

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 JUN -2 P 1:40

1. Minutes, City Council Meeting, May 23, 2016.
2. From Councilor Robey: Update from DPW Commissioner re: New Water Ban.
3. PUBLIC HEARING On the Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane, Order No. 16-1006582.
4. Communication from the Mayor re: Standard and Poors Report.
5. Communication from City Solicitor Rider re: Application to further amend Special Permit, New England Sports Center, 121 Donald Lynch Blvd., in proper legal form., Order No. 16-1006516A, X11-1002790B, X10-1002448B, X04-100359B, X94-5460B.
6. Communication from Assistant City Solicitor Panagore Griffin re: Development Agreement between City of Marlborough and Walker Realty LLC, X16-1006443D.
7. Site-Plan Approval Application, Walker Realty LLC for Apex Center, 180 Boston Post Rd. West, Order No. 16-1006443E. (Application documents and maps are available for viewing in the City Clerk's office).
8. Petition of NGrid to install three phase underground primary cable across Donald Lynch Blvd., from existing MH 3-5 to proposed MH 3-51. This work is required to provide service for the expansion of the NE Sports Center.
9. Petition of Verizon New England, Inc. to place 1 four-inch conduit on the easterly side of D'Angelo Dr. beginning at existing pole T.5, which is located on the easterly side of D'Angelo Dr., thence running in a southwesterly direction approximately sixty-three feet to private property at #84 D'Angelo Dr. to relocate the existing aerial lines from overhead to underground to provide distribution of intelligence and telecommunications.
10. Communication from the Executive Director of Mosquito Control Project re: Investigating resident's complaints about mosquitoes on the following dates: June 2, 8, 15, 22 & 29.
11. Minutes, Conservation Commission, April 7, 2016.
12. Minutes, School Committee, May 10, 2016.
13. CLAIMS:
  - a. Michael Grasso, 10 Greenwood St., other property damage.

**REPORTS OF COMMITTEES:**

14. **ORDERED:** That within 60 days of the date of this Order, the Mayor, in conjunction with the CDA as may be needed, enact parking regulations for downtown parking to better utilize the ample parking spaces available. Said parking regulations shall include, but shall not be limited to, the following restrictions:
  1. Two (2) hour parking limit on Main Street and in the public parking lots located thereon;
  2. Monday through Friday between the hours of 8 a.m. and 5 p.m., a three (3) hour parking limit on the bottom third of the parking garage located behind City Hall, and in the bottom half of the parking deck located behind Masonic Hall; and
  3. Monday through Friday between the hours of 8 a.m. and 5 p.m., a three (3) hour parking limit for the parking lot located at the intersection of Main Street, Bolton Street, and Granger Boulevard. ....Submitted by Councilor Delano

**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.**

15. **ORDERED:** That the Mayor work with the Veteran's Agent and the Public Facilities Department to come up with a weather related back-up plan for every parade related to veterans, so that the city can still honor its veterans in the event of rain the day of the parade. ....Submitted by Councilors Elder and Robey

UNFINISHED BUSINESS:

From Public Services Committee

16. **Order No. 16-1006520: Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #820, 769 Donald Lynch Boulevard.** Police Chief Leonard approved the CORI report for Brian Novak and had no objection to the renewal of their Junk Dealer License. Brain Novak appeared on behalf of Best Buy Store, LP #820, located at 769 Donald Lynch Boulevard. Mr. Novak explained business has been good with recyclables and refurbished products. They recycle cell phones, accept trade-ins for new cell phones and recycle old electronics as well. **Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.**
17. **Order No. 16-1006557: Application for Renewal of Junk Dealer's License, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road East.** Police Chief Leonard approved the CORI report for Jean Rabelo and had no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Jean Rabelo and Mr. Julio Rabelo appeared on behalf of Post Road Used Auto Parts of Marlboro, Inc. The used car parts business is doing well. In addition, they sell older vehicles as is on either Craigslist or eBay as it is not viable to list it for parts. **Motion made by Councilor Irish, seconded by Councilor Doucette, to approve. The motion carried 3-0.**
18. **Order No. 16-1006485A: Petition from National Grid and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along Main Street between Main Street and Francis Street. The City of Marlborough requests pole relocations to accommodate road improvement project.** President Clancy spoke on behalf of the petition for the relocation of poles on East Main Street between Main Street and Francis Street. President Clancy explained the importance of the pole relocation approval so when the street is redone the poles and their wires are relocated for this project. The pole relocations are for East Main Street and the order should reflect that change.

Chairman Landers read the list of standard conditions as required by the City Engineer:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents are always able to enter and exit their driveways.
4. Ensure construction safety controls are established (signage, drums, police details, etc....) and are in accordance with the latest MUTCD standards.
5. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
6. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate all utility pole relocations with the City of Marlborough in accordance with the approved reconstruction plans and meet with the Project Manager to ensure that proposed/existing utility poles are not left within the travel way unprotected.
8. National Grid shall coordinate with each homeowner and be sure to obtain any private easements as necessary prior to work commencing.

9. National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles.
10. Prior to the end of construction, it is understood that there shall not be any double pole situations left along the street.

**Motion made by Councilor Doucette, seconded by Councilor Irish, to approve as amended. The motion carried 3-0.**

19. **Order No. 16-1006500A: Petition from National Grid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Drive. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Drive.** President Clancy informed the Public Services Committee there has been a lot of redevelopment in the area, creating new users and an increased need for electrical capacity.

Chairman Landers stated the list of standard conditions as required by the City Engineer are the same as Order No. 16-1006485A:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents are always able to enter and exit their driveways.
4. Ensure construction safety controls are established (signage, drums, police details, etc....) and are in accordance with the latest MUTCD standards.
5. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
6. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate with each homeowner and be sure to obtain any private easements as necessary prior to work commencing.
8. National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles.
9. Prior to the end of construction, it is understood that there shall not be any double pole situations left along the street.

**Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.**

From Finance Committee

20. **Order No. 15/16-1006349 – Review the Year to Date Budget Report for Gifts, Grants, Donations and Capital Accounts for City and Schools for FY2015:** The Finance Committee continued the review (tabled at the January 19, 2016 and May 2, 2016 Finance Committee meeting) of the reports provided by the Mayor that identified the gifts, grants, donations and balances in the capital accounts. The Finance Committee received updated information just prior to the meeting. The Finance Committee noted the following:

- Report dated 4/30/16 page 51 – The Finance Committee asked the Auditor to provide an explanation of the various subdivision accounts that had a positive balance.

- The Mayor indicated that his Finance team is working on developing a policy on what types of balances should be available in various gifts/grants/donations and revolving fund accounts. When developed, this policy will be presented to the City Council for approval.
- The Finance Committee agreed to periodically request the Auditor provide the report on gifts/grants/donations/revolving funds/capital accounts to monitor fund balances to ensure the funds are being utilized in a timely fashion.

**The Finance Committee voted 5 – 0 to accept and place on file the order.**

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CITY OF MARLBOROUGH

2016 MAY 31 P 4:36



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**MAY 23, 2016**

Regular meeting of the City Council held on Monday, MAY 23, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:59 PM.

Council President Clancy requested a moment of silence in honor of Officer Ronald Tarentino of the Auburn Police Department who was killed in the line of duty.

**ORDERED:** That the Minutes of the City Council meeting MAY 9, 2016, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Proposed FY17 budget as submitted by Mayor Vigeant in the amount of \$149,863,278.00 for review and appropriation in which this spending plan reflects an increase of 4.96% over the approved Fiscal Year 2016 budget, Order No. 16-1006553, all were heard who wish to be heard, hearing recessed at 8:12 PM.

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

**ORDERED:** That the Year-end transfer requests which moves funds from and to various accounts as noted on the attached spreadsheets which will cover expenses and balance accounts for FY16, refer to **FINANCE COMMITTEE**; adopted.

**CITY OF MARLBOROUGH  
BUDGET TRANSFERS --**

DEPT:		Health and Licensing				FISCAL YEAR:		2016		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,138.98	\$1,050.00	15120004	53140	Contract Services	\$1,000.00	15120005	54220	Office Supplies/Expense	\$823.42	
	Reason:	Funds available.					Additional funds needed for mileage reimbursements and supplies			
					\$50.00	11650002	51050	License Board Secretary	\$52.27	
						Funds needed for remaining meetings				
	\$1,050.00	Total			\$1,050.00	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Department of Public Works				FISCAL YEAR:		2016		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Account Description:	Amount	Account Description:	Available Balance			
		Org Code	Object			Org Code	Object			
\$12,397	\$5,970	60080001	50580	Assistant Chemist	\$9,180	60080008	55650	Sewer Maintenance	\$0	
	Reason:	Position vacant for a period of time.				Anticipated cost to cover remaining FY16.				
\$2,825	\$2,325	60080003	51440	Educational Incentives						
	Reason:	Position vacant for a period of time.								
\$1,085	\$885	60081003	51440	Educational Incentives						
	Reason:	Not used.								
\$60,073	\$40,918	61090001	50690	Foreman	\$40,918	61090006	55710	Water Maintenance	\$18,257	
	Reason:	Position Vacant.				Anticipated cost to cover remaining FY16.				
\$115,348	\$39,648	61090001	50740	Equipment Operators	\$39,648	61090003	51310	Overtime - Regular	\$147	
	Reason:	Vacant positions				Anticipated cost to cover remaining FY16.				
	\$89,748	Total			\$89,748	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Department of Public Works				FISCAL YEAR:		#		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Account Description:	Amount	Account Description:	Available Balance			
		Org Code	Object			Org Code	Object			
\$7,334.44	\$4,530	61090003	51470	Interim Foreman	\$4,530	61090006	55710	Water Maintenance	\$18,257	
	Reason:					Anticipated cost to cover remaining FY16.				
\$27,424.54	\$27,424	14001001	50630	Assistant Commissioner	\$27,424	11920006	52469	Repairs/Maintenance	\$149	
	Reason:	Vacant position				Anticipated cost to cover remaining FY 16				
\$22,499.34	\$22,499	14001002	50062	Finance Assistant	\$22,499	14001305	55310	Highway Construction	\$4,170	
	Reason:	Vacant position				Anticipated cost to cover remaining FY 16				
\$8,245.59	\$8,246	14001503	51430	Longevity	\$8,246	14001506	54640	Parks Maintenance	\$0	
	Reason:					Anticipated cost to cover remaining FY 16				
\$2,075.60	\$2,076	14001503	51440	Educational Incentive	\$2,076	14001506	54640	Parks Maintenance	\$0	
	Reason:					Anticipated cost to cover remaining FY 16				
	\$64,775	Total			\$64,775	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT:		Department of Public Works				FISCAL YEAR:				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$10,025.91	\$10,026	14001503	51920	Sick Leave BB	\$10,026	14001504	53140	Contract services	\$0	
	Reason:							Anticipated cost to cover remaining FY 16		
\$98,618.19	\$7,000	14001503	50740	Equipment Operators	\$7,000	14001504	53140	Contract Services	\$0	
	Reason:			Vacant positions				Anticipated cost to cover remaining FY 16		
\$3,073.39	\$3,073	14001503	51940	Clothing Allowance	\$3,073	14001504	53140	Contract Services	\$0	
	Reason:			Vacant positions						
\$2,739.54	\$2,740	14001403	51920	Sick Leave BB	\$1,000	14001104	53150	Advertising	\$30	
	Reason:							Anticipated cost to cover remaining FY 16		
					\$1,740	14001104	53180	Prof/Tech services	\$3,446	
	Reason:							Anticipated cost to cover remaining FY 16		
	\$22,839	Total			\$22,839	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT:		Department of Public Works				FISCAL YEAR:				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$72,012.35	\$72,000	14001406	54830	Fuel and lubricants	\$60,000	11920006	52120	Electricity	\$249,951	
	Reason:			Decrease in fuel costs				Anticipated cost to cover remaining FY 16		
					\$1,000	14001403	51470	Interim Foreman	\$0	
	Reason:							Anticipated cost to cover remaining FY 16		
					\$11,000	14001504	53140	Contract Services	\$0	
	Reason:							Anticipated cost to cover remaining FY 16		
	\$72,000	Total			\$72,000	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		FIRE				FISCAL YEAR:		2016		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$89,894.76	\$30,000.00	12200001	50335	Deputy Fire Chief	\$30,000.00	12200003	51300	Overtime	\$76,700.68	
	Reason:	Funds available due to unfilled positions				Balance may not be sufficient to complete FY16				
	\$30,000.00	Total			\$30,000.00	Total				

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Comptroller				FISCAL YEAR:		2016		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$629,780.00	\$115,000.00	17520006	59254	Interest on BAN	\$5,000.00	11940006	51860	Widows Pension	\$12,439.30	
	Reason:	Excess due to lower than expected interest rate.				Reason:	Notification from Commonwealth of MA			
					\$25,000.00	11330006	53460	Postage	\$21,933.70	
	Reason:					Reason:	Voter Confirmation Mailing			
					\$60,000.00	11960006	51710	Workers Comp	\$0.00	
	Reason:					Reason:	Proposed settlements			
					\$25,000.00	11410006	53114	Appeal Tax Case	\$4,775.00	
	Reason:					Reason:	Appraisal for tax abatement issue			
	\$115,000.00	Total			\$115,000.00	Total				



**ORDERED:** That the transfer request in the amount of \$675,745.00 which moves funds from Undesignated to Overtime Snow & Ice, Snow Removal & Operating Expenses to fund the FY2016 Snow and Ice Deficit, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --										
DEPT:		DPW				FISCAL YEAR:		2016		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		
\$3,896,252.00	\$675,745.00	10000	35900	Undesignated Fund	\$98,745.00	14001203	51390	Overtime-Snow & Ice	-\$98,744.90	
	Reason:	To fund the snow & ice deficit for FY16								
					\$122,000.00	14001206	52960	Snow Removal	-\$119,837.47	
	Reason:									
					\$455,000.00	14001206	57040	Operating Expenses	-\$452,800.29	
	\$675,745.00	Total			\$675,745.00	Total				

**ORDERED:** That the Economic Development Corporation transfer request in the amount of \$722,580.00 which moves funds from Economic Development to MEDC Funding accounts to fully fund the FY17 operations and Walker Building Feasibility Study, X15/16-1006380, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2016		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		
\$1,006,920.08	\$647,580.00	27000099	42440	Economic Development	\$647,580.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY17								
\$1,006,920.08	\$75,000.00	27000099	42440	Economic Development	\$75,000.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	Walker Building feasibility study								
	\$722,580.00	Total			\$722,580.00	Total				

**ORDERED:** That the transfer request in the amount of \$62,400.00 which moves funds from Parks and Fields Capital to Interest on BAN to fund the City's interest payment obligations related to parks and recreation projects, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,485,405.84	\$62,400.00	27000099	42445	Parks & Fields Capital	\$62,400.00	17520006	59254	Interest on BAN	\$629,780.00	
	Reason:	Local options meals tax to be used for FY16 BAN payments associated with parks & fields.								
	\$62,400.00	Total			\$62,400.00	Total				

**ORDERED:** Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Community Compact Grant in the amount of \$5,000.00 awarded to the City to evaluate our economic competitiveness; adopted.

**ORDERED:** Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Dow Chemical Company grant in the amount of \$1,000.00 for general purposes associated with maintaining and beautifying our community; adopted.

**ORDERED:** That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2017, **APPROVED**; adopted.

ORDERED:

**Public Safety Revolving Fund**

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than seventy-five thousand dollars shall be expended during fiscal year 2017, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

**Council on Aging Revolving Fund**

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, authorize a revolving fund to be utilized by the Council on Aging. It is further ordered that:

- (a) receipts credited to the fund shall be limited to donations to the Council on Aging/Senior Center; and
- (b) expenditures from said fund shall be limited to Council on Aging/Senior Center programming; and
- (c) the Executive Director of the Council on Aging shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than forty thousand dollars (\$40,000.00) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and
- (e) the Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, description of expenditures, and year-end balance; and
- (f) the provisions of this order shall not be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

**Parks and Recreation Revolving Fund**

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2017 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than one hundred thousand dollars (\$100,000) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointments of Councilor David Doucette, Derek Chaves, & Laura Kyle to the Commission on Disabilities for terms of three years from date of City Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

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

1. Section 650-12, entitled "Nonconforming uses," is hereby amended by deleting the words "except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling," and inserting in place thereof the following words:-- except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3).
2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended by adding to subsection B thereof, entitled "Powers and duties," after sub-subsection (2), entitled "Variances," the following new sub-subsection (3), entitled "Lawful pre-existing nonconforming single-family dwellings and two-family houses":
  - (3) Lawful pre-existing nonconforming single-family dwellings and two-family houses.
    - (a) As of right. Lawful pre-existing nonconforming single-family dwellings and two-family houses may be altered, reconstructed, extended or structurally changed as a matter of right upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or change would not increase or intensify the existing nonconforming nature of the dwelling or house in question. Upon such a determination, an application to the Board of Appeals for a special permit need not be made, and the owner may apply to the Building Commissioner for a building permit.
    - (b) By special permit. Upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would increase or intensify the existing nonconforming nature thereof, a special permit granted by the Board shall be required to allow such alteration, reconstruction, extension or structural change. The Board may grant a special permit to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board determines, by a finding under M.G.L. c. 40A, § 6, that the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use; and provided, further, that any such special permit shall comply with the requirements of the Zoning Ordinance of the City of Marlborough, including but not limited to Section 650-12, entitled "Nonconforming uses," as amended. Application for a special permit in such a case shall be made to the Board pursuant to procedures set forth in Subsection C(5) of this Section 650-58.

- (c) By variance. Upon the determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would create a new nonconformity(ies), a variance granted by the Board shall be required to allow such alteration, reconstruction, extension or structural change. Application for a variance in such a case shall be made to the Board pursuant to the procedures set forth in Subsection C(1)-(4) of this Section 650-58.
3. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended by adding to subsection C thereof, entitled "Procedure," after sub-subsection (4), the following new sub-subsection (5), entitled "Special permit procedure":

- (5) Special permit procedure. The application for a special permit proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house, shall be filed with the City Clerk's office in accordance with MGL Chapter 40A, accompanied by a filing fee in the amount calculated to be the same as for special permit applications submitted to the City Council. The application for the special permit shall be made in writing by the applicant or its duly authorized agent, who shall file the following number of sets of application materials at the offices set forth below:

Number of Sets	Office
1	Office of City Clerk
1	Building Department
1	Office of City Council
1	City Engineer
1	Legal Department
1	Conservation Officer

The Board may adopt rules and regulations for the issuance of special permits applicable to this Section 650-58 in accordance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough.

