

REGULAR MEETING  
OCTOBER 3, 2016

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2016 SEP 29 P 12:55

1. Minutes, City Council Meeting, September 26, 2016.
2. PUBLIC HEARING On the Petition from Attorney Bergeron, on behalf of Cameron Realty Trust, 28 South Bolton St. re: Proposed Zoning Ordinance Amendment within the Marlborough Village District, Section 650-34 and Table of Lot Area, Yards and Heights of Structures, 650-41, Order No. 16-1006667.
3. Communication from the Mayor re: Municipal Aggregation Program.
4. Communication from City Clerk, Lisa Thomas, re: State Election Call, November 8, 2016.
5. Communication from the Planning Board re: Favorable Recommendation to the City Council on the Proposed Zoning Amendment Allowing Assisted Living Facilities under Sections 650-5.B, 650-17, 650-18.A(44) and 650-48.A, Order No. 16-1006631A.
6. Communication from the MA State Lottery Commission re: Keno-to-Go Agent, 7-Eleven, 92 Broad St.
7. Minutes, Planning Board, August 29, 2016 & September 12, 2016.
8. Minutes, Traffic Commission, August 23, 2016.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Personnel Committee

9. **Order No. 16-1006654: Reappointments of the following individuals to the Council on Aging with staggered terms: Jim Confrey and Richard Collins with 4 year terms expiring May 2020; Brenda Costa and Leslie Biggar to 3 year terms expiring May 2019, and Rose Marie Elwood and Jeanne McGeough and Pat Gallier to 2 year terms expiring May 2018.** Recommendation of the Personnel Committee is to approve the reappointments of Jim Confrey, Richard Collins and Brenda Costa to the Council on Aging. Leslie Biggar, Rose Marie Elwood, Jeanne McGeough, and Pat Gallier were unable to attend the meeting and their reappointments remained in the Personnel Committee. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments of Jim Confrey, Richard Collins and Brenda Costa. The motion carried 3-0.**

**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.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**SEPTEMBER 26, 2016**

Regular meeting of the City Council held on Monday, SEPTEMBER 26, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Delano, Juairé, Oram, Ossing, Doucette, Elder, Tunnera, Irish and Landers. Absent: Clancy & Robey Meeting adjourned at 8:30 PM.

**ORDERED:** That the Minutes of the City Council meeting SEPTEMBER 12, 2016, FILE; adopted.

**ORDERED:** That the PUBLIC HEARING On the Petition from NGrid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens St., Order No. 16-1006656, all were heard who wish to be heard, hearing recessed at 8:05 PM.

**Councilors Present: Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, & Ossing.  
Absent: Clancy & Robey**

**ORDERED:** That the PUBLIC HEARING On the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr., Order No. 16-1006632, all were heard who wish to be heard, hearing recessed at 8:15 PM.

The City Clerk read the following certification that pertains to both Council President Edward Clancy and Councilor-at-Large Kathleen Robey:

- A. Certification as required under Chapter 79 of the Acts of 2006, re: for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr.

**Councilors Present: Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, & Ossing.  
Absent: Clancy & Robey**

**ORDERED:** Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Project Prioritization Plan grant awarded to DPW in the amount of \$40,161.51 in which funds will be used to identify potential projects that may be eligible for up to \$400,000.00 in construction funding under the next phase of the Complete Streets program; adopted.

**ORDERED:** That the Communication from City Solicitor, Donald Rider, re: Amended Special Permit, Crabtree Lake Williams, LLC, Lakeside Ave. in proper legal form, Order No. 16-1006636A, X08/09-1002051E, **MOVE TO REPORTS OF COMMITTEE**; adopted.

**ORDERED:** That there being no objection thereto set **MONDAY, OCTOBER 17, 2016** as **DATE FOR PUBLIC HEARING** on Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Ave., to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond St., likely affecting Conditions #20, #22, #23, #36, #38 and #39, X16-1006636B, X08/09/-1002051E, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

**ORDERED:** That Minutes, License Board, July 20, 2016, **FILE**; adopted.

**ORDERED:** That Minutes, Board of Health, June 7, 2016, **FILE**; adopted.

**ORDERED:** That the Minutes, Conservation Commission, June 2 & 16, July 21, & September 1, 2016, **FILE**; adopted.

**ORDERED:** That the Minutes, Council on Aging, June 14, 2016, **FILE**; adopted.

#### Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: September 20, 2016

Time: 7:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 7:30 PM – Adjourned: 7:52 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; Councilors Doucette and Juairé

Also Present: Mayor Arthur Vigeant, Dr. Joseph Tennyson, Nicholas Charbonneau, Jim Confrey, Richard Collins, and Brenda Costa

**Order No. 16-1006627 - Appointment of Dr. Joseph Tennyson to the Board of Health for a term to expire three years from the first Monday in February 2017. Recommendation of the Personnel Committee is to approve the appointment of Dr. Joseph Tennyson to the Board of Health. The Personnel Committee agreed to request a suspension of the rules at the next regular City Council meeting on September 26, 2016 for action on the appointment. Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. The motion carried 3-0.**

## Reports of Committees cont'd

**Order No. 16-1006653 - Appointment of Nicholas Charbonneau as the Director of Veterans Services for a term to expire three years from the date of City Council approval.** Recommendation of the Personnel Committee is to approve the appointment of Nicholas Charbonneau as the Director of Veterans Services. The Personnel Committee agreed to request a suspension of the rules at the next regular City Council meeting on September 26, 2016 for action on the appointment. **Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. The motion carried 3-0.**

