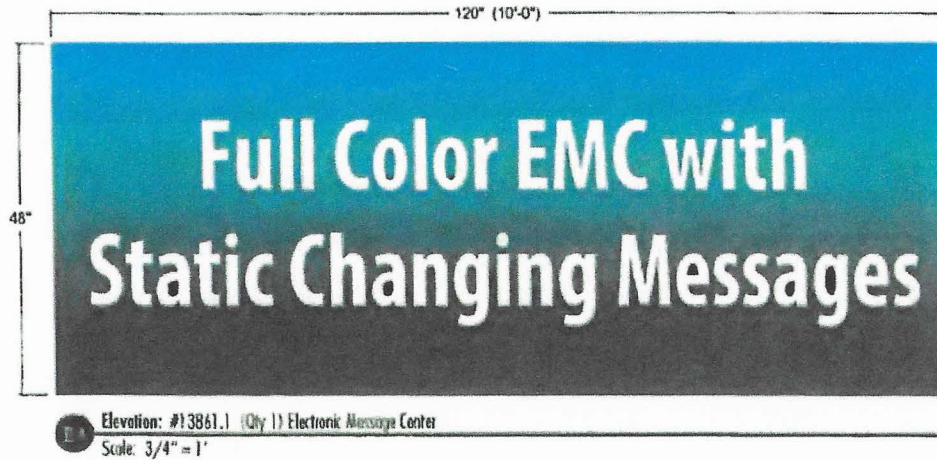
### UL LISTED FABRICATORS



**Location of existing double sided freestanding sign - we are proposing to replace the existing EMC cabinet, no change in overall size or location**







**Description:**  
 (Qty 1) Electronic Message Center  
 - Cirrus 9mm Full Color LED Display, double-side.  
 - Replace existing EMC with new EMC.

**Colors:**  
 Electronic Message Center - 9mm Full Color LED Display

**Installation:**  
 By Viewpoint.  
 This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code (NEC) and/or other applicable Local Electrical Codes (LEC). This includes proper grounding and bonding of the sign.



Existing:



Proposed:

Photo Scale VIF

**BLW** Best Western  
Royal Plaza Hotel & Trade Center

RESTAURANT

**ALL-STAR**  
RESTAURANT  
**AVIS**  
**Budget**



## City Council

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**From:** Steven Kerrigan  
**Sent:** Wednesday, February 14, 2024 10:47 AM  
**To:** City Council  
**Cc:** Karen Boule  
**Subject:** RE: Contact info for representative, Best Western sign application

KB,

I do not think this was the person at the hearing the other night, but this is the name and contact information I have from the application.

ViewPoint Sign & Awning  
35 Lyman Street  
Northborough, MA 01532  
Lauren Delarda  
Phone - 508-393-8200 x21  
Cell - 617-872-3064  
Email - lcronin@viewpointsign.com

Steve

STEVEN W. KERRIGAN  
CITY CLERK

Commissioner to Qualify  
Justice of the Peace  
Notary Public

MARLBOROUGH CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752  
PHONE: 508-460-3775

VISIT US AT: <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.marlborough-ma.gov%2F&data=05%7C02%7Ccitycouncil%40marlborough-ma.gov%7C872482837f114cdc369d08dc2d7435be%7C504de19be2864f55ac8858ce0193f4c3%7C0%7C0%7C638435224345919028%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C&sdata=djPeBIG0UWNZs%2BbUCS7N8QnAHHHScjgg2%2FswP2A9Jb0%3D&reserved=0>

Please be advised that the Massachusetts Secretary of State considers email to be a public record, and therefore is subject to public access under the Massachusetts Public Records Law, MGL Chapter 66 § 10.

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-----Original Message-----

From: City Council <citycouncil@marlborough-ma.gov>  
Sent: Wednesday, February 14, 2024 10:39 AM  
To: Steven Kerrigan <skerrigan@marlborough-ma.gov>  
Cc: Karen Boule <kboule@marlborough-ma.gov>  
Subject: Contact info for representative, Best Western sign application

Per comments at the public hearing, please send me the contact info as I'm coordinating an Urban Affairs meeting.

Thanks!

KB



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 12, 2024

**ORDERED:**

PAGE 1

That the PUBLIC HEARING on the Application from ViewPoint Sign and Awning on behalf of Best Western Royal Plaza Hotel for replacement of a Free-Standing EMC Sign at 181 Boston Post Road West, Order No. 23-1009035, all were heard who wish to be heard, hearing closed at 8:08 PM.

**Councilors Present: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.**

## PUBLIC SPEAKING IN FAVOR

Speaking in favor was Scott Spalding of ViewPoint Sign and Awning, 35 Lyman Street, Northborough, MA. Mr. Spalding explained Best Western has an existing EMC Sign that was approved around twenty-three to twenty-four years ago when he first started with ViewPoint. Unfortunately, they cannot get the parts anymore to repair it. Currently, it is a monochrome EMC, and they want to replace what is there now with a new one that would be full color as that is what is available for purchase as the monochrome units are no longer available. They assume there are moratoriums on the changing of the sign and flashing displays and they look to the board to make the recommendations they would follow.

## QUESTIONS FROM THE PUBLIC

There were no questions from the public.

## PUBLIC SPEAKING IN OPPOSITION

No one spoke in opposition.

## QUESTIONS FROM CITY COUNCIL

Councilor Robey noted this sign was approved well before the City Council approved an EMC Sign Ordinance which was done in 2014. The approved sign ordinance contains a limit on the size of the sign which is twenty-four square feet and she believed the current sign is seventy square feet so she would need to check with Legal to find out if because there is now an ordinance in place versus nothing when it was installed whether it is considered a pre-existing sign and they can just replace it or if they have in fact to meet the code. She requested they come prepared when it is taken up by the Urban Affairs Committee with the ability to downsize the sign. Mr. Spalding responded that he did not know if they could meet the twenty-four square feet requirement with their set back and where it is located, if that is an option they want to pursue because they were hoping to just replace some parts and fix it. Councilor Robey tried to speak with someone from the Building Department but was unable to reach anyone that day, so she did not pursue it very far. They can discuss it further once she receives some answers from the Building Department and Legal. Councilor Robey explained there is another meeting, it has been referred to the Urban Affairs Committee which is a subcommittee of the full committee.



## IN CITY COUNCIL

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Marlborough, Mass., FEBRUARY 12, 2024

PAGE 2

### ORDERED:

They would meet and discuss whether they would approve recommending for the full body and the applicant would be present at that meeting as well. Councilor Robey indicated they may be meeting on a week from Wednesday, but she needed to confirm with the members of the committee and the applicant their availability.

President Ossing stated the City Clerk had the applicant's contact information and explained to the applicant this is the public hearing for the public to hear what the project is and then they go to Urban Affairs where they will discuss the details with Urban Affairs, the size of the sign and hopefully at that point in time, they will have information from the Building Department to make sure they are either pre-existing, nonconforming and good to go or if something has to change but they will provide that information to them.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 23/24-1009035A