A public hearing shall be held on each special permit application proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house. The procedures for the public hearing and for the notice thereof to parties in interest shall be in conformance with M.G.L. c. 40A, but the Board shall endeavor to hold the public hearing on a special permit application on the same evening as it would be holding the public hearing on any variance petition that may be associated with the same dwelling or house. Within 90 days after the close of the public hearing on the special permit application, the Board of Appeals shall take final action on a decision to grant or deny the requested special permit.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, JUNE 20, 2016**; adopted.

**Councilor Oram recused.**

ORDERED: That there being no objection thereto set **MONDAY, JUNE 20, 2016** as **DATE FOR PUBLIC HEARING** On the Application for LED Sign Special Permit, Back Bay Sign on behalf of Carewell Urgent Care, 757 Boston Post Rd. East, to place a free-standing LED sign, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That the Communication from the Attorney Falk of Mirick O'Connell re: Easements for Atrium Place, X 16-1006366D, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Kevin Erikson of Walker Realty LLC re: Apex Center – Proposed Master Plan and draft of Development Agreement, refer to **URBAN AFFAIRS COMMITTEE**; adopted. (Plans and Maps may be viewed in the City Clerk's Office).

ORDERED: That the Communication from Attorney Bergeron of Mirick O'Connell re: Apex Center-Site Plan Review under the HRMUOD Ordinance, X16-1006443D, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 6, 2016** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**Councilor Delano recused.**

ORDERED: That the Application for Renewal of Junk Dealer's License, Gerald Dumais, Inc. d/b/a Dumais and Sons Second Hand Store, 6 High St., refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Communication from State Lottery Commission re: KENO Monitor to existing KENO To Go at 7-Eleven, 92 Broad St., **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 24, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessor's, May 4, 2016, **FILE**; adopted.

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

- a. Jodi Gale, 26 Franklin St., other property damage.

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

Meeting Name: City Council Public Services Committee

Date: May 16, 2016

Time: 6:30 PM

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

Convened: 6:30 PM

Adjourned: 6:57 PM

Present: Chairman Landers; Public Services Committee Members Councilors Irish and Doucette; and Councilor Clancy

**Order No. 16-1006520: Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #820, 769 Donald Lynch Boulevard.** Police Chief Leonard approved the CORI report for Brian Novak and had no objection to the renewal of their Junk Dealer License. Brian Novak appeared on behalf of Best Buy Store, LP #820, located at 769 Donald Lynch Boulevard. Mr. Novak explained business has been good with recyclables and refurbished products. They recycle cell phones, accept trade-ins for new cell phones and recycle old electronics as well. **Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.**

**Order No. 16-1006557: Application for Renewal of Junk Dealer's License, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road East.** Police Chief Leonard approved the CORI report for Jean Rabelo and had no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Jean Rabelo and Mr. Julio Rabelo appeared on behalf of Post Road Used Auto Parts of Marlboro, Inc. The used car parts business is doing well. In addition, they sell older vehicles as is on either Craigslist or eBay as it is not viable to list it for parts. **Motion made by Councilor Irish, seconded by Councilor Doucette, to approve. The motion carried 3-0.**

**Order No. 16-1006485A: Petition from National Grid and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along Main Street between Main Street and Francis Street. The City of Marlborough requests pole relocations to accommodate road improvement project.** President Clancy spoke on behalf of the petition for the relocation of poles on East Main Street between Main Street and Francis Street. President Clancy explained the importance of the pole relocation approval so when the street is redone the poles and their wires are relocated for this project. The pole relocations are for East Main Street and the order should reflect that change.

Chairman Landers read the list of standard conditions as required by the City Engineer:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents are always able to enter and exit their driveways.
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.



## Reports of Committees Cont'd:

5. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
6. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate all utility pole relocations with the City of Marlborough in accordance with the approved reconstruction plans and meet with the Project Manager to ensure that proposed/existing utility poles are not left within the travel way unprotected.
8. National Grid shall coordinate with each homeowner and be sure to obtain any private easements as necessary prior to work commencing.
9. National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles.
10. Prior to the end of construction it is understood that there shall not be any double pole situations left along the street.

**Motion made by Councilor Doucette, seconded by Councilor Irish, to approve as amended. The motion carried 3-0.**

**Order No. 16-1006500A: Petition from National Grid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Drive. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Drive.** President Clancy informed the Public Services Committee there has been a lot of redevelopment in the area, creating new users and an increased need for electrical capacity.

Chairman Landers stated the list of standard conditions as required by the City Engineer are the same as Order No. 16-1006485A:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents are always able to enter and exit their driveways.
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
6. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate with each homeowner and be sure to obtain any private easements as necessary prior to work commencing.
8. National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles.
9. Prior to the end of construction it is understood that there shall not be any double pole situations left along the street.

## Reports of Committees Cont'd:

**Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.**

**Motion made by Councilor Doucette, seconded by Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 6:57 PM.**

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Wednesday May 11, 2016  
In Council Chambers**

**Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Irish and Doucette. Councilors Delano, Landers, Clancy, Elder, Tunnera and Juairé were also in attendance. The meeting convened at 6:02 PM.**

- 1. Order No. 16-1006553 - Mayor Fiscal Year 2017 Operating Budget for \$149,863,278.00:** The Finance Committee reviewed the Mayor's letter dated May 5, 2016 requesting the approval of the Fiscal Year 2017 (FY17) operating budget for \$149,863,278.00.

Attachment 1 contains the projected tax implications based on the Mayor's FY I 7 budget. The Mayor's FY17 budget results in a 1.69% estimated increase in the property tax levy or an increase of approximately \$81.70 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2016.

Attachment 2 contains the projections for the state and local revenues for FY17 that were used in developing the tax implications.

**The Finance Committee voted 5 - 0 to approve the following reductions:**

- Councilors Salary Account 11110003-50070 - \$4,205.00**
- Interest on BAN Account 17520006-59254 - \$50,000.00**
- Sewer Service Fund Legal Services Account 600080004-53110 - \$200,000.00**

**The Finance Committee voted 5 - 0 to approve a \$254,205.00 reduction to the Mayor's FY17 budget of \$149,863,278.00. The Finance Committee voted 5 - 0 to approved a FY17 budget of \$149,609,073.00. This represents a 4.78% increase from the FY16 budget or an increase of \$6,821,311.00.**

The Finance Committee adjourned at 9:19 PM.

## Reports of Committees Cont'd:

**Marlboro City Council Finance Committee  
Monday May 16, 2016  
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Irish and Doucette. Councilors Clancy and Landers were also in attendance The meeting convened at 7:01 PM.

1. **Order No. 16-1006554 – Transfer \$74,094.54 from Reserve for Salaries to Fund the Command Officers Contract:** The Finance Committee reviewed the Mayor's letter dated May 5, 2016 requesting the transfer of \$74,094.54 from the Reserve for Salaries account to fund the Command Officers Contract for fiscal years 2016, 2017 and 2018. **The Finance Committee voted 5 – 0 to approve the transfers.**

**The Finance Committee agreed to support suspending the rules at the May 23, 2016 City Council meeting to approve the transfer.**

2. **Order No. 15/16-1006349 – Review the Year to Date Budget Report for Gifts, Grants, Donations and Capital Accounts for City and Schools for FY2015:** The Finance Committee continued the review (tabled at the January 19, 2016 and May 2, 2016 Finance Committee meeting) of the reports provided by the Mayor that identified the gifts, grants, donations and balances in the capital accounts. The Finance Committee received updated information just prior to the meeting. The Finance Committee noted the following:

- Report dated 4/30/16 page 51 – The Finance Committee asked the Auditor to provide an explanation of the various subdivision accounts that had a positive balance.
- The Mayor indicated that his Finance team is working on developing a policy on what types of balances should be available in various gifts/grants/donations and revolving fund accounts. When developed, this policy will be presented to the City Council for approval.
- The Finance Committee agreed to periodically request the Auditor provide the report on gifts/grants/donations/revolving funds/capital accounts to monitor fund balances to ensure the funds are being utilized in a timely fashion.
- **The Finance Committee voted 5 – 0 to accept and place on file the order.**

The Finance Committee meeting adjourned at 9:05 PM

**Suspension of the Rules requested-granted**

**ORDERED:** That the Police Department transfer request in the amount of \$74,094.54 which moves funds from Reserve for Salaries to various accounts as noted on the attached spreadsheet to fund the recently ratified collective bargaining agreement between the City and Command Officers Union for FY16, 17, & 18, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Police				FISCAL YEAR: 2018					
Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$520,539.84	\$74,094.54	11990008	57820	Reserve for Salaries	\$7,672.98	12100001	50500	Police Captains	\$38,855.67
	Reason:	Contractual Obligation			Reason:	Contractual Obligation			
					\$14,648.08	12100001	50510	Police Lieutenants	\$155,556.83
	Reason:				Reason:	Contractual Obligation			
					\$34,767.05	12100001	50820	Sergeants	\$130,515.94
	Reason:				Reason:	Contractual Obligation			
					\$5,324.22	12100003	51440	Education	\$235,814.15
	Reason:				Reason:	Contractual Obligation			
					\$1,422.67	12100003	51342	Longevity	\$50,469.51
	Reason:				Reason:	Contractual Obligation			
					\$645.66	12100003	51450	Night Diff.	\$48,182.18
	Reason:				Reason:	Contractual Obligation			
					\$69.58	12100003	51410	First Responder	\$15,768.14
	Reason:				Reason:	Contractual Obligation			
					\$517.64	12100003	51360	Training	\$10,074.08
	Reason:				Reason:	Contractual Obligation			
					\$6,058.42	12100003	51310	OT - Regular	\$48,898.48
	Reason:				Reason:	Contractual Obligation			
					\$56.50	12100003	51319	OT - Cell Watch	\$0.00
	Reason:				Reason:	Contractual Obligation			
					\$822.77	12100003	51320	OT - Court	\$58,027.68
	Reason:				Reason:	Contractual Obligation			
					\$2,088.97	12100003	51490	Holiday Pay	\$66,765.01
	Reason:				Reason:	Contractual Obligation			
	\$74,094.54	Total			\$74,094.54	Total			

**Suspension of the Rules requested-granted**

ORDERED: That the Mayor's Fiscal Year 2017 Operating Budget for \$149,863,278.00 be further modified by reducing the following accounts by a total of \$254,205.00:

- Councilors Salary Account 11110003-50070 - \$4,205.00
- Interest on BAN Account 17520006-59254 - \$50,000.00
- Sewer Service Fund Legal Services Account 600080004-53110 - \$200,000.00

Therefore, the FY17 operating budget for the City in the amount of \$149,609,073.00, which represents a 4.78% increase from the FY16 Budget or an increase of \$6,821,311.00, **APPROVED**.

Attachment 1 contains the projected tax implications based on the Mayor's FY I 7 budget. The Mayor's FYI 7 budget results in a 1.69% estimated increase in the property tax levy or an increase of approximately \$81.70 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2016.

Attachment 2 contains the projections for the state and local revenues for FYI7 that were used in developing the tax implications.

**Councilors Delano and Oram filed disclosure statements with the City Clerk.**

**ORDERED:** That the Communication from the Mayor re: Downtown Economic Development transfer requests in the amount \$650,000.00 each which moves funds from Undesignated to Capital Outlay-Downtown and Stabilization-Downtown for downtown economic development, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,896,252.00	\$650,000.00	10000	35900	Undesignated Fund	\$650,000.00	83600	32700	Stabilization-Downtown	\$0.00	
	Reason:					Mitigation funds received to date from Avalon Bay and Crabtree Lake Williams to be used for downtown economic development.				
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	\$650,000.00	Total			\$650,000.00	Total				

**ORDERED:** That the Communication from the Mayor re: transfer request in the amount of \$43,500.00 which moves funds from Undesignated to Stabilization-Open Space to shift revenues from Wireless Antenna receipts from FY15, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Mayor				FISCAL YEAR:	2016			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,896,252.00	\$43,500.00	10000	35900	Undesignated Fund	\$43,500.00	83600	32918	Stabilization-Open Space	\$971,843.80	
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2015 to Open Space Stabilization								
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	\$43,500.00	Total			\$43,500.00	Total				

**ORDERED:** That the Communication from the Mayor re: Miscellaneous Salary Item transfer requests in the amount of \$18,635.00 which moves funds from City Collector to various salary line items as indicated on the attached spreadsheet to balance salary accounts for the remainder of this fiscal year, **APPROVED;** adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Various				FISCAL YEAR:		2016	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:	
\$30,104.45	\$18,635.00	11440001	50042	City Collector				To fund various salary accounts thru year-end	
					\$4,100.00	11920001	50690	Foreman-Public Fac	
	Reason:	Position vacant for a period of time.			\$1,035.00	12100003	50540	Chief Dispatcher	
					\$980.00	12200001	50130	Fire Chief	
					\$1,805.00	12410001	50090	Bldg Commissioner	
					\$3,450.00	12410001	50260	Local Inspector	
					\$340.00	12410001	50370	Plumbing Inspector	
					\$500.00	12410001	50380	Electrical Inspector	
					\$1,500.00	15120001	50390	Nurse	
					\$1,425.00	15120001	50605	Dir of Public Health	
					\$1,500.00	15120001	50811	Asst Sanitarian	
					\$2,000.00	12100003	51120	Crossing Guards	
\$18,635.00	Total				\$18,635.00	Total			



**ORDERED:** That the Communication from the Mayor re: Recreation Department transfer request in the amount of \$10,480.00 which moves funds from Events Coordinator to Director and Sick Leave Buy Back accounts due to a retirement in the Recreation Department, **APPROVED;** adopted.

**Councilor Oram recused.**

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Recreation				FISCAL YEAR:		2016		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$18,594.00	\$10,480.00	14920003	50999	Events Coordinator	\$5,480.00	14920001	50110	Director	\$2,911.73	
	Reason:	Position filled late in the year					Retirement. Vacation payout			
					\$5,000.00	14920003	51920	Sick Leave Buy Back	\$9.68	
						Retirement. Sick leave payout.				
	\$10,480.00	Total			\$10,480.00	Total				

**ORDERED:** That the City Council of the City of Marlborough hereby **RESCINDS** previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$110,000 balance of the \$110,000 authorized to be borrowed to pay costs of park reconstruction, duly adopted by order of this Council and approved by the Mayor on October 4, 2010;

the \$464 balance of the \$810,464 authorized to be borrowed to pay costs of fire department equipment, duly adopted by order of this Council and approved by the Mayor on July 1, 2008;

the \$494 balance of the \$3,923,613 authorized to be borrowed to pay costs of street construction, duly adopted by order of this Council and approved by the Mayor on July 1, 2008;

the \$12,509,021 balance of the \$33,700,000 authorized to be borrowed to pay costs of waste water treatment plant upgrades, duly adopted by order of this Council and approved by the Mayor on June 11, 2008;

the \$172,400 balance of the \$200,000 authorized to be borrowed to pay costs of water meters, duly adopted by order of this Council and approved by the Mayor on September 26, 2006;

the \$57,000 balance of the \$507,000 authorized to be borrowed to pay costs of water mains, duly adopted by order of this Council and approved by the Mayor on September 19, 2006;

the \$220,600 balance of the \$220,600 authorized to be borrowed to pay costs of water department equipment, duly adopted by order of this Council and approved by the Mayor on September 19, 2006;

the \$700 balance of the \$983,700 authorized to be borrowed to pay costs of water construction, duly adopted by order of this Council and approved by the Mayor on January 16, 1997;

the \$400 balance of the \$2,500,000 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on July 24, 1997;

the \$6,500 balance of the \$172,000 authorized to be borrowed to pay costs of drainage construction, duly adopted by order of this Council and approved by the Mayor on September 14, 1995;

the \$17,900 balance of the \$1,492,000 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on October 3, 1995;

the \$912 balance of the \$455,912 authorized to be borrowed to pay costs of departmental equipment, duly adopted by order of this Council and approved by the Mayor on November 30, 2000;

the \$75,000 balance of the \$3,500,000 authorized to be borrowed to pay costs of water improvements, duly adopted by order of this Council and approved by the Mayor on September 1, 1992;

the \$139,962 balance of the \$2,000,000 authorized to be borrowed to pay costs of watershed land acquisition, duly adopted by order of this Council and approved by the Mayor on May 27, 1993;

the \$27,000 balance of the \$417,000 authorized to be borrowed to pay costs of public facility improvements, duly adopted by order of this Council and approved by the Mayor on October 31, 1994;

the \$35 balance of the \$147,035 authorized to be borrowed to pay costs of the Florence Street drains, duly adopted by order of this Council and approved by the Mayor on June 14, 2005;

the \$500 balance of the \$200,000 authorized to be borrowed to pay costs of cemetery plot development, duly adopted by order of this Council and approved by the Mayor on August 26, 1999; and

the \$500 balance of the \$42,500 authorized to be borrowed to pay costs of parks and cemetery equipment, duly adopted by order of this Council and approved by the Mayor on January 14, 1999; adopted.

**Yea - Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing, & Robey**

ORDERED: That the Communication from the Mayor re: The City’s Apportionment of FY17, Chapter 90 Funds in the amount of \$1,119,210.00 in which the funds will be used for road infrastructure projects, **FILE**; adopted.

ORDERED: That the Fire Department transfer request in the amount of \$33,351.29 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back pertinent to a retiring employee, **APPROVED**; adopted.

		FROM ACCOUNT:			TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$520,539.84	\$33,351.29	11990006	57820	Reserve for Salaries	\$33,351.29	1.2E+07	51920	Sick Leave Buy Back	\$4,428.91
	Reason:	Retirement payout of sick leave buy back							
	\$33,351.29	Total			\$33,351.29	Total			

ORDERED: That the Application for Renewal of Junk Dealer’s License, TVI, Inc. d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS:**

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.

8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

#### Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

ORDERED: That the Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:59 PM.

# NOTICE

## Department of Public Works Office of the Commissioner

### MANDATORY RESTRICTIONS ON NON-ESSENTIAL OUTDOOR WATER USES

City of Marlborough Commissioner of Public Works, John L. Ghiloni announced today, effective Wednesday, June 1, 2016, mandatory restrictions on non-essential outdoor water uses. The restrictions on non-essential outdoor water uses are a condition of the City's state-issued Water Management Act permit from MassDEP and the Streamflow Triggered Restrictions therein.