**Order No. 16-1006654 - Reappointments of the following individuals to the Council on Aging with staggered terms: Jim Confrey and Richard Collins with 4 year terms expiring May 2020; Brenda Costa and Leslie Biggar to 3 year terms expiring May 2019, and Rose Marie Elwood and Jeanne McGeough and Pat Gallier to 2 year terms expiring May 2018.** Recommendation of the Personnel Committee is to approve the reappointments of Jim Confrey, Richard Collins and Brenda Costa to the Council on Aging. Leslie Biggar, Rose Marie Elwood, Jeanne McGeough, and Pat Gallier were unable to attend the meeting and their reappointments remained in the Personnel Committee. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments of Jim Confrey, Richard Collins and Brenda Costa. The motion carried 3-0.**

**Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:52 PM.**

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

Meeting Name: City Council Urban Affairs Committee

Date: September 20, 2016

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 5:48 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juare, Tunnera and Landers; and Councilors Doucette, Ossing and Robey

Also Present: Arthur Bergeron (Attorney, Mirick O'Connell); Donald V. Rider, Jr. (City Solicitor, City of Marlborough); Douglas Scott (Interim Building Commissioner, City of Marlborough)

## Reports of Committees cont'd

**Order No. 16-1006636 - Application for Special Permit from Crabtree Lake Williams LLC to amend Condition 2 of Special Permit, Order No. 08/09-1002051E in order to vary the method of securing completion of the Special Permit conditions and issuance of occupancy permits for individual condominium units as shown on Exhibit A.** The Urban Affairs Committee met with Attorney Arthur Berger, representing Crabtree Lake Williams LLC, and City Solicitor Donald Rider for a discussion of a special permit modification to allow the applicant to receive final occupancy permits for individual condominium units as they are completed instead of temporary occupancy permits as required by their Special Permit. This modification was agreed upon with the stipulation the last building of four units would not receive its final occupancy permits until all conditions of the Special Permit, as amended, were completed to the satisfaction of the Building Commissioner. The "Decision of an Amendment to Original Special Permit City Council Order No. 16-1006636B, 08/09-1002051E" was amended as appropriate. Motion made by Councilor Juaire, seconded by Chair, to remove the language *"In addition, the Applicant shall file an application for a further amendment to this Special Permit, as amended, with respect to fencing on the perimeter of the Site and modifications to the emergency access road on the Site"* from the last paragraph. The motion carried 5-0.

**Motion made by Councilor Tunnera, seconded by Chair, to approve as amended subject to site address being verified. The motion carried 5-0. Motion made by Councilor Tunnera, seconded by Chair, to request a suspension of the rules to place in proper legal form for the next regular City Council meeting. The motion carried 5-0.**

**Motion made by Councilor Juaire, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 5:48 PM.**

**Suspension of the Rules requested – granted**

**ORDERED:** That the Appointment of Dr. Joseph Tennyson to the Board of Health for a term to expire three years from the first Monday in February 2017 and to thank Dr. John Curran as his term expired, **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** That the Appointment of Nicholas Charbonneau as the new Director of Veterans Services for a term to expire three years from date of City Council approval, **APPROVED**; adopted.

**ORDERED:** That the Communication from City Solicitor, Donald Rider, re: Amended Special Permit, Crabtree Lake Williams, LLC, Lakeside Ave. in proper legal form, Order No. 16-1006636A, X08/09-1002051E, **FILE**; adopted.

**Suspension of the Rules requested – granted**

ORDERED:

**DECISION ON AN AMENDMENT  
TO ORIGINAL SPECIAL PERMIT****CITY COUNCIL ORDER NO. 16-1006636B  
X08/09-1002051E**

Application of:

Crabtree Lake Williams, LLC

Locus:

Lakeside Avenue, Marlborough, MA

MBLU 67-45, 68-30A

**FINDINGS OF FACT AND CONDITIONS**

The City Council of the City of Marlborough hereby GRANTS the application of Crabtree Lake Williams, LLC, a Massachusetts limited liability company having a mailing address of 50 Deer Run, Ayer, Massachusetts 01432 (the "Applicant"), to amend an existing special permit, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**PROCEDURAL FINDINGS OF FACT**

1. Applicant is the owner of certain real estate located on Lakeside Avenue, Marlborough, MA, as shown on City of Marlborough Assessors Maps Map 67, Parcel 45 and Map 68, Parcel 30A (the "Site").
2. On June 18, 2009, the City Council of the City of Marlborough voted to grant a special permit concerning the Site, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 53183, Page 1 (the "Original Special Permit").
3. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition #2 of the Original Special Permit in order to vary the method of securing i) the completion of the remaining Special Permit conditions and ii) the issuance of occupancy permits for individual condominium units, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59.C(20) (the "Application").
4. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and copies of the existing site plan for the Site.
5. The existing site plan was certified by the Planning Department of the City of Marlborough, acting by and through the Building Commissioner, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit or an amendment thereof.

6. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk caused to be advertised the public hearing's date in the MetroWest Daily News and sent notice of said hearing to abutters entitled to notice under law.
7. On Monday, August 29, 2016, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.
8. The Applicant, through its representatives, presented testimony at the public hearing detailing the project, describing its impact upon municipal services, the neighborhood, and traffic.
9. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated herein by reference.

**BASED UPON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:**

- A. The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.
- B. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough Zoning Ordinance, GRANTS the Applicant an amendment to modify Condition #2 of the Original Special Permit (the "Amended Special Permit") in order to vary the method of securing i) the completion of the Special Permit conditions and ii) the issuance of occupancy permits for individual condominium units, by deleting said Condition #2 in its entirety and inserting in place thereof the following:

2. **Site Plan Review.** The issuance of the Amended Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to the Amended Special Permit. A Permanent Occupancy Permit for any of the individual condominium units may issue upon a written determination by the Building Commissioner that the Site, or a phased portion thereof, is substantially complete, providing for a phased development of the Site; provided, however, that no Permanent Occupancy Permit shall be issued for any of the last four (4) individual condominium units until the Building Commissioner issues a written determination that (i) all conditions of the Amended Special Permit have been complied with by the Applicant, or (ii) any remaining items of work necessary to comply with all conditions of the Amended Special Permit have been secured by the Applicant through a bond, cash deposit, letter of credit, tri-party agreement or other form of security deemed satisfactory to the Building Commissioner. Site Plan Review shall be consistent with the Amended Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of the Amended Special Permit.

All other conditions of the Original Special Permit shall continue in full force and effect, and are expressly incorporated herein by reference.

In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Amended Special Permit has elapsed with no appeal having been filed, and further shall provide to the Building Commissioner's office and the City Solicitor's office a copy of the recorded Amended Special Permit before the issuance of any Occupancy Permit, permanent or otherwise, regarding the Site.

**Yea: Delano, Doucette, Elder, Tunnera, Irish, Landers, Juaire, Oram, & Ossing**  
**Absent: Clancy & Robey**

**ORDERED:** That the Communication from City Solicitor, Donald Rider re: Application for LED Sign Special Permit, V & G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees, 50 Main St., in proper legal form, Order No. 16-1006517A, **TABLED;** adopted.

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.





# IN CITY COUNCIL

SEPTEMBER 12, 2016

PAGE 1

Marlborough, Mass., \_\_\_\_\_

**ORDERED:**

## PROPOSED CITY COUNCIL ORDER

**ORDERED:**

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows:

1. By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (new text underlined, deleted text in strikethrough):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Minimum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet 6 stories: not to exceed a maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

### NOTES:

1. Note deleted.
2. Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
3. 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'*.
4. Except where abutting a residence district, shall be 50 feet.
5. Except for buildings extending through a block or to a railroad siding.
6. 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.
7. However, this frontage need not be contiguous.



# IN CITY COUNCIL

SEPTEMBER 12, 2016  
Marlborough, Mass., PAGE 2

## ORDERED:

8. 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, however, that no said building shall be less than 50 feet from the side line of a public way.
9. 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.
10. 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.
11. Maximum lot coverage for a Large Tract Development Lot shall be 50%.
12. Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. [See Section 650-33(F).]
13. Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
14. Except along ~~Main Street~~ within 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.
15. 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.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, OCTOBER 3, 2016.**

ADOPTED

Order No. 16- 1006667



*City of Marlborough*  
*Office of the Mayor*

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

SEP 29 A 11:38  
*Nicholas J. Milano*  
EXECUTIVE AIDE

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*Patricia Bernard*  
EXECUTIVE SECRETARY

September 28, 2016

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Municipal Aggregation**

Honorable President Clancy and Councilors:

As you know, the City is currently on a municipal aggregation program through our broker Colonial Power Group. The current agreement terminates on October 31, 2016 which means we are currently assessing options for the next agreement.

There are several different options for the City to consider.

The City could enter into another short term (6 month) extension that ensures Marlborough residents are able to achieve savings against the National Grid Basic Service rate.

The City could also enter a longer term (2 year) extension that includes a managed product which would allow our electricity supplier to buy power when the market is advantageous to ensure that savings are generated throughout the length of the agreement

Another option would be to cancel the aggregation program and return to National Grid basic service which has proposed a winter rate of 9.745 cents per kilowatt hour for November through April 2017. This rate is significantly lower than the past two winters, which had National Grid basic rates in excess of 16 cents and 13 cents per kilowatt hour. If the City does end the aggregation program, but later chooses to start it again, we would be required to submit a new plan to the Department of Public Utilities (DPU) for their review and approval, in effect restarting the program from the beginning.

My office held discussion with MAPC and their procured broker, Good Energy, to discuss the MAPC aggregation program, but the program is for 2016 and may not continue beyond that. Additionally, switching brokers would require changing our plan and submitting it to DPU for approval.

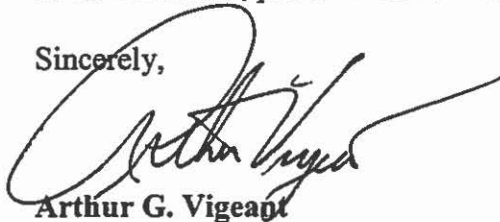
Many communities are using longer term agreements with suppliers in order to have consistency in their electricity prices. My office has received numerous phone calls about the aggregation program and many residents appreciate the City's assistance in securing consistent electricity

rates; additionally, it means residents do not have to work with the many brokers and private companies that often call, mail, or knock on doors. For residents who do prefer to work with their own broker, there is no fee or penalty to opt-out of municipal aggregation nor is there one to opt back in.

At this time, I am requesting the City Council's input on a preferred option for moving forward. My office has spoken with Colonial Power Group, our contracted broker and they are available to discuss options further at a committee meeting.

Since moving forward on this expeditiously is important in order to secure an advantageous rate, I ask that the Council deliberate on the issue in committee prior to the next City Council meeting. I look forward to discussing the aggregation program with you further. If you have any questions in the meantime, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

**Arthur G. Vigeant**  
Mayor



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

**Lisa M. Thomas  
City Clerk**

The City Clerk be and is hereby authorized and directed to warn and notify the voters of each of the seven (7) Wards and fourteen (14) Precincts of the City of Marlborough, duly qualified to vote in the State Election, to assemble in their respective polling places, as designated by the City Council as follows:

WARD ONE: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD TWO: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD THREE: Precinct 1	Senior Center, 40 New Street
WARD THREE: Precinct 2	Raymond J. Richer School, 80 Foley Road
WARD FOUR: Precinct 1 and 2	Senior Center, 40 New Street
WARD FIVE: Precinct 1 and 2	Senior Center, 40 New Street
WARD SIX: Precinct 1 and 2	1LT Charles W. Whitcomb School, 25 Union Street
WARD SEVEN: Precinct 1 and 2	Hildreth School, 85 Sawin Street