#### **Odd / Even Outdoor Water Use Restriction**

Properties with **odd** street numbers may water lawns (and other non-essential water uses) only before 9:00 a.m. and after 5:00 p.m. on **Mondays and Thursdays**.

Properties with **even** street numbers may water lawns (and other non-essential water uses) only before 9:00 a.m. and after 5:00 p.m. on **Tuesdays and Fridays**.

No lawn watering via sprinklers or automatic irrigations system is allowed on Saturday, Sunday or Wednesday

#### **Prohibited Outdoor Water Uses**

Washing of vehicles, except in a commercial car wash or as necessary for operator safety.

Washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

#### **Permitted Outdoor Water Uses**

Irrigation to establish a new lawn and new plantings.

Irrigation of public parks and recreational fields by means of automatic sprinklers before 9 a.m. and after 5 p.m.

Irrigation of lawns, gardens, flowers and ornamental plants by means of a handheld hose.

#### **Outdoor Water Uses NOT Subject To Mandatory Restrictions**

For health or safety reasons.

By regulation.

For the production of food and fiber.

For the maintenance of livestock.

To meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees, greens, and limited fairway watering).

Any questions regarding this notice should be directed to the Department of Public Works at 508-624-6910 x33300 or [dpw@marlborough-ma.gov](mailto:dpw@marlborough-ma.gov)



## IN CITY COUNCIL

Marlborough, Mass., MAY 23, 2016

**ORDERED:**

That there being no objection thereto set **MONDAY, JUNE 6, 2016** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

**Councilor Delano recused.**

**ADOPTED**

**ORDER NO. 16-1006582**



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2016 JUN -2 A 10:41

# City of Marlborough

## Office of the Mayor

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

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patrieta Bernard*  
EXECUTIVE SECRETARY

June 2, 2016

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

### **Re: Standard and Poors Report**

Honorable President Clancy and Councilors:

As I discussed with the Finance Committee on June 1, please find enclosed for your information a number of documents, including the Standard and Poor's Ratings Group's ("S&P") report, that the City received after the recent issuance of a \$25,124,000 20-year bond and a \$18,654,000 one-year bond anticipation note.

Over the past few years, with your support, we have invested in revitalizing parks and playgrounds, reconstructing streets, and upgrading water and sewer infrastructure. By taking on these projects, we are investing in Marlborough's future; we are creating a better quality of life for our residents and improving the systems that help the City function.

Prior to the sale of the bonds, S&P affirmed the City's AA+ underlying long-term debt rating and assigned a SP-1+ rating to the Notes, the highest short term rating attainable. We should be proud of our sound AA+ rating as we continue to work towards achieving a AAA rating. S&P cited the City's very strong economy, budgetary flexibility, liquidity and institutional framework as positive credit factors.

Moving forward, we should have a broader discussion about one question that was raised in the S&P report: how the City uses our free cash. Historically, we have purchased equipment, made OPEB payments, and other transfers with our free cash. I believe this is prudent financial planning, but S&P has raised questions about this process because these transfers appear as though the City is deficit spending on our balance sheet.

My financial team is consulting with our bond counsel, auditors, and staff at the Department of Revenue to resolve these concerns. I look forward to updating you on the outcome of these discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

**Arthur G. Vigeant**  
**Mayor**

Enclosures



# RatingsDirect®

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## Summary:

# Marlborough, Massachusetts; General Obligation; Note

### Primary Credit Analyst:

Thomas J Zemetis, Centennial 303.721.4278; thomas.zemetis@spglobal.com

### Secondary Contact:

Timothy W Little, New York (212) 438-7999; timothy.little@spglobal.com

## Table Of Contents

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Rationale

Outlook

Related Criteria And Research

## Summary:

# Marlborough, Massachusetts; General Obligation; Note

### Credit Profile

US\$19.924 mil GO BANs due 06/17/2017

*Short Term Rating*

SP-1+

New

US\$18.854 mil GO muni purp loan of 2016 bnds ser 2016 due 06/15/2036

*Long Term Rating*

AA+/Stable

New

Marlborough GO

*Long Term Rating*

AA+/Stable

Affirmed

## Rationale

S&P Global Ratings assigned its 'AA+' rating and stable outlook to Marlborough, Mass.' series 2016 general obligation (GO) bonds. At the same time, S&P Global Ratings assigned its 'SP-1+' short-term rating to the city's series 2016 GO bond anticipation notes (BANs), maturing June 16, 2017.

The rating service also affirmed its 'AA+' rating and stable outlook on the city's outstanding GO debt.

The short-term rating reflects our opinion that the city will maintain a very strong ability to pay principal and interest when the notes are due. In our opinion, Marlborough has a low market risk profile because it maintains strong legal authority to issue long-term debt to take out the notes and it is a frequent issuer that regularly provides ongoing disclosure to market participants.

The bonds and notes are secured by the city's full faith and credit pledge, subject to the limitations of Proposition 2½. Despite limitations imposed by the commonwealth's levy limit law, we did not make a rating distinction for the limited-tax GO pledge due to the city's flexibility under the levy limit. We understand that the proceeds from the series bonds and BANs will be used to finance various capital improvement projects, including sewer, street, and water system improvements, and construction of outdoor recreation facilities as well as a senior center.

The rating reflects our opinion of the city's:

- Very strong economy, with access to a broad and diverse metropolitan statistical area (MSA);
- Adequate management, with standard financial policies and practices under our Financial Management Assessment (FMA) methodology;
- Weak budgetary performance, with an operating deficit in the general fund and a slight operating deficit at the total governmental fund level in fiscal 2015;
- Very strong budgetary flexibility, with an available fund balance in fiscal 2015 of 18% of operating expenditures, and the flexibility to raise additional revenues despite statewide tax caps;
- Very strong liquidity, with total government available cash at 24.8% of total governmental fund expenditures and 10.8x governmental debt service, and access to external liquidity that we consider strong;

- Adequate debt and contingent liability position, with debt service carrying charges at 2.3% of expenditures and net direct debt that is 67.1% of total governmental fund revenue, as well as low overall net debt at less than 3% of market value, but a large pension and other postemployment benefit (OPEB) obligation; and
- Strong institutional framework score.

### **Very strong economy**

We consider Marlborough's economy very strong. The city, with an estimated population of 40,739, is located in Middlesex County in the Boston-Cambridge-Newton MSA, which we consider to be broad and diverse. The city has a projected per capita effective buying income of 129% of the national level and per capita market value of \$119,555. Overall, the city's market value grew by 7.6% over the past year to \$4.9 billion in 2016. The county unemployment rate was 4% in 2015.

Marlborough is a primarily residential community with a diverse industrial and commercial base, located approximately 28 miles west of Boston and 16 miles northeast of Worcester. The city is traversed by interstate highways 290 and 495, as well as the U.S. Route 20 corridor, which connects residents to Boston, Worcester, and other employment centers in the surrounding metropolitan area. Due to its central location and good highway access, the city has also seen residential and commercial growth over the past few years.

Since 2011, several sizable employers have relocated to Marlborough, which has positively affected the employment and property tax base. Notably, the relocation of Boston Scientific (1,600), TJX Companies Inc. (1,900), and Quest Diagnostics (1,300) to Marlborough has led the increase in commercial development and expansion. In addition, city officials report that the city has instituted policies which they expect will promote business expansion and construction of new housing. In 2015 and 2016, management noted that the city entered into several tax increment financing (TIF) agreements with several companies, particularly in the biotechnology, advanced manufacturing, and computer services industries. In 2015, the city reported TIF developments yielded approximately \$270,000 in new revenue. We consider the tax base to be very diverse, with the 10 leading taxpayers accounting for 11.97% of assessed values.

Furthermore, Marlborough remains on target to undergo significant economic changes in the next couple of years. In May 2016, the city's urban affairs committee approved a zoning overlay district for developable properties along the U.S. Route 20 corridor, which could attract new development in the city. One development proposal for the overlay district is the 475,000-square-foot Apex Center of New England, which would feature two hotels, office space, restaurants, entertainment venues, and an indoor recreation facility. Management conservatively estimates that the city could generate \$2 million in additional permitting fees and property tax revenue annually, from economic development over the next few years.

### **Adequate management**

We view the city's management as adequate, with standard financial management policies and practices under our FMA methodology, indicating the finance department maintains adequate policies in some, but not all, key areas.

Demonstrating the city's key budgeting practices is management's use of four to five years of historical data to forecast its revenue and expenditure assumptions. In preparation of its annual budget, management estimates its local tax receipts and intergovernmental revenue by reviewing economic and demographic growth trends in coordination with the assessor's office. Management determines its annual budget appropriations by assessing fixed costs, such as debt

service and contractual obligations from collective bargaining to determine its baseline. The remainder of budgeted appropriations are then identified and prioritized based on municipal departments and community needs. Throughout each fiscal year, the city also monitors its budget-to-actual performance internally, and management delivers a report to the city council monthly to address budget variances. According to management, the city council may not increase any supplementary appropriations without the recommendation of the mayor or manager.

Currently, Marlborough performs limited capital improvement planning on an annual basis, which lays out capital needs and debt service amortization, and primarily identifies internal and external funding sources for the current and upcoming fiscal year. In addition, the city complies with commonwealth guidelines for fund investments and investment reporting is done annually during the audit process. At this time, the city has no formal debt management policy, aside from adhering to state statutes and guidelines. Marlborough also does not perform any long-term financial planning to forecast future revenue and expenditures trends. The city has an informal reserve policy, with a target of maintaining reserves and stabilization funds at minimum of 10% of annual expenditures and a goal of 15% or greater, though the city has no formal plan to replenish fund balances in the event that reserves fall below minimum levels. However, the city has historically met and sustained reserves that adhere to this policy.

### **Weak budgetary performance**

Marlborough's budgetary performance is weak in our opinion. The city had deficit operating results in the general fund of negative 3% of expenditures, and slight deficit results across all governmental funds of negative 1.1% in fiscal 2015. After posting positive general fund operating results in fiscal 2013 and 2014, Marlborough ended fiscal 2015 with a \$9.129 million deficit, or 6.5%, of general fund expenditures. However, for analytical consistency, we adjust for net recurring transfers out of the general fund and one-time capital expenditures. Furthermore, due to a one-time transfer of \$5 million from previously committed general stabilization funds to a newly-established OPEB trust fund, we believe the reported deficit could be overstated. With the one-time expenditure accounted for, the city's operating deficit shifts downward to \$4.129 million or 3% of general fund expenditures.

The city's weakened budgetary performance was partially a result of higher-than-budgeted snow and ice removal expenditures, caused by a winter with above-average snowfall totals. Snow and ice removal expenditures exceeded budgeted appropriations by approximately \$1.8 million, and management reports the city appropriated \$1.2 million to pay court settlement costs. The city's higher-than-budgeted expenditures were partially offset by growth in local revenue sources in fiscal 2015. Property taxes increased by approximately \$1.3 million, and motor vehicle and other excise taxes increased by \$374,992. In addition, Marlborough realized an increase in its share of intergovernmental revenues by \$515,069.

The city's \$143.3 million fiscal 2016 operating budget includes a 4.52% annual increase in expenditures, but does not include any appropriation of reserves or unused levy capacity. Due to economic growth in the city, management conservatively estimated \$1.8 million in new property tax revenue. As a result, the city decreased its residential tax rate from 15.76 mills to 15.34 mills, and lowered its commercial and industrial tax rate from 27.43 mills to 25.69 mills. With less than two months remaining in the fiscal year, management indicates that revenues are trending slightly above budget due to higher-than-budgeted permitting fees, in conjunction with modest growth to property and excise tax revenue. Furthermore, management reports actual expenditures are tracking below budget due to cost savings and unexpended appropriations across city departments. Due to what we consider its conservative estimates, management

expects to finish fiscal 2016 balanced or with a slight surplus.

For fiscal 2017, the mayor proposed a balanced \$149.8 million total government budget, which would be an increase of 4.53%. However, management indicates that the city does not plan to the appropriate reserves or exercise its unused levy capacity. The city attributes growth in budgetary appropriations to rising debt service costs, which could reach between \$4 million and \$5.6 million over the next fiscal year. Marlborough expects that school expenditures will increase only 1% from the fiscal 2016 budget. Management also reports employee salaries, health care, and other cost of living adjustments are currently being negotiated with the city's collective bargaining units and are expected to be finalized by the end of fiscal 2016.

The city's revenue profile has remained stable and predictable, and revenue is largely independent of commonwealth and federal revenues. In fiscal 2015, property taxes generated 67.4% of general fund revenue, while intergovernmental revenue constituted approximately 24.5%.

### **Very strong budgetary flexibility**

Marlborough's budgetary flexibility is very strong, in our view, with an available fund balance in fiscal 2015 of 18% of operating expenditures, or \$25.5 million. In addition, the city has the flexibility to raise additional revenues despite statewide tax caps, which we view as a positive credit factor.

We expect Marlborough to continue to manage available reserves to current levels over the next few fiscal years. The city has an informal reserve policy to maintain unassigned fund balances of at least 10% and a target of 15%, to which the city has historically met and sustained. In addition, Marlborough maintains a general stabilization reserve fund (which forms a portion of available reserves), totaling nearly \$13.3 million. We understand management does not currently plan to appropriate reserves in fiscals 2016 or 2017. Despite a \$1.19 million draw down in unassigned general fund balance in fiscal 2015, the city maintains available reserves at \$25.5 million or 18% of operating expenditures, which we expect to remain stable.

Over the past four fiscal years, Marlborough has maintained an unused levy capacity of \$20 million or more. In fiscal 2015, the city reported roughly \$24.5 million of unused levy capacity; the current amount represents 18.2% of expenditures. Furthermore, management reports that it does not plan to exercise unused levy capacity in fiscal 2016 and the excess taxing capacity is projected to be around \$28.6 million over the next two years. We view unused levy capacity as additional operating flexibility because the city can raise the levy up to that amount without an operating override. In the past, Marlborough has shown a willingness to use that excess taxing capacity when needed. Therefore, we expect the city's flexibility to remain very strong over the next two years.

### **Very strong liquidity**

In our opinion, Marlborough's liquidity is very strong, with total government available cash at 24.8% of total governmental fund expenditures and 10.8x governmental debt service in 2015. In our view, the city has strong access to external liquidity if necessary. Marlborough is a frequent market participant that has issued debt frequently over the past several years, including GO bonds and short-term BANs. The city has no variable-rate or direct purchase debt, and management has confirmed it has no contingent liquidity risks from financial instruments with payment provisions that change upon the occurrence of certain events. City investments are subject to state guidelines, and Marlborough invests its cash in low-risk assets with original maturities of three months or less, including the Massachusetts

Municipal Depository Trust, money markets, and short-term certificates of deposit. For these reasons, the city's available cash position continues to be strong and stable, and we expect its liquidity profile to remain very strong over the next two years.

### **Adequate debt and contingent liability profile**

In our view, Marlborough's debt and contingent liability profile is adequate. Total governmental fund debt service is 2.3% of total governmental fund expenditures, and net direct debt is 67.1% of total governmental fund revenue. Overall net debt is low at 2.1% of market value, which is, in our view, a positive credit factor.

After this bond issue, Marlborough will have \$136.31 million of total direct debt, of which \$19.924 million are BANs. In addition, the city borrowed \$11.91 million from the Massachusetts Water Pollution Abatement Trust in the form of an interim financing loan for costs related to sewer system upgrades. The city expects to finance this amount through the issuance of long-term debt. In addition, the city's proportionate share of overlapping debt is \$13.9 million from the Assabet Valley Regional Vocational School District for renovation costs. Over the next three years, the city will likely issue about \$20 million to \$22 million in additional debt to finance several capital projects, including street construction, building renovations, and parks and recreation improvements. Given its low overall net debt and rapid amortization of debt, we do not expect our assessment of the city's debt profile to weaken.

In our opinion, a long-term credit consideration is Marlborough's large pension and OPEB liabilities. Marlborough's combined required pension and actual OPEB contributions totaled 8.1% of total governmental fund expenditures in 2015. Of that amount, 4.9% represented required contributions to pension obligations, and 3.2% represented OPEB payments. The city made its full annual required pension contribution in 2015. The funded ratio of the largest pension plan is 73.1%.

According to Governmental Accounting Standards Board (GASB) Statement No. 68, which the city implemented for its financial statements ending June 30, 2015, employers with benefits administered through a single- or multi-employer plan are to recognize the net pension liability for pension-related activity incurred prior to July 1, 2014. The city's total net pension liability was approximately \$53.15 million as of the most recent actuarial valuation, December 31, 2014. The city contributed \$7.7 million, or 100%, of its actuarially determined contribution in fiscal 2015.

Marlborough contributes to a cost-sharing, defined-benefit pension plan, the Marlborough Contributory Retirement System. The system covers eligible municipal employees, with the exception of school teachers, and provides retirement, disability, and survivor benefits. The commonwealth requires Marlborough to pay its share of the system-wide actuarial-determined contribution. The city's contributions matched the annual required contribution in each of the past three fiscal years, the system's plan fiduciary net position is funded at 73.14% of total pension liability as of June 30, 2015. Marlborough also provides OPEB to its retirees in the form of health and life insurance benefits. The city's unfunded OPEB liability, as of June 30, 2015, was \$110.4 million. In 2015, the city contributed \$3.638 million, or 92.2%, of its annual required contribution to the OPEB liability. Furthermore, Marlborough established an OPEB trust fund in 2015, and management expects to use this fund to reduce the city's unfunded liability. In fiscal 2015, the city transferred \$5 million, which was previously committed in the city's stabilization funds, into the designated OPEB trust fund. Beginning in fiscal 2016, the city expects to set aside approximately \$100,000 annually towards funding the OPEB trust.

### Strong institutional framework

The institutional framework score for Massachusetts municipalities is strong.