On Tuesday, November 8, 2016 then and there, for the purpose of casting their votes in the State Election for the candidates of political parties for the following offices:

**ELECTORS OF PRESIDENT  
AND VICE PRESIDENT  
REPRESENTATIVE IN CONGRESS  
COUNCILLOR  
SENATOR IN GENERAL COURT  
REPRESENTATIVE IN GENERAL COURT  
  
SHERIFF**

**FOR THE COMMONWEALTH  
  
THIRD DISTRICT  
THIRD DISTRICT  
MIDDLESEX & WORCESTER DISTRICT  
FOURTH MIDDLESEX & THIRTEENTH  
MIDDLESEX DISTRICT  
MIDDLESEX COUNTY**

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

*A YES VOTE* would permit the state Gaming Commission to license one additional slot machine gaming establishment at a location that meets certain conditions specified in the law.

*A NO VOTE* would make no change in current laws regarding gaming.

#### **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

##### **SUMMARY**

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board. The proposed law would take effect on January 1, 2017.

*A YES VOTE* would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

*A NO VOTE* would make no change in current laws relative to charter schools.

#### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

##### **SUMMARY**

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed

veterinarian; five days prior to an pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

*A YES VOTE* would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

*A NO VOTE* would make no change in current laws relative to the keeping of farm animals.

#### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments.

The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law. Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

*A YES VOTE* would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

*A NO VOTE* would make no change in current laws relative to marijuana.

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.

Edward J. Clancy  
City Council President



*City of Marlborough*  
*Commonwealth of Massachusetts*

2016 SEP 29 A 10: 10



**PLANNING BOARD**

**Barbara L. Fenby, Chair**  
**Colleen M. Hughes**  
**Philip J. Hodge**  
**Sean N. Fay**  
**Shawn McCarthy**  
**Brian DuPont**

**Melissa Peltier - Secretary**

**Phone: (508) 460-3769**

**Fax: (508) 460-3736**

**Email: MPeltier@marlborough-ma.gov**

September 29, 2016

City Council President Clancy & Members  
140 Main Street  
Marlborough, MA 01752

RE: Proposed Zoning Amendment  
421 Bolton Street  
City Council Order #16-1006631

President Clancy & Members:

At the regular meeting of the Marlborough Planning Board on September 26, 2016, the Board took the following action regarding the proposed amendment to the City of Marlborough Zoning Ordinance, proposed by BSL Marlborough Development LLC ("BSL") on behalf of Richard and Jill Cochrane, owners of the 2 lots identified as Marlborough Assessors Maps 30, Parcels 13 and 14 (together, "421 Bolton Street").

As the proposed zoning amendment would amend 4 separate sections of the Zoning Ordinance, the Board took each proposal in a separate discussion.

**1.) In Section 650-5.B, amending the definition of "Boardinghouse or Lodging House" to read as follows (new text underlined):**

**BOARDINGHOUSE or LODGING HOUSE**

A building or a portion thereof in which rooms or suites of rooms are let for fee as places of human habitation, either permanently or transiently, to four or more persons or which requires a license as required by MGL c. 140, § 22 et seq., as amended. The term "boardinghouse or lodging house" shall exclude convalescent

homes, nursing homes, assisted living facilities, shelters, hotels and motels which are licensed as such pursuant to applicable state law.

- The Planning Board has no objection to this proposed amendment.

**2.) Adding to the Table of Use Regulations, Section 650-17, a category for “Assisted Living Facilities” under “Residential Uses,” as follows:**

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Assisted Living Facilities	SP	SP	SP	SP	SP	N	N	N	N	N	N	N

- The Planning Board has no objection to this proposed amendment.

**3.) Adding to Section 650-18, Conditions for Use, a new subsection 650-18.A(44), as follows:**

(44) Assisted living facilities shall only be located on lots with an area of at least 10 acres and with at least 250 feet of frontage along Route 85.

- The Planning Board does have an objection to the overly restrictive terms (i.e., at least 10 acres, at least 250 feet of frontage, and along Route 85) and suggests that the City Council consider removing these terms from the amendment.

**4.) Adding to Section 650-48.A, Off-Street Parking, a new subsection 16, as follows:**

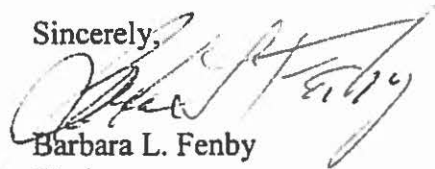
(16) Assisted living facility: half a space for each bed.

- The Planning Board has no objection to this proposed amendment.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy, it was voted to forward a generally favorable recommendation to the City Council in regards to City Council Order #16-1006631, with reservations above. Motion carried 4-1(DuPont).

Should you have any questions or concerns regarding this communication, please do not hesitate to contact the Board Secretary above.

Sincerely,



Barbara L. Fenby  
Chairperson

cc: David McCay, Esquire



# Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG  
*Treasurer and Receiver General*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY  
*Executive Director*

2016 SEP 28 A 9 25

September 26, 2016

Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agents to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following KENO To Go agent(s) in your community:

7-Eleven  
92 Broad St.  
Marlborough

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Carol-Ann Fraser, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney  
Executive Director

Certified Mail – Return Receipt Requested:  
7014 1820 0002 1477 8424



*Supporting the 351 Cities and Towns of Massachusetts*

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

2016 SEP 27 A 10:47

**August 29, 2016**

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Colleen Hughes, Sean Fay, Philip Hodge & Shawn McCarthy & Brian DuPont.

Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio  
Barbara Fenby, Brian DuPont & Edward Coveney were absent.

**1. Meeting Minutes:**

**A. Regular Meeting July 25, 2016**

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to approve the minutes of the June 20, 2016 Regular Meeting. Motion carried with Mr. Hodge Abstaining.

**2. Chair's Business:**

**A. Update regarding Planning Board Page – Calendar**

This item will be carried over to the next regularly scheduled meeting (September 12, 2016)

**3. Approval Not Required: None**

**4. Public Hearings (7:15): None**

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

City Engineer DiPersio reported out to the Board that Walker Brook Estates is on track to be able to meet the November 1 completion date. Howe's Landing may have to request an extension of their December 15 completion date.

In regards to MaComber Lane the last action regarding that roadway was April 4, the City has no issue with the reduction of paving. The Board members need to make a trip out to the site to evaluate and discuss their findings at the next regularly scheduled meeting (September 12, 2016).

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None**

**7. Definitive Subdivision Submission:**

**A. Marlborough Hub LLC, Howe/Valley Streets (November 27, 2016)**

Mr. Jacob Lemieux and Mr. Joseph Pezznola of Hancock Associates were in attendance to present the subdivision plan to the Board.

This presented plan is the same as the Preliminary Plan that was voted on in September 2015. The plan consists of 5 lots, 4 lots are to have duplex style homes and 1 lot will have a single family home. Four waivers from the subdivision rules and regulations were requested. The requests are as follows:

1. A waiver to Subdivision Regulations Design Standards section

IV.b.2.(e): "Property lines at street intersections shall have a radius equal

to 30 feet (30') at intersections involving a major street and 25 feet (25') at other intersections." As there is no existing property line radius at intersection.

2. A waiver to the Subdivision Regulations Design Standards section IV.b.3.(a): "the minimum width of rights-of-way shall be as follows: secondary streets: fifty feet (50')." As the existing right of way is 40'.

3. A waiver to the Subdivision Regulations Design Standards section IV.b.4.(c): "...the horizontal tangent distance between any two (2) reverse vertical curves shall be a minimum of one hundred feet (100')." As a horizontal tangent distance of 53.4 feet (53.4') is proposed due to existing grades of existing lots on west side.

4. A waiver to the Subdivision Regulations Design Standards section V.d. 1: "unless otherwise specified by the planning board, the sidewalks shall extend the full length of each side of the street..." As a sidewalk is proposed the full length of one side of the street.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to set the Public Hearing for September 26, 2016 at 7:15pm. Motion carried.

**8. Signs:** None

**9. Unfinished Business:**

**A. Discussion Mauro Farms (August 30, 2016)**

Ms. Hughes read the favorable communication from City Engineer DiPersio into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to reduce the performance bond from the current amount of \$279,000.00 to \$185,000.00, as well as start the one-year maintenance period. Motion carried.

**B. Blackhorse Farms (September 13, 2016)**

Ms. Hughes read the communication from City Engineer DiPersio into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes the communication was accepted and placed on file. Motion carried.

Mr. Fay noted that the site has been greatly improved since the last meeting he appreciates the work that has been done.

The Board is awaiting the response from the Tree Warden regarding his opinion on the planting of any new trees during the current drought and if the tree planting deadline should be amended. The current completion deadline for this subdivision is September 13, 2016 a request to extend the completion deadline may be entertained at the next regularly scheduled meeting September 12, 2016.

**C. City Solicitor Update 297 Concord Rd (Frontage Question)**

Solicitor Rider was in attendance to present to the Board his facts and findings regarding the question posed by Mr. May looking for a determination regarding the utilization of the section of Hemenway St that is currently unimproved for consideration as acceptable frontage for a potential ANR Lot to the rear of 297 Concord Rd.

Mr. May was also in attendance and does not necessarily agree with Chief Breen's assessment of the access road. Mr. May contends that the access has been used by motor vehicles in the recent past.

The Board suggested to Mr. May that he may want to get the guidance of an attorney one who is familiar with Subdivision and ANR Laws. As well as revisit this issue in the fall when the trees have dropped their leaves and there is a cleaner sight line for the existing road layout.

**10. Informal Discussions:**

**A. Proposed Development Shoestring Hill/Rawchuck Property South Street**

Mr. Fay noted to the Board that he may have a conflict with this item and will recuse himself from discussion. He moved to the audience to hear the presentation however.

Mr. Arthur Pulitzer is the real estate agent for this property and stated he has had lots of interest in the property. However, Mr. Pulitzer came to the Board looking for guidance as to what the best use of the property would be.

The Board members declined to guide Mr. Pulitzer as it is not the job of the Planning Board to design projects. The Board will hear any properly presented project for the property and suggested that Mr. Pulitzer enlist the aid of an Engineer.

**11. Correspondence:**

**A. Solicitation from ecode-General Code**

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the correspondence A and place it on file. Motion carried.

**12. Public Notices of other Cities and Towns:**

**A. Town of Framingham, Planning Board Notices (10)**

**B. Town of Framingham, Zoning Board of Appeals Notices (8)**

**C. City of Marlborough City Council, Notice of Public Hearing**

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept notices A-C and place them on file. Motion carried.

**Adjournment:** On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to adjourn at 7:51pm. Motion carried.

Respectfully submitted,

Colleen Hughes

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

2016 SEP 27 A 9:35

**Call to Order**

**September 12, 2016**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge & Brian DuPont.

Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio  
Shawn McCarthy & Edward Coveney were absent.

**1. Meeting Minutes:**

**A. Regular Meeting August 29, 2016**

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to approve the minutes of the August 29, 2016 Regular Meeting. Motion carried with Dr. Fenby and Mr. DuPont Abstaining.