## Outlook

The stable outlook reflects our view of Marlborough's very strong economy, which benefits from its participation in the broad and diverse Boston-Cambridge-Newton MSA, coupled with the city's very strong budgetary flexibility and liquidity, which will likely ensure the city's stability over our two-year outlook period. At the same time, we expect that the city will maintain, at least, an adequate debt and contingent liability profile, supported by rapid amortization of outstanding debt and low overall net debt as a percentage of market value. However, given negative general and total governmental operating results and weak budgetary performance in fiscal 2015, coupled with large pension and OPEB liabilities, these credit factors are not commensurate with higher-rated peers. Therefore, it is unlikely that we will raise the rating. As such, we do not anticipate changing the rating in the next two years.

### Upside scenario

All else being equal, we could consider raising the rating if the city's budgetary performance is strengthened and sustained, coupled with management establishing and implementing more well-defined, long-term financial policies and practices.

### Downside scenario

We could lower the rating if substantial downward pressure on the city's budgetary performance were to occur, leading to diminished fund balances and weakened liquidity.

## Related Criteria And Research

### Related Criteria

- USPF Criteria: Local Government GO Ratings Methodology And Assumptions, Sept. 12, 2013
- USPF Criteria: Financial Management Assessment, June 27, 2006
- USPF Criteria: Debt Statement Analysis, Aug. 22, 2006
- USPF Criteria: Bond Anticipation Note Rating Methodology, Aug. 31, 2011
- USPF Criteria: Limited-Tax GO Debt, Jan. 10, 2002
- USPF Criteria: Assigning Issue Credit Ratings Of Operating Entities, May 20, 2015
- Criteria: Use of CreditWatch And Outlooks, Sept. 14, 2009

### Related Research

- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013

### Ratings Detail (As Of May 26, 2016)

Marlborough GO mun purp loan of Bnds		
<i>Long Term Rating</i>	AA+/Stable	Affirmed
Marlborough GO BANs dtd 06/19/2015 due 06/17/2016		
<i>Short Term Rating</i>	SP-1+	Affirmed

### Marlborough GO

**Ratings Detail (As Of May 26, 2016) (cont.)**

*Unenhanced Rating*

AA+(SPUR)/Stable

Affirmed

Many issues are enhanced by bond insurance.

, Sept. 2, 2015 Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at [www.standardandpoors.com](http://www.standardandpoors.com) for further information. Complete ratings information is available to subscribers of RatingsDirect at [www.globalcreditportal.com](http://www.globalcreditportal.com). All ratings affected by this rating action can be found on the S&P Global Ratings public website at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.



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# *City of Marlborough*

## *Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patrieta Bernard*  
EXECUTIVE SECRETARY

### **PRESS RELEASE** **-FOR IMMEDIATE RELEASE-**

*June 2, 2016*

*CONTACT: Nick Milano 508-460-3770 or [nmilano@marlborough-ma.gov](mailto:nmilano@marlborough-ma.gov)  
Brian Doheny 508-460-3730 or [bdoheny@marlborough-ma.gov](mailto:bdoheny@marlborough-ma.gov)*

## **City of Marlborough, MA \$25,124,000 Bonds Net 1.876%; \$18,654,000 General Obligation Bond Anticipation Notes, Net 0.7896%**

Marlborough, Mass. - Brian Doheny, City Treasurer, announced that the City received competitive bids from bond and note underwriters on Wednesday, June 1, 2016, for a \$25,124,000 20-year bond issue and an \$18,654,000 bond anticipation note issue. Janney Montgomery Scott LLC was the winning bidder on the Bonds with an average interest rate of 1.876% while J.P. Morgan Securities LLC was the winning bidder on the Notes with an average interest rate of 0.7896%. The City received a total of 8 bids on the Bonds and 7 bids on the Notes. The Bond and Note proceeds will be used to finance various capital improvement projects, including sewer, street, and water system improvements, and construction of outdoor recreation facilities.

Prior to the sale, Standard and Poor's Ratings Group, a municipal credit rating agency, affirmed the City's 'AA+' underlying long-term debt rating and assigned a 'SP-1+' rating to the Notes, the highest short term rating attainable. The agency cited the City's very strong economy, very strong budgetary flexibility, very strong liquidity and strong institutional framework as positive credit factors.

The bids for the Bonds and Notes were accepted at the offices of the City's Financial Advisor, FirstSouthwest, a Division of Hilltop Securities, at 54 Canal Street in Boston, Massachusetts.

###

11:01:15 a.m. EDST	<a href="#">Upcoming Calendar</a>	<a href="#">Overview</a>	<a href="#">Compare</a>	<a href="#">Summary</a>
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**Bid Results**

**Marlborough  
\$25,124,000 General Obligation Municipal Purpose Loan  
of 2016 Bonds**

The following bids were submitted using **PARITY**<sup>®</sup> and displayed ranked by lowest TIC.  
Click on the name of each bidder to see the respective bids.

Bid Award*	Bidder Name	TIC
<input type="checkbox"/>	<a href="#">Janney Montgomery Scott LLC</a>	1.881207
<input type="checkbox"/>	<a href="#">Robert W. Baird &amp; Co., Inc.</a>	1.897829
<input type="checkbox"/>	<a href="#">J.P. Morgan Securities LLC</a>	1.913073
<input type="checkbox"/>	<a href="#">Mesirow Financial, Inc.</a>	1.938288
<input type="checkbox"/>	<a href="#">UBS Financial Services Inc.</a>	1.940377
<input type="checkbox"/>	<a href="#">Fidelity Capital Markets</a>	1.954185
<input type="checkbox"/>	<a href="#">Piper Jaffray</a>	2.014694
<input type="checkbox"/>	<a href="#">Hutchinson, Shockey, Erley &amp; Co.</a>	2.042450

\*Awarding the Bonds to a specific bidder will provide you with the Reoffering Prices and Yields.

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# City of Marlborough, Massachusetts

\$18,654,000 General Obligation Bond Anticipation Notes

**Sale Date:** 6/1/2016  
**Dated Date:** 6/17/2016  
**Delivery Date:** 6/17/2016  
**Due Date:** 6/16/2017  
**Days Per Year:** 360  
**Day Count:** 359  
**Bank Qualified:** No  
**Rating:** SP-1+



Bidder	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
J.P. Morgan Securities LLC	\$18,654,000	2.00%	\$225,153.78	\$372,043.67	\$146,889.89	0.7896%	\$225,153.78	\$372,043.67	\$18,654,000	
Century Bank	\$5,000,000	0.80%	\$5,250.00	\$44,875.00	\$39,625.00	0.7947%				
Jefferies LLC	\$18,654,000	2.00%	\$218,066.00	\$372,043.67	\$153,977.67	0.8277%				
Morgan Stanley & Co, LLC	\$18,654,000	2.25%	\$263,767.56	\$418,549.13	\$154,781.57	0.8321%				
Eastern Bank	\$10,000,000	2.25%	\$137,816.11	\$224,375.00	\$86,558.89	0.8680%				
Oppenheimer & Co.	\$8,000,000	2.00%	\$86,575.00	\$159,555.56	\$72,980.56	0.9148%				
Eastern Bank	\$8,654,000	2.25%	\$113,570.29	\$194,174.13	\$80,603.84	0.9340%				
TD Securities	\$18,654,000	2.25%	\$242,315.46	\$418,549.13	\$176,233.67	0.9474%				
Oppenheimer & Co.	\$10,654,000	2.00%	\$110,055.00	\$212,488.11	\$102,433.11	0.9641%				
<b>Award Totals</b>							\$225,153.78	\$372,043.67	\$18,654,000	



**City of Marlborough**  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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CITY OF MARLBOROUGH

DONALD V. RIDER, JR.  
CITY SOLICITOR

2016 JUN -2 AM 11:58

ELLEN M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

June 2, 2016

Edward Clancy  
President  
Marlborough City Council

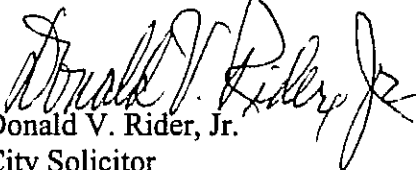
RE: Order No. 16-1006516A  
Application to Further Amend Special Permit  
New England Sports Center  
121 Donald Lynch Boulevard, Marlborough

Dear President Clancy and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust. The application seeks permission to further amend the amended special permit at the New England Sports Center to allow the construction and use of an additional seventh and eighth rink and to allow for service of alcoholic beverages at designated food service areas at the site.

I have enclosed a copy of the proposed decision. I certify that the decision is in proper legal form.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: David K. McCay, Esquire

## IN CITY COUNCIL

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ORDERED: Marlborough, Mass., \_\_\_\_\_ 2016

Order No. 16-1006516B

**DECISION ON AN APPLICATION TO FURTHER AMEND  
SPECIAL PERMIT NO. 94-5460B,  
AS PREVIOUSLY AMENDED BY CITY COUNCIL ORDER NO. 04-100359B,  
CITY COUNCIL ORDER NO. 10-1002448B,  
AND CITY COUNCIL ORDER NO. 11-1002790B**

The City Council of the City of Marlborough hereby Grants the Application for Amendment to Special Permit # 94-5460B, as amended by Council Order # 04-100359 filed on May 12, 2004, City Council Order # 10-1002448B filed on April 12, 2010, and by City Council Order # 11-1002790B filed on January 31, 2011, to Quad Rink Limited Partnership/New England Sports Management Corporation, General Partner, 84 South Street, Carlisle, Massachusetts 01741, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 and recorded in the Middlesex South District Registry of Deeds (the "Registry") in Book 25093, Page 467, both having a place of business at 84 South Street, Carlisle, Massachusetts 01741, as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

### **PROCEDURAL FINDINGS**

1. New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994, each having a place of business at 84 South Street, Carlisle, Massachusetts 01741, are hereinafter collectively referred to as the "Applicant."
2. H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust, is the owner of property located at 121 Donald Lynch Boulevard, further described on the Marlborough Assessors Maps as Map 26, Parcel 32, as well as certain contiguous land in the Town of Hudson, for a total of 23.10± acres. This property is shown as Parcel B on a plan recorded with the Registry in Plan Book 18967, Page 279; is further described in the deed recorded with the Registry in Book 25093, Page 474; and is hereinafter referred to as "Parcel B".

3. New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, is the owner of property located adjacent to 121 Donald Lynch Boulevard, and further described on the Marlborough Assessors Maps as Map 26, Parcel 31, from which a Lot 13A, containing 4.02 acres, has been endorsed by the Marlborough Planning Board in 2016 as a separate Approval Not Required parcel, hereinafter referred to as "Lot 13A." Lot 13A will be combined with Parcel B at 121 Donald Lynch Boulevard, hereinafter referred to as the "Site," to create a single 27.12± acre lot for the New England Sports Center facility. The Site is located in the Limited Industrial (LI) zoning district.
4. The Applicant, on March 31, 2016, filed with the City Clerk of the City of Marlborough an Application for Amendment to Special Permit # 94-5460B, as amended, herein referred to as the "Application."
5. On May 10, 1994, the City Council had granted the Applicant a Special Permit to construct a multi-sport facility consisting of up to four major activity areas (the "Special Permit"). The activity areas are known as "rinks." Notice of Grant of Special Permit # 94-5460B is recorded in the Registry in Book 25042, Page 572.
6. The Special Permit was first amended on May 10, 2004, by City Council Order No. 04-100359B, notice of which was recorded in the Registry in Book 43009, Page 25. The Special Permit was amended a second time on April 5, 2010, by City Council Order # 10-1002448B, notice of which was recorded in the Registry in Book 54646, Page 143. The Special Permit was amended a third time on January 24, 2011, by City Council Order # 11-1002790B, notice of which was recorded in the Registry in Book 62316, Page 325. The Special Permit, as so amended, is hereinafter referred to as the "Amended Special Permit."
7. The Application is authorized under the provisions of Chapter 650 (Zoning) of the Code of the City of Marlborough, Article V, Section 650-17 "Table of Uses," and Section 650-18 "Conditions for Uses," subsection A(23) "Recreation Centers." The reason for the Application is to further amend the Amended Special Permit to allow the construction and use of an additional seventh and eighth rink and to allow for service of alcoholic beverages at designated food service areas at the Site (the "Project"), subject to the provisions of the Amended Special Permit as further amended hereby and as allowed in the LI zoning district by special permit.
8. The Application filed with the City Clerk on March 31, 2016, consisted of the following: (a) Application Fee in the amount of \$500.00; (b) three (3) original copies of the Application; (c) Certification of Delivery of copies of the Application to City of Marlborough Departments and Office of the City Council; (d) Certification of Payment of Municipal Taxes; (e) Preliminary Site Plans in accordance with Chapter 650 Article VIII Section 650-59 Paragraph C. (5); (f) an outline of the Project; (g) Special Permit Application Certification by Planning Department; (h) Certified copies of Abutters' Lists for the City of Marlborough and the Town of Hudson; (i) Special Permit-Summary Impact Statement; as well as site plans entitled "New England Sports Center, 'Recreation Facility Expansion,' Donald Lynch Boulevard,

Marlborough, Massachusetts, Prepared for: New England Sports Management Corporation, 80 South Street, Carlisle, Massachusetts 01741, Prepared by: GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746, Dated March 23, 2016” (the “Site Plans”) (collectively, the “Documents”). Twelve sets of the Documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner, the Building Inspector, the City Engineer and the Conservation Officer, all in accordance with Chapter 650, Article VII, Section 650-59 of the Zoning Code of the City of Marlborough. The Documents are incorporated herein and become part of this Decision.

9. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner, on behalf of the City Planner for the City of Marlborough, as having complied with the provisions of Chapter 650 (Zoning Code) Article VII, Section 650-59, C. (7) (a), (b), and (c).
10. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established April 25, 2016, at 8:00 PM as a date and time for a public hearing on the Application; caused a notice of said hearing and the date thereof to be advertised on April 9, 2016 and April 16, 2016 in the Main Street Journal; and caused said notice to be mailed to those entitled thereto. Proof of advertisement and mailing has been submitted to the City Clerk to be placed with the Application Documents.
11. The Marlborough City Council held a public hearing on the Application on April 25, 2016, at 8:00 PM in accordance with the published notice (the “Public Hearing”). The hearing was opened and closed on said date.
12. The Applicant presented testimony at the Public Hearing detailing the construction and use of the Project, its impact upon municipal services, the neighborhood traffic, parking, drainage and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the Public Hearing. Some members of the public spoke in favor of the project, one spoke against, and some members of the City Council asked questions.
13. The Applicant provided written and oral documentation and testimony to the City Council and the City Council’s Urban Affairs Committee regarding the development of the Site, the drainage, traffic, parking, safety considerations during and after construction, effect on nearby wetlands water and sewer use, the design and construction of the seventh and eighth rinks, including operational considerations during and after construction, handicap accessible issues, issues related to the service of alcoholic beverages, the economic impact on the community, impacts on the abutter to the east of the project, and mitigation of impacts.



**BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH MAKES THE FOLLOWING FINDINGS OF FACT:**

- A.** The City Council finds that it may amend the Amended Special Permit, subject to terms and conditions as it deems necessary and reasonable to protect the health, safety and welfare of the citizens of the City of Marlborough.
- B.** The City Council finds the Application does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Massachusetts General Laws Chapter 40A.
- C.** The City Council finds that the proposed use of the Site for the Project is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the Project will complement the existing business uses in the City of Marlborough and surrounding communities, and will enhance the development goals of the City and the region by providing additional services, increased employment opportunities, increased recreational opportunities, positive impact on the hospitality resources of the City, and a continuation and expansion of a positive asset to the City of Marlborough.
- D.** The Site Plans, as submitted and as may be amended by the Site Plan Review Committee during the site plan review process, provide for improvements that will protect the environment and not have adverse impacts to the community. The City Council makes this determination subject to the completion and adherence by the Applicant to the approved site plan by the Site Plan Review Committee, to an order of conditions as may be issued by the City of Marlborough Conservation Commission, to any conditions imposed by the Marlborough Licensing Board and the Marlborough Board of Health, and to the conditions more fully set forth herein.
- E.** The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough, Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, §§ 9 and 11.

**GRANT OF FURTHER AMENDMENT TO AMENDED SPECIAL PERMIT**

- F.** The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant an amendment to the Amended Special Permit to construct a seventh and eighth rink to be used as a multi-sport facility as set forth in the Amended Special Permit, in the Application, and as per the Documents submitted to the City Council, and to allow the service of alcoholic beverages at designated food service areas at the Site (hereinafter the "Further Amended Special Permit"), all subject to the following conditions:

## CONDITIONS

1. The Amended Special Permit is hereby affirmed, and is deemed to be in full force and effect and applies to the Project without change or modification, except as provided for in the Application, the Site Plans and other conditions herein stated.
2. Unless modified by the provisions hereof, all conditions outlined in Paragraph 4. (a) through (z) of the Special Permit and all conditions outlined in the amendments to the Special Permit shall apply to the Project. Where reference is made to the issuance of the Special Permit, it shall also refer to the issuance of this Further Amended Special Permit.
3. **Construction of the Project:** (a) Construction of the Project is subject to the same conditions and limitations as provided in Condition 4. (a) of the Special Permit, except that reference is made to the Site Plans. (b) The construction site will be fenced as approved by Site Plan Review. (c) To ensure the safety of patrons, employees and the general public during all phases of the construction of the Project, the Applicant will develop a modified emergency exit plan during site plan review and implement the same as a condition hereof. (d) Applicant shall, prior to issuance of the building permit for the project, provide a payment to the City of Marlborough Inspectional Services Fund in the amount of five thousand (\$5,000.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies and equipment so as to enable the Inspectional Services Staff to provide adequate, timely supervision to the Project. Prior to issuance of a Building Permit, Applicant shall also provide a payment to the City in the amount of eighty thousand dollars (\$80,000.00) to mitigate the costs of future upgrades to the sewer pump station at the eastern end of Donald Lynch Boulevard, which amount shall be deposited into a suitable municipal account as directed by the City Council.
4. **Parking Areas:** Six hundred (600) parking spaces shall be provided as shown on the Site Plans.
5. **Lighting for Parking Lots:** (a) Exterior parking lot lighting shall not spill onto abutting residential property. (b) Reflectors shall be utilized and configured to mitigate light from entering abutting residential property. (c) Exterior parking lot lighting shall be extinguished each day no later than 1:00 A.M. local time, except for any security lighting required by the Marlborough Police Department.
6. **Project Plans and Specifications:** (a) The Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, and

in compliance with the Conditions of the Grant of Special Permit and Amended Special Permit. (b) All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of this Application are herein incorporated into and become a part of this Further Amended Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. (c) Notwithstanding condition (a) and (b) hereof, engineering changes may be made to the Site plans by the Site Plan Review Committee so long as said changes do not change the use of the Site as approved herein, increase the impervious area of the Site, reduce the green area, or increase the size of the building shown on the Site Plans.

7. **Granite Curbing:** In order to provide a stop for vehicles parking in the east parking lot, Applicant will maintain the vertical granite curbing, with no less than a 6 inch reveal, along the east side of the Site.
8. **Formal Parking and Pedestrian Movement Plan:** (a) Applicant will submit to the Site Plan Review Committee for its review and approval a formal Parking and Pedestrian Movement Plan to be used during major events when off-site parking is utilized. Said Plan shall be updated as conditions warrant such an update. (b) Applicant will provide off-site parking sufficient to accommodate overflow parking.
9. **Handicap Accessibility:** In addition to fulfilling its obligations to provide handicapped accessibility as required under state and federal law, the Applicant will also provide handicapped accessibility to and within facilities and spaces associated with Rinks 7 and 8, which will be accessed by the public, including its locker rooms.
10. **Exterior Camera and Signage:** Applicant will install a security camera with recording capabilities on the south side of Rinks 7 and 8 for the purpose of observing and recording activities that take place in the south parking lot. Applicant will also install signage at the south parking lot that prohibits loitering.
11. **Radar Speed Signs:** Within thirty (30) days of the issuance of this Further Amended Special Permit, the Applicant shall provide a payment to the City in the amount eight thousand dollars (\$8,000.00) for the installation of two radar speed signs, the exact placement of which shall be determined by the Police Chief. If the Police Chief determines that additional radar speed signs are necessary and so notifies the Applicant, the Applicant shall provide payment of an additional eight thousand dollars (\$8,000.00) and the additional signs shall be placed at the Police Chief's discretion in the vicinity of the New England Sports Center property.

12. **Cross-Walk Markings:** The Applicant will install cross-walk lighting, signage and markings at the southwest entrance of the sports facility acceptable to the City Traffic Commission.
13. **Catch Basin:** Subject to the approval of the City Engineer, the Applicant will install an additional catch basin on the far edge of the north-by-northeast parking lot by the property now owned by Albert Bombard, and the Applicant will adjust the curb height to the extent necessary along the far edge of said parking lot to a height of six (6) inches.
14. **Serving Alcoholic Beverages:** Paragraph 4. (p) of the Special Permit is hereby modified by striking the first full sentence, including the condition enumerated as (i), and replacing it with the following: “Alcoholic beverages may be served by the Applicant to be consumed only in designated food service areas under the following conditions: (i) There shall be no bar facilities for patron seating, and all seating shall be at tables in, or immediately adjacent to, the designated food service areas.” The issuance of this Further Amended Special Permit is further subject to review by the Marlborough Licensing Board as to all matters within the scope of the Applicant’s common victualer all-alcoholic beverages license as may be amended, and within the scope of the Applicant’s entertainment license as may be amended and automatic amusement license as may be amended. All further reviews, additions and/or amendments for the purposes of the Licensing Board shall become conditions of this Further Amended Special Permit, and any violations of such Licensing Board conditions may lead to possible revocation of the Further Amended Special Permit by the City Council.
15. **Site Plan Review:** The issuance of this Further Amended Special Permit is further subject to detailed technical Site Plan Review in accordance with Chapter 270 of the City of Marlborough Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit and no Occupancy Permit shall be issued until Applicant has complied with all conditions. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review shall be further conditions attached to this Further Amended Special Permit, and any violations of such Site Plan Review conditions may lead to possible revocation of the Further Amended Special Permit by the City Council. Subsequent Site Plan Review shall be consistent with the conditions of this Further Amended Special Permit and the Plan submitted, reviewed and approved by the City Council as the special permit granting authority. Any changes to the Site Plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

16. **Board of Health:** The issuance of this Further Amended Special Permit is further subject to review by the Marlborough Board of Health as to all matters governed by the Applicant's food establishment permit as may be amended. All conditions issued by the Board of Health shall become conditions of this Further Amended Special Permit, and any violations of such Board of Health conditions may lead to possible revocation of the Further Amended Special Permit by the City Council.
17. **Conservation Commission:** The issuance of this Further Amended Special Permit is subject to an order of conditions, DEP 212-1144, issued by the Marlborough Conservation Commission; and will be further subject to an order of conditions anticipated to be issued by the Conservation Commission relative to Site drainage which is and/or will be discharging into the riverfront area. All conditions issued by the Conservation Commission shall become conditions of this Further Amended Special Permit, and any violations of such Conservation Commission conditions may lead to possible revocation of the Further Amended Special Permit by the City Council.
18. **Traffic Commission:** The issuance of this Further Amended Special Permit is further subject to review by the Marlborough Traffic Commission as to all matters within its jurisdiction.
19. **Recording:** In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Further Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Amended Special Permit has elapsed with no appeal having been filed, and said recording shall be made before a Building Permit is issued. Upon said recording, Applicant shall forthwith provide a copy of the recorded Further Amended Special Permit to the City Council's office, the City Solicitor's office and the Building Department's office.

Yea Votes: \_\_\_\_ - Nay Votes: \_\_\_\_ - Absent: \_\_\_\_ - Abstain Votes: \_\_\_\_

Yea:

Nay:

Absent:

Abstain:

ADOPTED  
In City Council  
Order No. 16-1006516B

A TRUE COPY

ATTEST: \_\_\_\_\_  
City Clerk



*City of Marlborough*  
**Legal Department**

140 MAIN STREET  
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2016 JUN -2  
DONALD V. RIDER, JR.  
CITY CLERK

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

June 2, 2016

Edward Clancy, President and Members  
Marlborough City Council

RE: Development Agreement Between City of Marlborough and Walker Realty LLC  
Order No. 16-1006443D

Dear President Clancy and Members:

Attached for your consideration is the above captioned Order No. 16-1006443D. Said Order is in proper form for consideration by the body.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,



Cynthia Panagore Griffin

Enclosure

Cc: Site Plan Review Committee  
Arthur Bergeron, Esq.  
Brian Falk, Esq.

ORDERED:

That the City Council of the City of Marlborough hereby approves the following:

- 1) By a super majority (2/3) vote pursuant to Chapter 650-35.C(1) of the City's Zoning Ordinance, the City Council hereby approves the Master Concept Plan presented by Walker Realty LLC entitled "Master Concept Plan" prepared by Hancock Associates and dated 5/9/16 with revisions through 5/25/16, containing twelve (12) sheets; and
- 2) By a separate super majority (2/3) vote pursuant to Chapter 650-35.C(2) of the City's Zoning Ordinance, the City Council hereby approves the Development Agreement by and between Walker Realty LLC and the City of Marlborough, which Development Agreement is attached herewith.

ADOPTED

In City Council  
Order No. 16-1006443D  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



## DEVELOPMENT AGREEMENT

This Development Agreement (hereinafter, the “Agreement”) is entered into as of the \_\_\_\_ day of June, 2016, by Walker Realty LLC (hereinafter with any nominee, successor or assign, the “Developer”), and the City of Marlborough, Massachusetts (hereinafter, the “City”).

WHEREAS, the Developer is the prospective owner of approximately 43.6 acres of land located along Route 20, Marlborough, Middlesex County, Massachusetts, currently owned by Marlborough/Northborough Realty Trust, which land is more particularly described in Exhibit “A” appended hereto (hereinafter, the “Property”); and

WHEREAS, the Developer desires to develop the Property for a mixed use development as permitted under the Hospitality and Recreation Mixed Use Overlay District (hereinafter, the “Overlay Zoning”) adopted by the City on May 9, 2016 to include a variety of uses including, without limitation, hotel, recreation, restaurant, retail and office uses, and to construct buildings and structures thereon (hereinafter, the “Project”), to be located on one or more portions of the Property (each, hereinafter a “Development Parcel”); and

WHEREAS, as required under the terms of the Overlay Zoning, the Developer agrees to impose on the Property the limitations set forth herein, for the benefit of the City, which shall have the power to enforce the terms hereof; and

WHEREAS, the Developer and the City wish to set forth herein their agreement on the aforementioned matters;

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer hereby declares the following development restrictions on the Property, and the Developer and the City agree as follows:

1. Master Concept Plan. The Plan entitled “Master Concept Plan” prepared by Hancock Associates and dated 5/9/16 with revisions through 5/25/16, containing twelve (12) sheets, is hereby approved by the City in concept for initial planning purposes only and details each plan or rendering thereunder, including but not limited to the layout, spacing and quantity of landscaping materials, shall be subject to further review and approval under the site plan review process.

2. Effective Date of Overlay Zoning. In accordance with Section C.3 of the Overlay Zoning, the Overlay Zoning govern the development of all parcels within the Property in accordance with the approved Master Concept Plan effective on the date that the Developer has closed on the purchase of the Property. The Developer shall provide notice to the City Clerk of said closing.

3. Transportation Demand Management. The Developer shall comply with the Transportation Demand Management (TDM) requirements set forth in the Final Environmental Impact Report (FEIR) Certificate and associated Section 61 Findings for the Project. Developer

will use best efforts to notify the City Council with any changes to the TDM requirements resulting from changes in the FEIR.

4. Payment for Fire Station Site Study. The Developer, prior to issuance of the first occupancy permit in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall contribute funds to the City to allow the City, acting by and through the City Council, to undertake a site study for the location of a new fire station to be located west of Route 495, provided that the Developer's total obligations under this paragraph shall not exceed Forty Thousand Dollars (\$40,000.00). Excess funds, if any, may be used by the City for general public safety purposes.

5. Sewer Relocation. The Developer, with the filing of the first special permit and/or site plan review application in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall present plans acceptable to the City Engineer to relocate the sewer main in the vicinity of the Property (hereinafter, the "Sewer Relocation"), as substantially shown on the plan entitled "Water and Sewer Exhibit for Apex Center," dated 5/18/16, and prepared by Hancock Associates (hereinafter, the "Water and Sewer Exhibit"). The Developer shall, at its sole cost and expense, complete the Sewer Relocation prior to the issuance of the first certificate of occupancy for a Development Parcel. The Developer shall be permitted to connect to the City's sewer system in order to provide sewer service to the Project in locations approximately shown on the Water and Sewer Exhibit. The Developer agrees to execute a utility easement, for the benefit of the City, which would provide the right to pass and repass over the Developer's property for access to the easement, on terms to be mutually agreeable to the Parties. The City shall be responsible for the recording of said grant of easement with the South Middlesex County Registry of Deeds. The City shall cooperate with any permits, approvals or other requirements necessary to complete the Sewer Relocation, but at no cost to the City. The sewer main associated with the Sewer Relocation shall be the property of the City and the City shall be responsible for the operation and maintenance of said sewer main. Prior to the issuance of the first certificate of occupancy for a Development Parcel, the Developer agrees to execute a utility easement, on terms to be mutually agreed upon between the City and the Developer, granting the City the right to access the sewer main running under any portion of the Property for ongoing operation, maintenance, replacement and repair.

6. Phasing of the Project. While market conditions, weather, and construction shall dictate the phasing of the development of the Property, at present it is envisioned that development of the hotel, recreation and retail components of the Project will be substantially complete within twelve (12) months of the execution of this Agreement. Development of the office components of the Project are presently contemplated to be complete within the eighteen (18) to thirty-six (36) months of the execution of this Agreement. If for any reason the herein described completion dates are not met, and all of the components of the Project are not completed within three (3) years of the execution of this Agreement, the Developer shall request from the City Council a two (2) year extension of time to complete the Project, which extension shall not be unreasonably withheld.

7. Project Entrance. Developer will continue to use commercially reasonable efforts to consummate an agreement with the owners of the Bank of America parcel and the Wendy's Restaurant parcel in order to redesign the entrance to Apex Center in a manner substantially

consistent with the document entitled “Sketch 2: Preferred Layout for Apex Center, 240 Boston Post Road W., Marlborough, MA” prepared for Ryan Development LLC, prepared by Hancock Associates, dated 5/17/16 (the “Preferred Design”). In the event that, in the Developer’s reasonable business judgment, an agreement with the respective owners of the Bank of America parcel and the Wendy’s Restaurant parcel cannot be achieved, then the Developer shall proceed with a design substantially consistent with the document entitled “Sketch 1: Current Layout for Apex Center, 240 Boston Post Road W., Marlborough, MA” prepared for Ryan Development LLC, prepared by Hancock Associates, dated 5/17/16 (the “Current Design”). The Parties agree that, in the interest of time, the Developer shall seek site plan approval from the City Council under the Current Design, subject to commercially reasonable modifications, if any, that are within the Developer’s reasonable control. However, if the Developer is able to consummate an agreement with the owners of the Bank of America parcel and the Wendy’s Restaurant parcel, in the Developer’s reasonable business judgment, the Developer shall seek an amendment to said site plan approval in order to develop the Property substantially consistent with the Preferred Design. The Parties agree that, given the desire of both Parties to achieve the Preferred Design, such a modification shall be deemed minor and may be approved administratively by the Building Commissioner pursuant to Section 650-35 (L)(3) of the HRMUOD.

8. Architectural Review. Prior to issuance of a building permit for any Development Parcel(s), the Developer shall submit to the City Council each proposed individual (or group of) building(s) for architectural review by the City Council, to ensure that the detailed building design will substantially conform in all material respects, including but not limited to building form, motif, shape, grouping of forms, materials, proposed building signage and design with the details provided within the Master Concept Plan and this Agreement (by way of example, consistent with those features and materials depicted in previously provided renderings of the 110 Grill, Evviva Cucina, Hyatt/Fairfield and APEX entertainment building). To the extent practicable, and provided the same are commercially reasonable, consistent with the proposed use and requirements of the applicable tenant, and in keeping with the details presented by the Developer within the Master Concept Plan and this Agreement, the Developer shall incorporate comments and input from the City Council into the final design of the Project’s buildings.

9. Payment of City Consultant Expenses. The City Council, in connection with its review of any special permit and/or site plan review application submitted in connection with any Development Parcel(s) under the terms of the Overlay Zoning and in connection with the City’s project oversight review during construction, shall be permitted to retain the experts and consultants reasonably determined by the City Council as necessary to conduct an appropriate review of any such application, including but not limited to an Licensed Site Professional and an Erosion Control Consultant for the duration of the Project, and consultant(s) with expertise in assessing radio system capabilities for public safety communications. The reasonable costs and expenses of such experts and consultants shall be paid by the Developer. The City Council shall provide the Developer with the Council’s selected name, scope of services and projected costs of the expert or consultant it proposes to retain. The Developer shall have five (5) business days, from the date of the Developer’s receipt of the City Council’s proposed selection, to approve or object to that proposed selection, and any such objection shall be in writing and shall specify the reasons for objection. If the Developer fails to object, the Developer shall be deemed to have approved the City Council’s selection. If the Developer objects and the basis for objection cannot be resolved, the City Council shall provide the Developer with an alternative selection.

The Developer shall, within thirty (30) calendar days of receipt, pay any invoice provided to the Developer by the City Council relating to services provided by a selected expert or consultant that has been approved pursuant to the foregoing, in connection with a special permit and/or site plan review application submitted in connection with any Development Parcel(s).

In addition, given the proposed development schedule and the scope of the Project, it is anticipated that third party consultants may be required for building, site, conservation, electrical, plumbing, gas and other municipal/code compliance inspections in order to assist and supplement the City's Office of Inspectional Services. Prior to the issuance of the first City-issued permit, the Developer shall provide to the City, for use of its Office of Inspectional Services and its consultants, a functional on-site construction trailer or other suitable interior space within a Project building to facilitate permitting, management and monitoring by said Office of Inspectional Services and consultants for the duration of the construction of the Project. In the event that the Developer or the City deems that any of said consultants are necessary at any time, and from time to time, either the City or the Developer may request that the City retain an appropriate third party to conduct the appropriate inspectional review and the City shall, upon such request, retain said third party in an expeditious manner. All reasonable costs of such third party services shall be paid by the Developer within thirty (30) days of invoice.

10. Infrastructure Improvement Grants. The Developer acknowledges certain obligations under the FEIR Certificate for the Project dated December 30, 2015, to complete certain public infrastructure improvements in the vicinity of the Project. Said FEIR Certificate and the Notice of Project Change, dated May 30, 2016, are incorporated herein by reference and attached as Exhibit "B" hereto. To assist the City in economic development activities, the Developer shall cooperate with and support the City in its application to obtain grant financing or public monies for public infrastructure improvements, including an application for a MassWorks grant, which the City shall pursue with an application to be submitted in August of 2016 for certain public infrastructure improvements associated with the Project, which monies provide a direct or indirect benefit to the Property (the "Apex Infrastructure Improvements"). The City agrees that if awarded financing or public monies for the Apex Infrastructure Improvements, the City shall immediately commence the procurement process for the design and construction thereof, compliant with M.G.L. c. 23A, § 63(b), and shall commence design and construction of the Apex Infrastructure Improvements thereafter in order to reasonably meet the Developer's Project schedule. The City shall cooperate with and support the Developer in its application to obtain any required permits and approvals for the Project, including, without limitation, approval for the Project under the Massachusetts Environmental Policy Act. In the event that the City is not awarded said MassWorks grant, the Developer shall remain responsible for the costs of construction of said improvements.

The Developer acknowledges and agrees that part of the contemplated Mass Works application may include, at City's discretion, an amount to be earmarked for improvements to Glen Street in an amount to be estimated by the City (the "Glen Street Improvements"). Notwithstanding the inclusion of the Glen Street Improvements in the proposed MassWorks grant application, the City acknowledges and agrees that the Developer shall in no way be responsible for any costs, expenses, mitigations amounts or contributions associated with any proposed Glen Street improvements. It is anticipated that the City will seek a total MassWorks

grant in the amount to be further defined which shall include the Glen Street Improvements and the Apex Infrastructure Improvements.