**2. Chair's Business:**

**A. Update regarding Planning Board Page – Calendar**

This item will be carried over to the next regularly scheduled meeting (September 26, 2016)

**3. Approval Not Required: None**

**4. Public Hearings (7:15):**

**A. Proposed Zoning Amendment 650-5.B, 650-17, 650-18.A(44) & 650-48.A**

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

**Presentation**

Those speaking in favor-questions

Those speaking in opposition

Questions from Board Members

**Presentation:**

Attorney David McCay Attorney with Mirick O'Connell

Mr. Eric Gardner, Director of Development, Benchmark Senior Living

Mr. Luke DiStephano, Project Engineer, Bohler Engineering

Mr. David Udelsman, Project Engineer, Udelsman Associates

Mr. Jason Adams, Traffic Engineer, McMahon Associates

All gentlemen were in attendance for the presentation. Attorney McCay lead the discussion starting with a Power Point presentation out lining the changes requested to the zoning ordinance.

There was additional information available in regards to the proposed project that is to benefit from this intended zone change however the Board was determined to keep the discussion to the

matter at hand the requested amendment.

Attorney McCay noted the 4 points that the proposed amendment will affect they are:

- Add “Assisted Living Facility” to the table of uses.
- Limit the locations available for proposed “Assisted Living Facilities” to Maple St/Rte 85 Corridor.
- Minimum lot size of 10 Acres
- Required frontage of 250 feet

**Speaking In Favor or Questions:**

Question: Ms. Katie Robey, 97 Hudson Street, At-Large City Councilor

Ms. Robey questioned the requested qualifier for the location on Route 85/Maple Street. That qualification is very limiting and has the appearance of spot zoning. If that qualifier was removed would the impression of spot zoning, then be removed?

**Speaking In Opposition: None**

**Questions from the Board Members:**

Mr. DuPont requested that the proponent develop and distribute a map showing all parcels in the City that would qualify for the zoning designation if the Route 85/Maple Street qualifier was removed.

Mr. Fay also requested that the Route 85/Maple Street qualifier be removed.

Mr. Hodge questioned the dimensional requirement why only 10 acres or larger?

Mr. Hodge noted that he was willing to expedite this proposed project but not to the exclusion of any and all other potential projects of the same type.

The Public Hearing was closed at 7:44pm

**B. Definitive Subdivision Goodale Estates (Attorney Austin)**

The Public Hearing was opened at 7:45pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor

Those speaking in opposition

Questions from Board Members

**Presentation:**

Attorney Austin, Paul and Alex Ricciardi and Mr. Bruce Saluk, project engineer were in attendance to present the proposed subdivision to the Board.

The proposed project consists of 11.6 acres of which 5.1 will be dedicated to Open Space per the Open Space Special Permit that was approved in February. The proposed road will be named Jenks Lane and will be situated opposite Hutchinson Dr. There will be 7 lots in total 5 of which will back towards the Charter Oaks Golf Course. There are 4 Waivers Being requested.

- Sidewalk width (Article V, Section A676-26 (A)(1) and cross section in appendix “F” requires a 6’ sidewalk width. This request is for a 5’ width.



- A waiver to Article V, Section A676-26(A) is requested to allow for elimination of the sidewalk on the right side of the road between the rounding at station 0+50 to the driveway on lot #7.
- A waiver is requested to allow a reduction of the right of way width required in Article V, Section 676-12c(1)(a) from 50 Ft to 40 Ft.
- A waiver is requested to allow the reduction of the paved road width required in Article V, Section 676-24(B)(2)(a) from 26 Ft to 24Ft.

There will be one street light installed as located on the plan. All utilities will be situated underground, the overhead electrical service will be brought into the site and then buried underground.

**Speaking In Favor or Questions:**

Mr. Peter Kennan, 10 Hutchinson Drive, (questions)

Mr. Kennan questioned the placement of the roadway he is concerned traffic will be considerable there are already perceived speed issues on the road. Will there be blasting involved he was lead to believe that the area in question was mostly ledge. How will the developer minimize the impacts of construction?

Mr. Saluk responded that relocating the placement of the roadway would cause more issues with constant braking and required turning. As to the perceived ledge issue some ledge was noted in the initial testing however it will need to be determined the type of ledge in the area in order to decide which way to clear some of it blasting is not the only option available.

Ms. Susan Noble, 133 Goodale Street, (questions)

Ms. Noble questioned how will the impact be mitigated for the school aged children of the neighborhood (busses) and her handicapped child? She is concerned about the traffic and traffic patterns.

Mr. Saluk responded that there is a traffic management plan in place with the DPW and as necessary Detail Police Officers will be placed at the construction to control the traffic pattern.

Mr. John Graham, 45 Hutchinson Drive, (question)

Mr. Graham questioned the water runoff issues. As it is currently there is a significant water problem especially in the Spring.

Mr. Saluk responded that there will be a large detention basin provided to channel the flow of water properly from the abutting site as well as the subdivision to eradicate the existing water issue.

**Speaking In Opposition: None**

**Questions from the Board Members: None**

The Public Hearing was closed at 15pm

On a motion made by Mr. Fay, seconded by Mr. DuPont the plan was referred to the Engineering

Department for review. Motion passed.

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

City Engineer DiPersio reported out to the Board that Cider Mill Estates and Howes Landing are working on homes but not the roadway at this time. Regarding Long Drive, the Developer (Charles Freeman) still needs to provide and sign documents to proceed with the Acceptance of the roadway through the City Council.

**B. Walker Brook Estates Bond Reduction Request**

Ms. Hughes read the communication from Mr. Melanson into the record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to refer the request to the Engineering Department for review. Motion passed.