11. Public Safety Mitigation. In consideration of the scope of the proposed Project, the Developer agrees to contribute to the City for purposes of Public Safety Improvements throughout Marlborough an amount equivalent to one half (1/2) of the total MassWorks award appropriated for the Apex Infrastructure Improvements less the costs incurred by the Developer for plans for said Apex Infrastructure Improvements and application costs (including consulting fees, engineering fees, legal fees and other associated costs) associated with the MassWorks filing (the "Public Safety Mitigation Amount"). (By way of example only, if the total MassWorks award appropriated for the Apex Infrastructure Improvements is \$1,500,000.00, and Developer's costs as described above are \$250,000.00, the total Public Safety Mitigation Amount shall be \$500,000.00). Final determination of the Public Safety Mitigation Amount shall be mutually agreed upon by the Mayor and the Developer, which mutual agreement shall not be unreasonably withheld or delayed by either the Developer or the Mayor. The Public Safety Mitigation Amount shall be payable in two (2) equal installments with the first installment payable within twelve months of the issuance of the first Occupancy Permit issued for the Project and the second installment payable no later than twelve (12) months after the payment of the first installment. The Public Safety Mitigation Amount shall be deposited into a suitable municipal account as directed by the City Council. The Public Safety Mitigation Amount shall be disbursed from time to time for Public Safety Improvements identified within the City as directed by the City Council, in the City Council's discretion. In the event that the City is not awarded a MassWorks grant, the Developer shall not make said payments and the City shall not owe to the Developer any financing, money or funds.

12. Maintenance of Walking Trails. The Developer agrees to reasonably maintain the pedestrian trail system (the "Pedestrian Trails") proposed on the Property as detailed on the "Master Concept Traffic Circulation and Pedestrian Plaza Plan" prepared by Hancock Associates, dated 5/9/16 with revisions through 5/25/16 -as incorporated into the Master Concept Plan set so that the Pedestrian Trails remain reasonably passable by pedestrians during the non-winter seasons. Prior to the issuance of the first occupancy certificate, Developer shall grant to the City a perpetual easement, in recordable form, which provides for public access with rights to pass and repass and perpetual maintenance by the Developer, its successors and assigns, along the walking trails located upon the Property which originate at Ames Street and Glen Street and through Project to Route 20.

13. Sign Contribution. The Developer agrees to contribute up to \$3,000.00 to the City at the time of the first occupancy permit for the construction and installation of a "Marlborough Proposed Entrance Sign." City agrees that the installation and construction of said sign will be completed by the City.

14. Marriott Occupancy. The Developer agrees that no occupancy permit shall issue for the proposed second hotel, currently identified as the proposed Fairfield Marriott, until such time as a building permit has been issued for Building 11, which is the proposed entertainment building, and Building 11 is substantially completed.

15. Employee Parking. The Developer agrees that the parking spaces shown on the Master Concept Plan in the rear of Building 11 shall be designated as "Employee Parking."

16. Job Fair. The Developer, its affiliates, successors and/or assigns, agrees to conduct a so-called "Job Fair" prior to the grand opening of the Project. Applicant, its affiliates, successors and/or assigns shall coordinate such Job Fair, to the extent feasible, with Marlborough schools, the Marlborough Economic Development Corporation, and local or regional governmental employment agencies so that Marlborough residents are provided with adequate notice of employment opportunities at the Project.

17. Ongoing Stormwater Maintenance. As will be specified in detail in Site Plan Review, the Developer will be responsible under Chapter 271 of the Ordinances of the City of Marlborough for annual and ongoing maintenance of the stormwater facilities to ensure that the treatment elements are continuing to work as designed and the recharge facilities are not clogged with sand or silt. This will be an ongoing condition, in perpetuity, and annual maintenance and reporting by the Developer, and all subsequent owners, will be required, also in perpetuity.

18. Landscaping Near Glen Street. The landscaping which is to be installed by the Developer near Glen Street, below the proposed retaining wall, in order to create a buffer between the adjacent residential neighborhood and the Project shall be maintained by the Developer, its successors and assigns, in perpetuity. Said area shall be maintained free of invasive plants and vines by the Developer so that the trees planted by the Developer may mature and create a healthy vegetated screen for the adjacent residential neighborhood. Developer acknowledges that some additional plantings may be required by Site Plan Review to extend along the entire length of the retaining wall, and also in locations where Developer has removed invasive plants.

19. Certificates of Compliance. The City agrees from time to time, at the written request of the owner of a Development Parcel or the Developer, or their respective representative(s), to execute a certificate in form and substance reasonably satisfactory to the owner of any Development Parcel evidencing such owner's compliance with the terms and conditions of this Agreement, provided that such owner is then, in fact, in compliance with the terms and provisions of this Agreement, and if not, such certificate shall specify such owner's non-compliance.

20. Non-Disturbance Area. During site plan review, as additional mitigation for permanent encroachment of impervious surface into the fifty-foot Water Supply Protection District buffer zone pursuant Section 650-35 (K)(3) of the HRMUOD, the Developer shall grant to the City a perpetual easement for an additional non-disturbance area, to be left as undevelopable Open Space, as a condition of site plan approval. Prior to the issuance of the final occupancy permit for the Project, but in no event later than three (3) years following the date of the approval of this Development Agreement, unless said deadline is further extended by the City Council, said easement and an engineered plan, illustrating the subject non-disturbance area, shall be provided in recordable form by the Developer to the City Council. The City shall be responsible for the recording of said grant of easement and plan with the South Middlesex County Registry of Deeds.

21. Notices. Any notices hereunder shall be in writing and shall be deemed duly given upon receipt if mailed by certified or registered mail, postage and registration charges paid, by overnight delivery service with receipt, or by hand delivery to the City or the Developer, as applicable, at the addresses set forth below; provided, however, that the City, the Developer and/or any owner of a Development Parcel may, from time to time, designate an additional or substitute address for such notices (provided, that such designation must be made by notice given in accordance with the foregoing).

To the City of Marlborough:

City of Marlborough  
140 Main Street  
Marlborough, MA 01752  
Attention: Mayor

With a copy (which shall not constitute notice) to:

City of Marlborough  
140 Main Street  
Marlborough, MA 01752  
Attention: City Solicitor's Office

To Developer:

Walker Realty LLC  
4 Lan Drive  
Westford, MA 01886  
Attention: Kevin S. Eriksen, Esq., General Counsel

With a copy to:

Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608  
Attention: Brian R. Falk, Esq.

22. Attorney's Fees. Each of the Parties hereto shall be responsible for their own attorney's fees incurred in connection with the preparation and review of this Agreement.

23. Site Plan Review. The Developer acknowledges that, prior to the issuance of any building permits, the Project is subject to detailed Site Plan Review in accordance with Chapter 270 of the Ordinances of the City of Marlborough and the HRMUOD zoning district as provided in Section 650-35 of the Zoning Code of the City of Marlborough. The Site Plan Review process shall include, but shall not be limited to, review(s) of the construction sequencing plan, soil management plan, phasing plan, and sequence plan for building construction and proposed phasing for occupancy. Any additional changes, alterations, modifications or amendments which may be required pursuant to Site Plan Review shall be further conditions attached to the building

permit(s) and no Occupancy Permit shall be issued until the Developer has complied with all said conditions.

24. Enforcement Against Developer. The City shall have the right to enforce the terms hereof insofar as they pertain to the Developer, including, without limitation, Section 4(monetary contributions to the City for a fire station site study, Section 5 (the Sewer Relocation), and Section 10 (cooperating and supporting the City in applying for grant financing or public monies for public infrastructure improvements). The City may elect to exercise such rights by appropriate legal proceedings for monetary and/or injunctive and other equitable relief, and such proceedings shall be in addition to, and not in limitation of, any and all other rights and remedies available to the City in law and in equity. The City shall have the option to enforce the terms hereof insofar as they pertain to the Developer, but does not have the obligation to do so. The Developer shall reimburse the City for all reasonable costs and expenses (including, without limitation, attorneys' fees) incurred by the City in enforcing this Agreement against the Developer, provided that the Developer is adjudged to be in violation of this Agreement by a court of competent jurisdiction or the Developer acknowledges the same. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

25. Enforcement Against Development Parcel Owners. The City shall have the right to enforce the terms hereof against the owner of any Development Parcel(s) by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation by such owner, including, without limitation, specific performance and/or relief requiring removal of any improvements constructed on such Development Parcel in violation of the terms hereof (it being agreed that the City has no adequate remedy at law), and such right shall be in addition to, and not in limitation of, any and all other rights and remedies available to the City in law and in equity. A default hereunder by the owner of a Development Parcel or Development Parcels shall not constitute a default hereunder by owner of any other Development Parcel or Development Parcels, and the City shall have no right to enforce the terms hereof against the owner of a Development Parcel except in the event of a violation related to the Development Parcel(s) owned by such owner. The City shall have the option to enforce the terms hereof, but does not have the obligation to do so. By its acceptance of this Agreement, the City does not undertake any liability or obligation relating to the condition of the Property, nor does the City's execution of this Agreement operate as a waiver of the requirements of any state or local laws, rules, regulations, or ordinances applicable to the use of the Property or any part thereof. The owner of any Development Parcel(s) shall reimburse the City for all reasonable costs and expenses (including, without limitation, attorneys' fees) incurred by the City in enforcing this Agreement against such owner and/or its Development Parcel(s) or in remedying or abating any violation on such Development Parcel(s), provided that such owner is adjudged to be in violation of this Agreement by a court of competent jurisdiction or such owner acknowledges the same. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

26. Binding Effect. The Developer, for itself and its nominees, successors and assigns, hereby imposes on the Property the limitations and obligations set forth herein, which limitations and obligations shall be for the benefit of and be enforceable by the City. The terms hereof shall bind the Property for a period of thirty (30) years from the date when this Agreement is recorded with the Registry, which Agreement shall be senior in priority to any liens, encumbrances or mortgages. It is the intention of the Parties that, except as otherwise set forth herein, the



Agreement shall run with the Property for said thirty (30) years, notwithstanding any foreclosure of any lien on the Property by any entity. The Agreement is subject to the terms of M.G.L. Chapter 184, as hereinafter provided. Each and every term, condition and provision hereof shall be fully enforceable and binding on the City and the Property (and/or each Development Parcel, as applicable).

27. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

28. Authorization. The City Council hereby approves the provisions of this Agreement, which approval shall be set forth in an order to be recorded herewith by the Developer at its sole expense, with a copy of the recorded document to be provided to the City Solicitor's Office. The City Council hereby authorizes the Mayor to execute this Agreement on the City's behalf, and to monitor and enforce compliance by the Developer and by the owner of each Development Parcel with the Agreement's terms and conditions.

29. Recording of Agreement. The Developer, at its sole expense, shall record this Agreement at the Registry. After it has been recorded, this Agreement can only be modified if such modification is in writing signed by the City, the Developer and, if applicable, the owners of all Development Parcels affected by such modification.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, this instrument is sealed and delivered as of this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Walker Realty LLC  
By its Manager

City of Marlborough

By: \_\_\_\_\_  
Robert A. Walker, Manager

By: \_\_\_\_\_  
Arthur G. Vigeant, Mayor

**THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016 before me, the undersigned notary public, personally appeared Robert A. Walker, as Manager of Walker Realty LLC, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Walker Realty LLC.

*(official seal)*

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016 before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Marlborough.

*(official seal)*

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**

Assessors Map 78, Parcel 12

Assessors Map 78, Parcel 14

Assessors Map 78, Parcel 38

Assessors Map 78, Parcel 39

Assessors Map 89, Parcel 77

**EXHIBIT B**



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 JUN -2 A 11: 52

## SITE PLAN APPROVAL APPLICATION (For Non-Residential and Major Residential Projects)

### Type of Hearing (check one)

Major Renovation       Minor Renovation

*Please Print*

DATE: JUNE 2 2016

### PROJECT

Name of facility: APEX CENTER

Address: 180 BOSTON POST ROAD WEST

Assessor's Map No. 78 AND 89 Parcel No. 12,14,38 + 39 / 77

### APPLICANT

Name: WALKER REALTY LLC c/o ROBERT WALKER

Address: 4 LAN DRIVE WESTFORD MA 01886

Telephone: 978.692.9450 Fax: 978.692.4424

Email: rwalker@raventures.com

### OWNER'S CONSENT

If applicant is not the owner, is written consent of the owner or owner's agent attached (see Section 270-2(B) (7))?  YES  NO

### PROPERTY OWNER

Name: MARLBOROUGH/NORTHBOROUGH LAND REALTY TRUST

Address: 200 WHEELER RD. BURLINGTON, MA 01803

Telephone: 781-272-2000 Fax: 781-272-3130

Email: scott@gutierrezco.com (SCOTT WEISS)

APPLICANT'S ENGINEER (preparing site plan)

Name: HANCOCK ASSOCIATES - JOSEPH D. PEZNOLA, PE

Address: 315 ELM ST. MARLBOROUGH MA 01752

Telephone: 508-460-1111 Fax: 508-460-1121

Email: jpeznola@hancockassociates.com

APPLICANT'S LANDSCAPE ARCHITECT

Name: JAMES K. EMMANUEL

Address: 22 CARLTON RD. MARBLEHEAD, MA 01945

Telephone: 781-622-7487 Fax: \_\_\_\_\_

Email: james@jamesemmanuel.com

**PROJECT INFO**

PROPOSED USE (see Section 63-5(B) (1))

Non-Residential       Residential

Provide a brief description of the project; including the proposed type of use, whether expansion of new, size of buildings, number of new parking spaces, any unusual utility use or impact on abutters (traffic, noise, lighting, odors, hazardous material, etc.)

SEE ATTACHED PROJECT NARRATIVE

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Identify all zoning districts, including overlay zones applicable to this site. The zones must also be shown on the site plan cover sheet. (See Section 270-2 (C) (2) (b) (3)).

ZONING DISTRICT(S) HRMUDD, Business, Light Industrial

**WHAT OTHER PERMITS REQUIRED (check off which applies)**

- City Council for Special Permit
- ZBA Special Permit
- ZBA Variance
- Wetlands Protection Act
- Section 404, Clean Water Act (Army Corps)
- C 91 Waterways Permit
- Subdivision Control Act (Planning Board)
- State Curb Cut (MA Highway)
- Indirect Access Permit (MA Highway)
- MEPA ENF or EIR (EOEA)
- Sewer Connection Permit (DPW, City Council, DEP)
- Street Opening Permit (DPW, Engineering Dept)
- Sewer Connection (DPW, City Council, DEP)
- Other: MASS DOT HIGHWAY ACCESS PERMIT
- Blasting Permit (Fire Dept)
- Title V Approval (Board of Health)
- Food Permit (Board of Health)
- Building Permit (Building Dept)
- Sign Permit (Building Dept)

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? X

**SUBMITTED PLANS AND REPORTS**

See Section 270-2 (C) for submission requirements. Please include a locus map per Section 270-2 (C) (2) (b) (1)

<u>APEX CENTER PERMIT SITE PLAN 6/1/16</u>	<u>6/1/16</u>	<u>JOSEPH D. PEZNOLA</u>
Title	Date	Stamped By

Fee **\$ 28,475.00**

For Minor Site Plan without a building: \$750

For a Minor Site Plan (with a building under 8,000 square feet): \$1,000, plus \$0.03 a square foot of building gross floor area

For a Major Site Plan (with a building over 8,000 square feet): \$2,000, plus \$0.06 square feet per square feet of building gross floor area

# PUBLIC NOTICE

Applicants for Site Plan Approval under Chapter 270-2 of the Marlborough City Code must publish a public notice in a newspaper of general circulation within the area at least once within two weeks of filing a Site Plan application using the format below. A copy of the public notice must be submitted with the application. Applications for Site Plan Approval shall not be certified as complete unless the public notice is properly published.

Date of Publication: \_\_\_\_\_ N/A

Name of Newspaper: \_\_\_\_\_  
(Form of notice attached)

## HISTORIC BUILDING NOTICE

Is the site within 250 feet of any building, cemetery or monument built before 1850?      YES      NO

If in doubt, ask the Historic Commission (508 481-2400). If the answer is YES, send a photocopy notice and one copy of the site plans (excluding utilities) to:

Chairman, Historic Commission  
City Hall  
Marlborough, MA 01752

## APPLICANT'S SIGNATURE

  
\_\_\_\_\_  
Applicant or Representatives Signature

6/1/16  
\_\_\_\_\_  
Date

Applicant shall submit this form to the Building Dept with all required plans (8 copies of plans, 4 copies of Traffic and Drainage reports) after a "Pre-Application Review" with the City reviewing Authority at which most requirements can be examined and discussed.

The applicant maybe required to attend a Preliminary scoping session with the Site Plan Review Committee prior to submitting this form.

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## Office Use Only:

Date Received: \_\_\_\_\_

Site Plan Number: \_\_\_\_\_



MARLBOROUGH/NORTHBOROUGH  
LAND REALTY TRUST  
200 WHEELER ROAD  
BURLINGTON, MA 01803

To Whom It May Concern:

Walker Realty LLC has the land owner's authorization to file an application with the Marlborough City Council seeking Site Plan Approval for the property located on Boston Post Road, in Marlborough, Massachusetts.

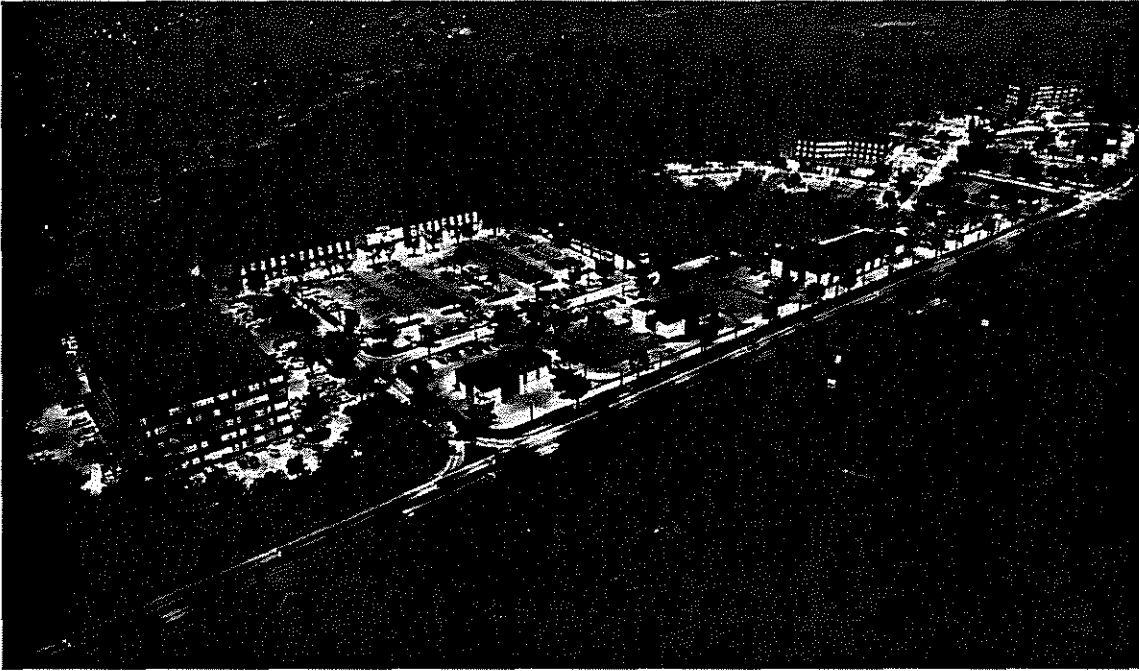
Marlborough/Northborough Land Realty Trust

By: 

Arthur J. Gutierrez, Jr., as Trustee  
and not individually

Date: May 26, 2016

# Project Data Report



## Apex Center

Of New England

180 Boston Post Road West  
Marlborough Massachusetts

Prepared for:  
Walker Realty Trust  
4 Lan Drive  
Westford, Massachusetts, 01886

June 2, 2016



HANCOCK  
ASSOCIATES



# HANCOCK ASSOCIATES

## Introduction

Walker Realty LLC introduces its most exciting development yet to the Marlborough I-495/I-290/I-90 commerce region with the planned construction commencement next month of the APEX Center. Located on 43 acres and along ¼ mile of frontage at 180 Boston Post Road West (Rte. 20), APEX Center will include 12 high-profile buildings of 441,250,000 square feet featuring two hotels, six restaurants, 80,000 square feet of retail stores, a medical office building and 165,000 square feet of entertainment and fitness venues. These venues will include state-of-the-art, custom-designed Kart Racing, Bowling, Arcade, Simulated Sky Diving (in discussions), Boxing, Goldfish Swim School, BB Kidz Klub Indoor Playground, Laser Tag, Sky Ropes, Fitness, Simulated Golf, Escape Complex (in discussions) and Altitude Trampoline Park. Accompanying these venues will be Hyatt Place and Fairfield by Marriott, putting an exclamation point on the map of New England's second largest hotel region. Restaurants will include 110 Grill and Evviva Cucina to provide cache and world class customer service for exceptional dining experiences.

The Apex Center Project Site is to be developed into a complementary mix of uses including retail, restaurant, entertainment, hotel and office space that will further the mix of amenities provided along this developed stretch of Boston Post Road. The Marlborough City Council recently amended the Code of the City of Marlborough, adding a new Section 650-35, called the Hospitality and Recreation Mixed Use Overlay District ("HRMUOD"), which allows the application of supplemental land use controls within the boundaries of an overlay district, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the HRMUOD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City.

This report the existing conditions of the overall property and proposed conditions of the proposed Apex Center development Project along with brief summaries of impacts and mitigation measures being proposed.

## Existing Conditions

The overall site encompasses approximately 43.6 acres. The site it is predominantly wooded scrub vegetation and grasses that have been allowed to spread since the abandonment of an apple orchard on site. A wetland resource area bordering on Millham Brook is in the central portion of the overall site. Millham Brook traverses the central portion of the site essentially bisecting the site into north and south parcels. Elevations on the site vary from approximately 295 feet in the northwest corner of the site to approximately 440 feet in the northeast corner of the site.



## HANCOCK ASSOCIATES

Millham Brook is a perennial stream flowing east to west from Glen Street to a culvert under Route 20. Millham Brook is tributary to the Millham Reservoir, a drinking water supply reservoir for the City of Marlborough. Being a tributary to the Millham Reservoir, Millham Brook is classified as an Outstanding Resource Water (ORW) pursuant to the Massachusetts Water Quality Standards (314 CMR 4.00). As such, Millham Brook falls under the ORW regulations. In addition to the Millham Brook itself, the vegetated wetlands bordering it are also considered ORW resources. Additionally, pursuant to the Massachusetts Drinking Water Regulations (310 CMR 22.00), the land area within a 200 foot lateral distance from the upper boundary of the bank of Millham Brook is considered within the Zone A of the Millham Brook Reservoir and in so being afforded the protections associated with that designation.

The project layout, stormwater management design and construction management plans included in a report under separate cover provide for extra safeguards to be implemented to protect this important resource area. No direct impact to bordering vegetated wetlands is proposed. Please refer to the Existing Conditions Plan prepared by VHB, Inc. dated May 27, 2016.

### **Proposed Conditions**

Referring to the Permit Site Plan (a 26 sheet set) prepared by Hancock Associates, dated June 2, 2016, the Apex Center development as proposed under the HRMUOD consists of 12 building complexes totaling 441,250 square feet of mixed-use development. The 12 building complexes range from a single standing hotel (Unit ID 1), restaurant (Unit ID 4), veterinarian office (Unit ID 7), carwash (Unit ID 9), and office building (Unit ID 12) to a complex including eight (8) interconnected buildings of restaurant, retail and hotel space (Unit ID 5). The arrangement of the buildings and the mix of uses allows for a reduced number of parking spaces through a shared system and alternate time of day of using the particular facilities. That is, while some retail uses may be visited throughout the day, the restaurants will be more commonly visited during the lunch and dinner hours, and the entertainment complex will be more commonly visited outside of working hours and on weekends allowing for a shared use of parking with the adjacent office building. The overall development is depicted on Sheet 4 of the Site Plan Set – Layout and Material Key Plan.

The Apex Center will be accessed via the intersection of Route 20 at RK Center/ Site Driveway, which will serve as the front door to the development. In addition, two unsignalized right-in/right-out driveway access points will also be provided along Route 20. One of the unsignalized driveway access points will be located west of the intersection of Route 20 at RK Center/Site Driveway, providing closer proximity access to the hotels and retail portion of the development. The second driveway access points will be located east of the RK Center Drive/Site Driveway, which provides a closer proximity access to the office component of the development.



Currently, the Bank of America and Wendy's restaurants both provide direct access to the proposed "main" site driveway. Discussions have taken place between these property owners and the Applicant to realign their driveways into the site and, therefore, limit the number of conflicts within the primary driveway. However, at this time; these discussions have not advanced beyond that phase. The Proponent will continue to investigate these modifications to the driveways, but the current proposal will remain as shown in the site plan.

### **Apex Center Build-out Summary**

The following provides a breakdown of overall space by Building Complex, followed by a breakdown by Land Use.

#### By Building Complex

Building 1 Complex — 86,800 sf (6 story), 137-room hotel

Building 2 Complex — 5,150 sf restaurant, 75 seats

Building 1 and 2 Complex combined for 139 parking spaces, including 6 handicap spaces.

Building 3 Complex — 9,000 sf retail.

- Building 3a: 2,400 sf bank
- Building 3b: 1,500 sf retail
- Building 3c: 1,500 sf retail
- Building 3d: 1,500 sf retail
- Building 3e: 2,100 sf retail

Building 4 Complex — 5,400 sf, 165-seat restaurant.

Building 3 and 4 Complex combined for 134 parking spaces, including 4 handicap spaces.

Building 5 Complex — 71,500 sf of mixed uses with 318 parking spaces, including 4 handicap spaces.

- Building 5a: 6,000 sf restaurant, 190-seats
- Building 5b: 3,000 sf retail
- Building 5c: 2,600 sf retail
- Building 5d: 2,900 sf retail
- Building 5e: 2,000 sf retail
- Building 5f: 2,000 sf retail
- Building 5g: 3,000 sf restaurant, 75-seats
- Building 5h: 50,000 sf (5-story), 107-room hotel



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Building 6 Complex — 5,900 sf of retail/restaurant space with 24 parking spaces, including 2 handicap spaces.

- Building 6a: 2,200 sf, 75-seat restaurant w/drive-thru
- Building 6b: 2,200 sf, 36-seat restaurant
- Building 6c: 1,500 sf retail

Building 7 Complex — 15,500 sf veterinarian office with 95 parking spaces, including 2 handicap spaces.

Building 8 Complex — 4,700 sf, 126-seat restaurant w/drive thru and 42 parking spaces, including 2 handicap spaces.

Building 9 Complex — 1,800 sf car wash with 6 parking spaces.

Building 10 Complex — 12,700 sf retail and entertainment space.

- Building 10a: 3,700 sf retail
- Building 10b: 9,000 sf entertainment

Building 11 Complex — 125,800 of entertainment space.

- Building 11a: 25,000 sf entertainment
- Building 11b: 5,000 sf entertainment
- Building 11c: 33,800 sf (bowling/recreation center)
- Building 11d: 32,000 sf (2nd level on Building 11a)
- Building 11e: 30,000 sf (2nd level on Building 11c)

Building 12 Complex — 100,000 sf office building (5 levels) and a parking deck surrounding the building and 167 subsurface spaces accessed at the far south end of the deck adjacent to Building 11.

*Building 10, 11 and 12 Complex combined for 642 parking spaces, including 14 handicap spaces.*

Totals - 441,250 sf; 1,367 parking spaces, including 36 handicap spaces.

### **Pedestrian Amenities**

Interior traffic and pedestrian connections and off-site improvements will include a full sidewalk along the entire frontage of the site from Ames Street to the Marlborough Wine and Spirits site except in front of Bank of America and Wendy's, as well as on site sidewalks throughout and a trail system along the southern limit of the development that also includes a link to the pedestrian bridge over Millham Brook to the Preserve at Ames. This pedestrian system interconnects throughout and around the site. All portions of the site, despite the environmental constraint posed by Milam Brook and its bordering vegetated wetlands, are accessible by foot up to and including connections to the Glen Street neighborhood and RK Center across Route 20.



## **Architectural Design**

With architectural innovation provided by JD LaGrasse and Associates and LK Architecture, APEX will feature contemporary design using a wide variety of materials and colors in providing a fun, exciting and lively environment. The signature APEX entertainment building, a 150,000 s/f, 45' high two-level complex, presents soaring floor-to-ceiling views and lively entry plaza with open walkways visible to each entertainment and fitness venue and the activities within. Designing a development project like this can be a complex and demanding process, but it is both fun and rewarding when you can complete it working with a focused client and a collaborative design team. The design goal is to integrate multiple buildings with diverse and synergistic uses, in essence to create a contemporary village that has something for everyone. Architectural renderings of most of the proposed building can be found at the end of this report.

## **Landscape Master Plan**

The landscape design of the Apex Center has been completed by James K. Emmanuel, RLA and features predominantly native plant species to complement the wooded setting of the central portion of the site. Benches, picnic tables, sitting areas and a gazebo or sheltered area will be situated between the west and east sides of the Apex Center parcel. Open areas along Boston Post Road will have infill plantings to create a more natural edge, while entrance drives will be developed with shrub beds and ornamental trees. Parking areas will introduce native shade tree varieties at the ends of islands, while the linear portions will feature a combination of shade trees, ornamental trees, and shrub beds. The space surrounding buildings will be developed with a rich palette of specimen trees, flowering trees, and beds of shrubs, perennials, and ornamental grasses. The portion of the site fronting Glen Street will introduce evergreen tree plantings as a visual screen.

## **Sustainable Design Elements**

Although low impact development (LID) is a relatively new design technique, its use is becoming more widespread throughout the development community due to both its environmental benefit as well as its long term financial return. This section describes the measures that will be considered in designing the Project under the different alternatives. The primary LID areas the Project will focus on are resource water protection and water conservation. Additionally, the Proponent is evaluating pursuing Leadership in Energy and Environmental Design (LEED) accreditation for the buildings constructed under the Project.

## **Resource Water Protection**

The Project is located in a City designated Water Supply Protection District and contains tributary wetland resource areas. These wetland areas are considered an Outstanding Resource Water (ORW) since they ultimately flow to Millham Reservoir, which is a drinking water source for the City. Due to the



presence of these on site wetlands, protection of the resource waters will be a critical component in project development.

As discussed further in Hancock's Stormwater Management (under serrate cover), the MassDEP Stormwater regulations require that stormwater be treated to a higher standard when indirectly discharged to an ORW. To accomplish this objective, a series of Best Management Practices (BMPs) are incorporated into the stormwater management design. Some of the BMPs proposed for the Project include street sweeping, deep-sump hooded catch basins, stormwater quality units, and extended detention basins. Furthermore, many areas of the development will use subsurface detention and infiltration units to help recharge the wetlands without directly discharging untreated stormwater.

More significantly as a result of the Project, the badly deteriorated and leaking Millham Brook Sewer Interceptor will be replaced with a replacement sewer to be located immediately north of the existing sewer and situated outside of bordering vegetated wetland. The new sewer will serve to remediate the existing inflow and infiltration to the sewer that is occurring presently as well as address the likelihood of any exfiltration from the sewer that is contaminating the surrounding environs and potential downstream impacts.

#### **Water Conservation**

Along with protecting resource waters, reducing the Project's water demand is another sustainable design objective that will be implemented as the Project advances. Some of the water conservation measures being considered initially include the installation of low-flow plumbing fixtures and the use of automatic water shut-off valves. Additionally, the Proponent is investigating the feasibility of using drip-type irrigation, which uses less water than conventional systems and other water-wise irrigation technologies such as moisture sensors, rain shut off devices, flow meters, and/or low angle sprinkler heads. Recycling gray water for use in irrigation is another option being considered by the Proponent.

#### **Stormwater Management**

##### **Water Quality**

The Project will treat stormwater runoff prior to discharge. Stormwater will be treated with appropriate best management practices (BMPs). The proposed stormwater system will use pretreatment measures such as street sweeping, deep sump catch basins, sediment forebays, and Stormceptor® water quality units to provide required pretreatment. The stormwater BMPs associated will be sized to capture and treat the first inch of runoff as required for areas of higher pollutant load related to greater traffic generation. Therefore, these BMPs will provide the required water quality volume and removal of 80% of the average annual TSS.





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The comprehensive stormwater management systems integrated into the east and west site designs have been developed independently, and each has been designed in accordance with the Massachusetts Stormwater Handbook and the City of Marlborough's requirements. Portions of the Project will be classified as Land Uses with Higher Potential Pollutant Loading (LUHPPL) and will be tributary to a Zone A associated with a public water supply. As such, the Project has been designed with suitable BMPs sized to treat the one inch water quality volume and provide adequate pretreatment prior to infiltration. In accordance with the regulations, discharges will remain outside of the Zone A.

In accordance with the 314 CMR 9.06 (6) stormwater discharges shall be removed or setback from the receiving water or wetland, and provided the highest and best practical method of treatment. As design progresses on the actual engineered plans, the Proponent is aware that all discharges of stormwater into ORW wetlands shall comply with 314 CMR 3.00 and 4.00.

The City of Marlborough requested '[B]ecause of the size of the Project and its proximity to city's water supply stream, Millham Brook, that 'stream monitoring before, during and then a certain intervals after development be performed to assess the success of the storm water management system to truly reach or exceed the TSS [total suspended solids] removal rates' claimed in the storm water report for the project.

The proponent expects and is committed to continued consultation with the City of Marlborough during the Conservation Commission and Site Plan Review Process to determine the requirements for erosion and sedimentation and water quality monitoring.

### **Wetlands and Natural Resources**

Work within resource areas will be limited to the filling of the non-jurisdictional isolated wetland and work within riverfront area. A Notice of Intent has been filed with the Marlborough Conservation Commission.

### **Wastewater**

The sewer routing on the site has been modified to direct all wastewater from the Apex Center site to the Millham Brook replacement sewer. The project Utility Plans depict the sewer routing on the Apex Center site and the location of the Millham Brook Sewer replacement project. The new 12-inch PVC sewer will be approximately 2,980 linear feet and include approximately 14 new manhole access locations. The sewer will be designed, constructed, and tested for maximum water tightness per MassDEP and City of Marlborough requirements. The cost of the sewer replacement project, which will be the responsibility of the Proponent, is estimated at approximately \$400,000.

### **Construction Management**

Careful consideration has been given to minimize construction phase impacts. Measures to reduce construction period impacts will generally include proper site preparation; controlling soil erosion,



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sedimentation, and dust; controlling machinery air emissions; minimizing noise; and properly managing construction-related truck traffic in the immediate vicinity of the site and on the surrounding roadways. Additionally, all applicable DEP construction-related regulations and/or permits will be considered and complied with as required. The Project will also comply with the U.S. EPA National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) Program for Stormwater Discharges.

The Proponent is committed to protecting the integrity of on and off-site wetland resources throughout development of the Project. As such, the Proponent will work with the City, as necessary to develop a Construction Sequencing Plan to ensure that all erosion and sedimentation controls are established in the proper manner.

Furthermore, the Proponent is committed to developing and implementing a Stormwater Management Pollution Prevention Plan (SWPPP) for use during construction.

In accordance with the Draft Development Agreement, the Developer/Proponent shall, at its sole cost and expense, complete the Sewer Relocation prior to the issuance of the first certificate of occupancy for a Development Parcel. The Developer shall be permitted to connect to the City's sewer system in order to provide sewer service to the Project in locations approximately shown on the Master Concept Plan. The Developer shall not be required to pay any sewer connection or sewer privilege fees (including I/I fees) associated with connecting the Project to the City's sewer system.

For the sewers proposed within the Zone A – MassDEP regulations at 310 CMR 22.20B(3)(b) state that all sewer lines and appurtenances are prohibited, except as required to eliminate existing or potential pollution to the water supply, or where the crossing of tributaries is necessary to construct a public sewer system. Where the exception is met, watertight construction of sewer lines and manholes shall be used. Further, the private sewer connections from the Project to the new Millham Brook public sewer do not need to intersect the 200-foot Zone A to connect to the public sewer.

**Also see a full Stormwater Management Report, Stormwater Pollution Prevention Plan and Traffic Impact Analysis under separate covers. Additionally, an Expanded Notice of Project Change has been filed with the Massachusetts Environmental Protection Agency (MEPA). The NPC will be distributed to city officials for review and comment to MEPA. The comment period will run between June 8<sup>th</sup> and June 28<sup>th</sup> with an anticipated decision by the Secretary of Environmental Affairs by July 8<sup>th</sup>.**

### **Requested Waivers**

In Accordance with Section 650-35 of the City of Marlborough Zoning Ordinance, "Hospitality and Recreation Mixed Use Overlay District", the Proponent hereby requests the following waivers in connection with this application for Site Plan Approval:

#### **Waiver from Section 650-48 (C)(1):**



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Section 650-48(C)(1) of the City of Marlborough Zoning Ordinance requires that "off-street parking facilities shall be provided on the same lot as the principal use they are required to serve. The Required parking areas may be provided on any lot under the same ownership within 400 feet of the building or structure to be served."