Note, Mr. Melanson is not required to be in attendance at the next meeting when this is reported out.

**C. Blackhorse Farms Bond Reduction Request**

Ms. Hughes read the communications (3) from Attorney Beattie into the record, as well as the communication from the City Tree Warden Christopher White.

On a motion made by Mr. Fay, seconded by Mr. DuPont the communications (3) were accepted and placed on file. Motion passed.

On a motion made by Mr. Fay, seconded by Mr. DuPont the additional information from the Tax Collector as well as the Code Enforcement Officer were accepted and placed on file. Motion passed.

Attorney Beattie was in attendance to answer any questions the Board may have.

City Engineer DiPersio reported to the Board that the As-Built plans for this subdivision have been received by the Engineering Department the plan review has not been completed however.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to extend the subdivision completion deadline to October 4, 2016 in order to allow time for the Engineering Department to complete its review, as well as review the bond reduction request. Motion passed.

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None**

**7. Definitive Subdivision Submission:**

**A. Jelico Homes 626 Stow Rd (Attorney Rowe)**

This submission was deemed incomplete and held over to the next regularly scheduled meeting (September 26, 2016) to allow the attorney time to acquire the missing information.

**8. Signs: None**

**9. Unfinished Business:**

**A. Blackhorse Farms (September 13, 2016)**

This item was taken up earlier in the agenda.

**B. Macomber Lane continued discussion.**

After much discussion which produced more questions than answers amongst the Board. Topics which included the road was created within a subdivision layout, the condition of the existing roadway, the use of the cul de sac portion of the road as a party zone and the potential to install a gate prior to the cul de sac to thwart the potential unwelcome activity. Solicitor Rider noted that he would do some research and report back to the Board at the next regularly scheduled meeting (September 26, 2016) regarding the procedure to follow in order to divest the City of the public way in question.

**10. Informal Discussion:**

Mr. DuPont informed the Board that he is part of the School Building Committee that has just been established for the new school building. Mr. DuPont will be making periodic reports to the Board on the progress.

**11. Correspondence:** None

**12. Public Notices of other Cities and Towns:**

- A. Town of Framingham, Planning Board Notices (5)**
- B. Town of Framingham, Zoning Board of Appeals Notices (1)**
- C. Town of Southborough, Planning Board Notices (2)**
- D. Town of Southborough, Board of Appeals Notice (1)**

Item 4A was revisited briefly prior to adjournment.

The Board was reminded that there is a 21-day window to forward a recommendation to the Full City Council for action. A recommendation will have to be voted upon at the next regularly scheduled meeting (September 26, 2016).

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept notices A-D and place them on file. Motion carried.

**Adjournment:** On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to adjourn at 8:48pm. Motion carried.

Respectfully submitted,

Colleen Hughes  
Clerk

/mai

August 23, 2016

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 SEP 27 P 1:27



**CITY OF MARLBOROUGH  
OFFICE OF TRAFFIC COMMISSION  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752**

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held on Tuesday, August 23, 2016 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Tuesday, July 26, 2016.

MOTION was made, seconded, duly VOTED:  
TO APPROVE

**2 – New Business**

**2a) Blind Driveway sign request at 605 Hemenway St.**

Resident of 605 Hemenway Street completed and submitted an application for a blind driveway warning sign. This is the new procedure for this type of request. He advised that there used to be a sign here, however, it was removed and has not been there for several years. He said that it is a terrible blind spot and that "getting out of my driveway can only be somewhat safely achieved by listening for on-coming traffic and by driving out in a forward direction only". Chief Leonard looked at the driveway and said that he can see his point. There is a tree near the corner of the driveway and he is on the back side of a corner. The Chief also said that there was almost a big berm of earth there too with a lot of vegetation and the driveway comes up quick.

Tim Collins advised that this type of request is normally looked at from the "driveway user's perspective", i.e. the driveway is on the crest of a hill or on a curve and the driver can't see the traffic coming. Tim Collins passed out a photo of the driveway. Chief

Leonard said that his main concern is with the berm, however, he doesn't see it in Mr. Collins' photo. He thinks the photo may be of the wrong driveway.

Mr. Collins advised that he would double check the location and we can look at it again. Commissioner Ghiloni said that he may have had the sign taken down as it was an older sign. It was discussed that the new application process is a way to reassess these types of signs to see if they are still needed, for example, "Slow Children" or "Deaf Child" signs. Most types of signs would be renewed annually but this criteria would normally be waived for a "Blind Driveway" sign because the driveway is not going anywhere.

Since the sign was there before, all agreed that the sign should be put back. The new sign would read "Blind Driveway Ahead".

MOTION was made, seconded, duly VOTED to reinstall the Blind Driveway Ahead sign at this location.

**2b) Request for speed limit signage on Curtis Ave.**

Chief Leonard received a request to install two 25 mph speed limit signs at this location. The resident making the request has lived on Curtis Ave. for almost twenty years and has seen a significant increase in speed over the years. She and other neighbors have made requests for speed bumps, which she has been advised are not warranted. They also made requests for Curtis Ave. to be made a one-way street but was told that this was not possible. The Police Department has done directed patrols in the area, however, this is only helpful for a short time.

Chief Leonard said that he emailed the resident back and advised that a speed study would need to be conducted before any changes could be made to the speed limit. There is no special speed zone here. It is a wide and straight road and people may think the speed is greater than it actually is.

Tim Collins said that this issue has come up before. There appears to be a "party crowd" that hangs out at the car wash on the weekends. The City has put white lines on the sides of the road to make it appear narrower.

Chief Leonard said that it really is an enforcement issue, but asked if we could also install advisory signs for "thickly settled". It was discussed that there is no criteria for thickly settled signs from the MUTCD. Commissioner Ghiloni advised that he does not want to keep putting up advisory signs. Tim Collins said that these signs need to be replaced every six years. The Chief advised that he can get the speed board out there again with directed patrols.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement.

**2c) Request for parking restriction near 6 Winter St.**

The resident of 6 Winter Street advised of a “potentially dangerous parking issue” when cars park along the wall at the intersection of Lincoln Street and Winter Street. The car making the turn onto Winter can’t see the parked cars when they make the turn.

Tim Collins passed out a photo of this intersection. He said that there used to be a guard rail at the end of Winter Street but it got hit so many times that it was taken down. All agreed that this is actually an enforcement issue. There is no parking allowed within 20 feet of an intersection so no one should be parking here anyways.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement.

*New Issue was brought up that is not on the Agenda.*

### **Large Ditch by New England Sports Center.**

Chief Leonard is concerned that if there were an accident here a car would go straight down into the ditch. Tim Collins said this area was not built according to the site plan. It was supposed to be a gradual slope rather than a drop. They said that they will be putting a guard rail here.

### **3-Old Business**

#### **3a) Traffic Commission rules and regulations update.**

Tim Collins passed out a booklet he prepared with the required updates. Each page lists a section, the street names and what action is needed. Lisa Thomas asked if these updates have been advertised yet. Mr. Collins said no, not yet, as we were planning to advertisement them all at once.

Chief Leonard asked for a clarification on what is meant by “new regulation”. Mr. Collins advised that this indicates that something, i.e. a sign, is already there but not properly regulated. In most cases, either the signs are there and not regulated or there is a regulation in place with no sign. He is now catching up on everything that is out there. Lisa Thomas said that she has given all the regulations that were previously advertised to Chief Leonard.

There was further discussion as to the best way to advertise this group. Tim Collins will put the booklet in a different format for advertising and get it to Lisa Thomas by next week. He will break it down by category and then by street, i.e. U-Turn, Prohibited Left Turn, One-Way, Stop Signs. Lisa asked if we could start with maybe 10 -15 streets.

MOTION was made, seconded, duly VOTED to REFER to Tim Collins to re-organize into better format for advertising.

#### **3b) Traffic Concerns at Wilson & Hemenway Sts.**

Tim Collins passed out a diagram of the “hybrid island” discussed at the last meeting. It is a smaller island with a rumble strip attached and a dotted line painted to outline the

turn movement. A truck can now make the turn as it can still drive over the rumble strip without doing damage to the island. There will also be signage at either end (on the actual island).

Chief Leonard said that this looks like the best we can do here. He also does not anticipate a big issue for the plows. If a tractor trailer can make the turn, a plow should be able to make the turn. They can plow right over the rumble strip. Commissioner Ghiloni agreed that they are fine with trying it out.

MOTION was made, seconded, duly VOTED to APPROVE the island as shown in the diagram prepared by Mr. Collins and REFER to the DPW for installation.

**3c) Timing of traffic signals on Lincoln St. @ Bolton St.**

MOTION was made, seconded, duly VOTED to REMOVE from the agenda. Issue has been addressed.

**3d) Intersection of Boston Post Road West and Ames St. – U-turns.**

Tim Collins advised that he has heard back from MA DOT but he is still confused on the issue. He sent an email back asking for them to provide further clarification. He wanted a copy of a sketch that would further explain the email he received.

MOTION was made, seconded, duly VOTED to TABLE until further clarification was received from MA DOT.

**3e) Parking concerns on Middle Street.**

Chief Leonard said that he was waiting for the homeowner to come and see him. Tim Collins said that what the City can do on this road is now “debatable”. Part of the issue was that Middle Street is not a public way. Mr. Collins passed out three old City Council Orders. One from 12/18/44 requesting that Middle Street be made a public way but it doesn’t appear that anything was ever done. The second was from 12/20/84, in which the Public Works Committee recommended plowing on private ways, which included Middle Street. The third was from 10/5/59 and indicated that the City would make repairs to Middle Street, after everyone on the street signed a release.

These all indicate that Middle Street is not a public way and the issue is that the Traffic Commission can’t regulate a private way without a Grant of Authority from everyone on the street. Obviously the person who is parking his vehicle on the street is not going to sign it.

Chief Leonard said that the “real answer” here is that the Traffic Commission does not have the right to regulate this road. The people living on the road own the road. The homeowner can do something on his/her own if they feel that someone is parking on their property but it is not an issue for the Traffic Commission.

MOTION was made, seconded, duly VOTED that he would send an e-mail to Mr. Lubin and advise as to what the Traffic Commission has discussed.

**3f) Request for stop signs on Weed St. at Florence St.**

Commissioner Ghiloni has requested a Grant of Authority form the CDA and talked to the Mayor about the other issue of making Weed Street a Public Way through to Newton Street. They will work on plans to get the whole street laid out properly.

MOTION was made, seconded, duly VOTED to TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:55 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

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

- Meeting Agenda for Tuesday, August 23, 2016. (Including City of Marlborough Meeting Posting).
- Draft of minutes from Tuesday, July 26, 2016.
- Request for Blind Driveway sign at 605 Hemenway Street.
- Email from Bernadette Seariac Carlson re: Speed Limit Sign on Curtis Ave.
- Email from Dawn Wellman to Chief Leonard, dated 7/25/16, re: Parking Problem.

**Additional Handouts:**

- Photo of street view at 632 Lincoln Street.
- Diagram of proposed island at intersection of Wilson St. & Hemenway St.
- Copies of three City Council Orders regarding Middle Street, dated 12/14/44, 12/20/48 and 10/5/59.
- Copy of a booklet prepared by Tim Collins entitled "Marlborough Traffic Commission, Traffic Regulation Update, August 23, 2016.