The Proponent proposes to create four (4) Approval Not Required lots from the Property and expects endorsement of the ANR Plan on June 6, 2016. Some of those lots will not contain parking areas sufficient to serve the principal uses located on said lots and the Proponent will provide for appropriate rights/cross easements for parking and other facilities amongst the separate lots in order to assure that all lot owners have access to sufficient parking. The HRMUOD contemplates a cohesive and connected development that encourages "complementary or share use of parking areas." The Project has been designed to meet this stated goal of the HRMUOD. Accordingly, a waiver of the requirement that "off street parking facilities be provided on the same lot at the principal use they are required to serve" is justified in accordance with the authority of the City Council pursuant to Section 650-35 (G)(7).

### Waiver from Section 650-49 (F)(4)

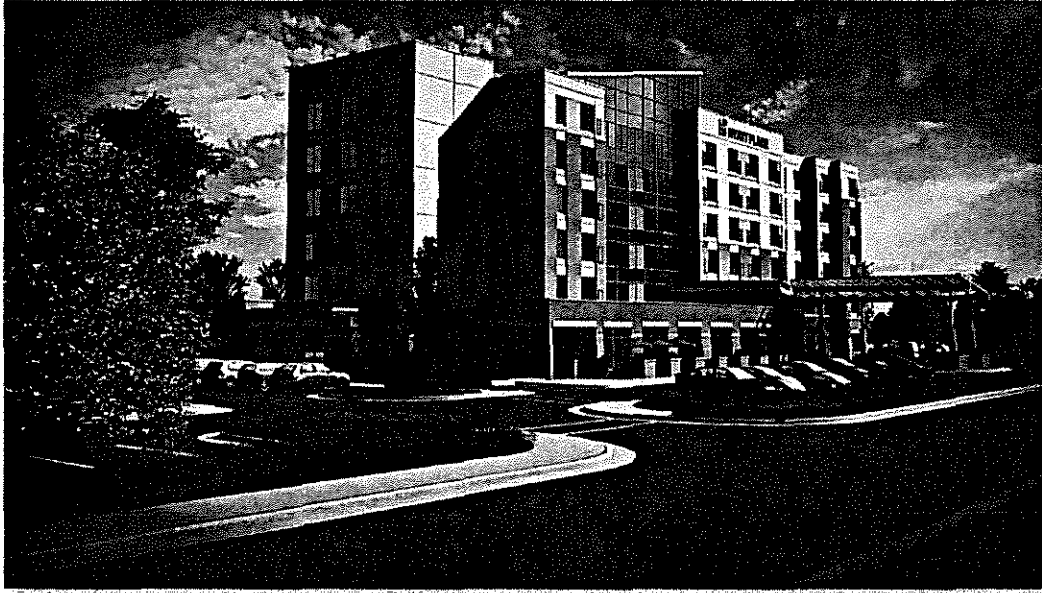
Section 650-49 (F)(4) of the City of Marlborough Zoning Ordinance requires that "[a]ll..proposed building lots must have frontage on an acceptable way as defined in M.G.L. c. 40 Section 81L, an each lot frontage must also provide the possibility of independent practical access from the proposed structure or use to the way without using a common driveway."

The Proponent proposes to access the Property through only three locations over the entire 2,500 +/- linear feet of frontage on the Property. The Project is designed to be served by a common spine road in order to create the sense of a single, cohesive development. This is in keeping with the intent of the HRMUOD. Accordingly, a waiver pursuant to Section 650 (G)(7) of the City of Marlborough Zoning Ordinance is justified in order to allow for all lots within the HRMUOD to access any structure on said lot via the common spine road proposed.

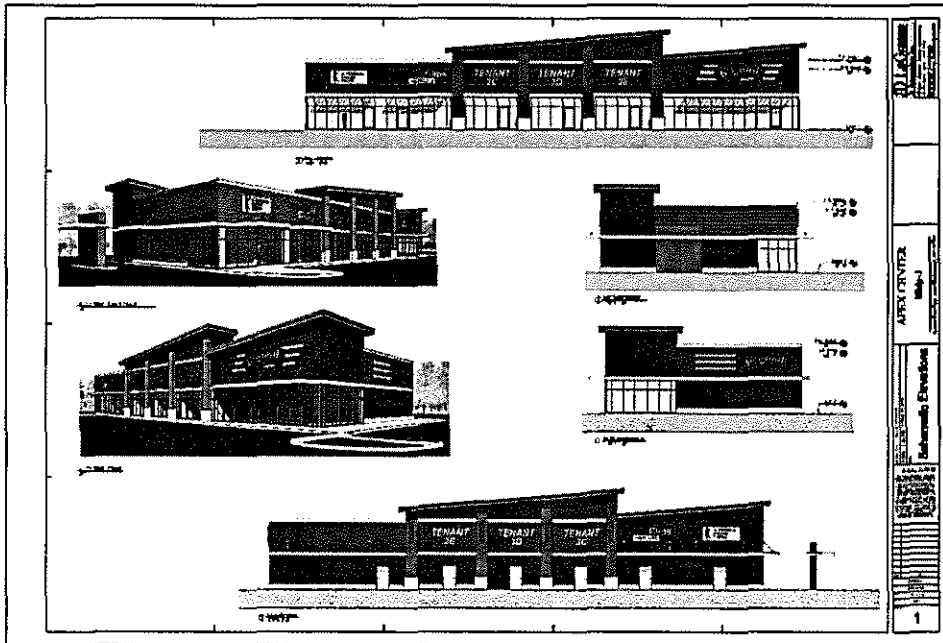


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## Architectural Renderings

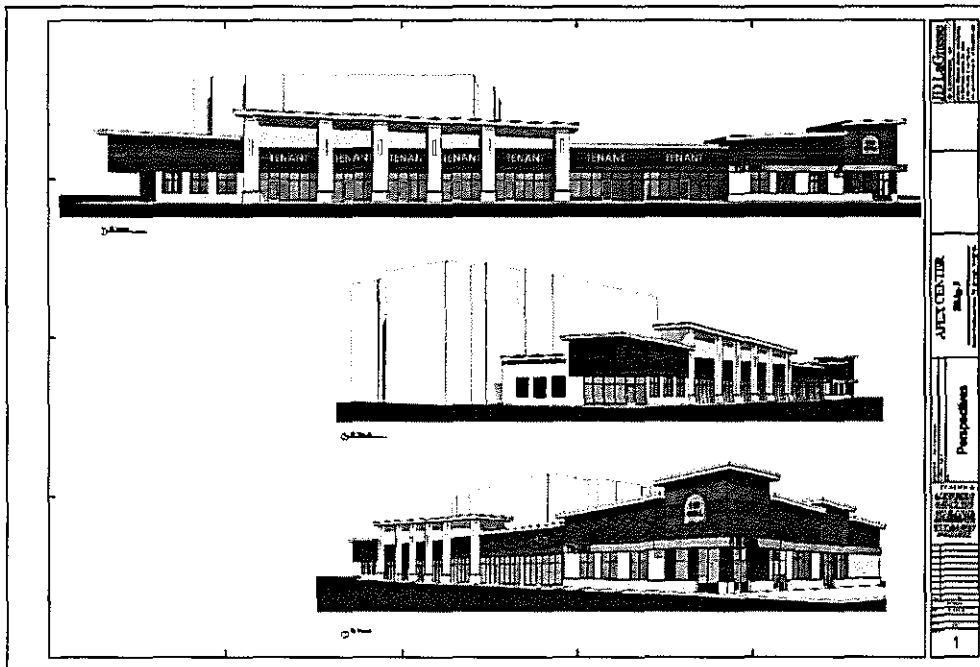
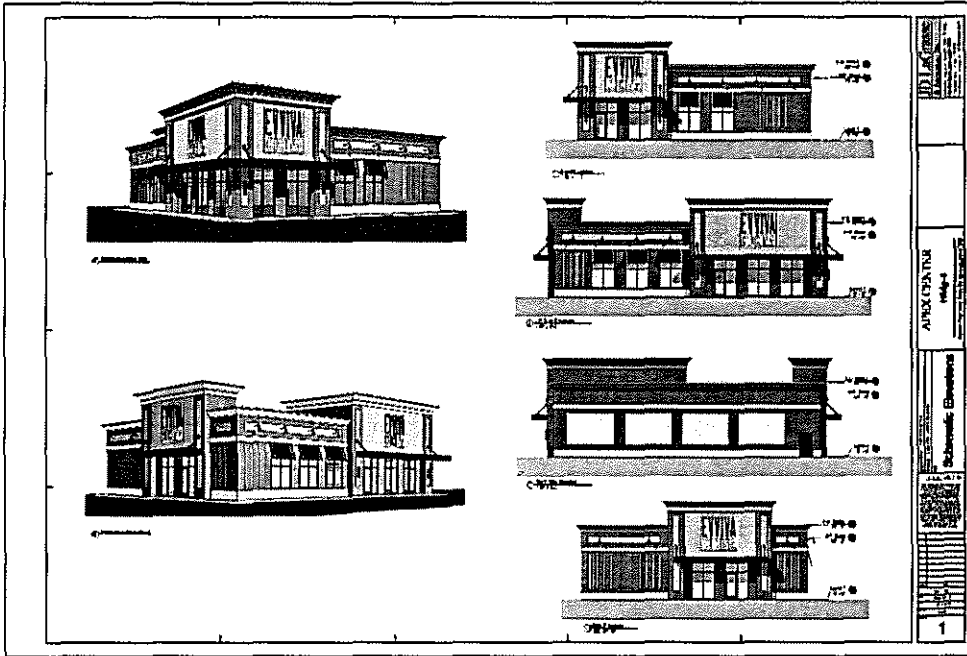


Architecture March 22, 2010 **Hyatt Place** Marlborough, MA 01



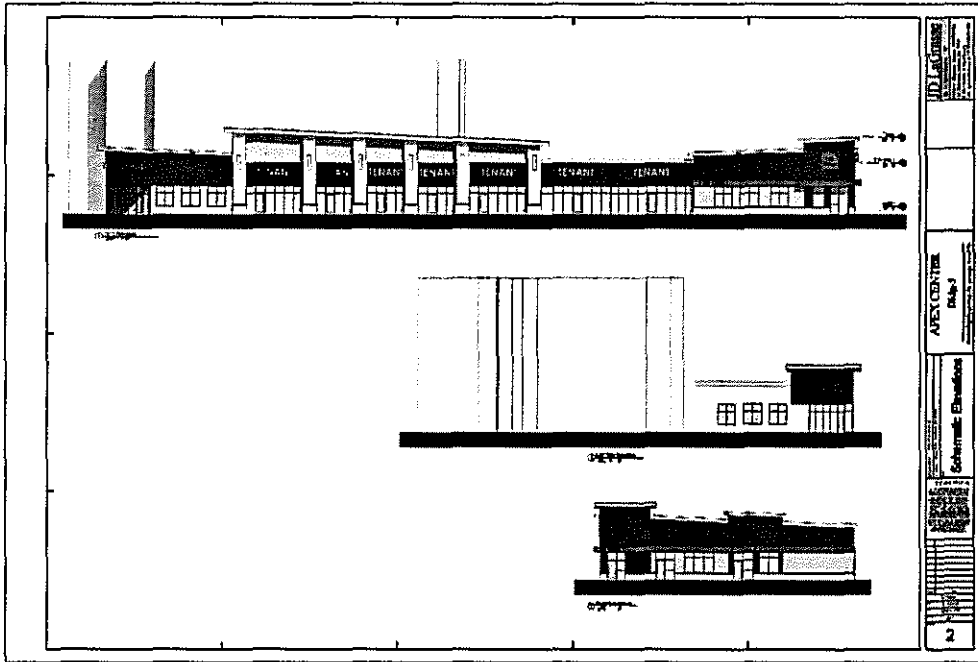


# HANCOCK ASSOCIATES



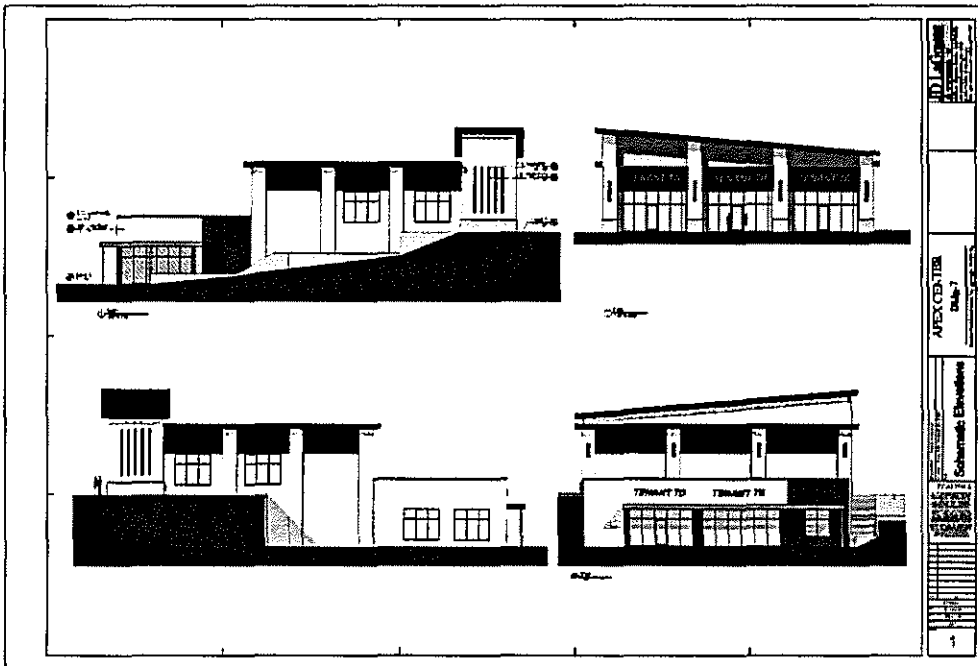
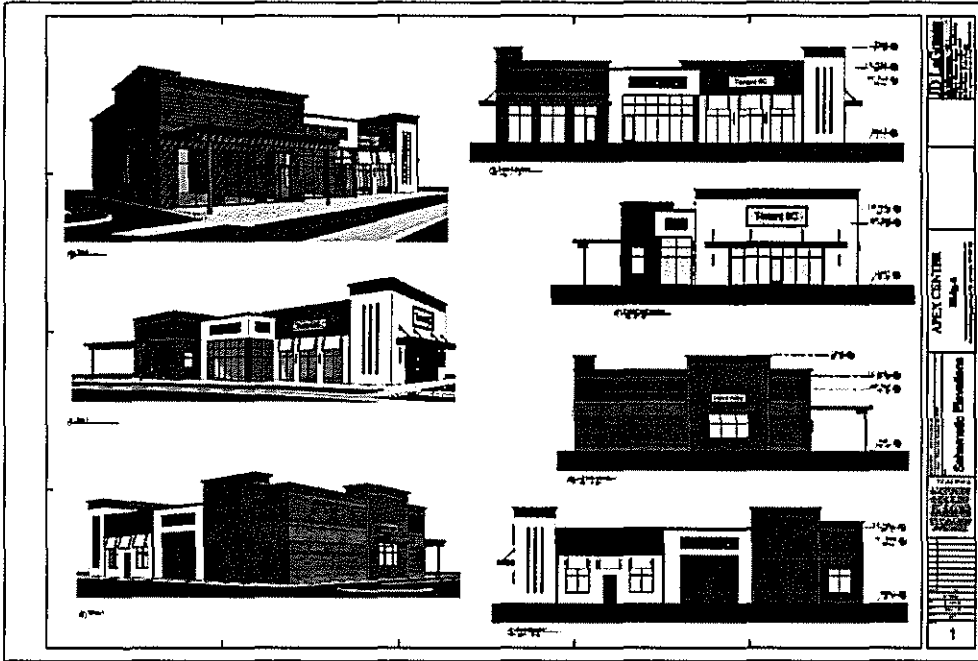


# HANCOCK ASSOCIATES



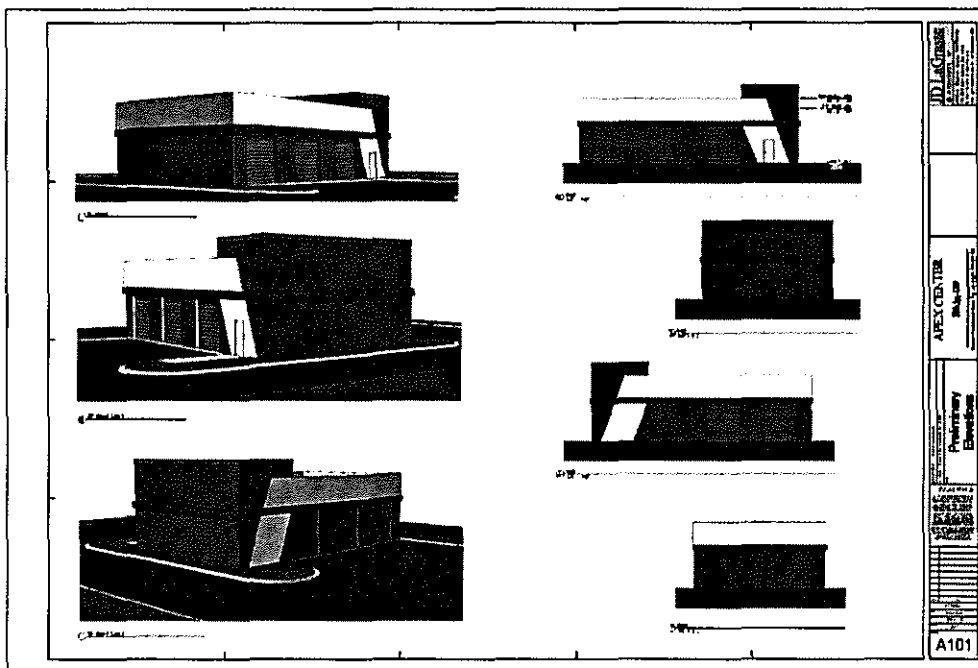


# HANCOCK ASSOCIATES





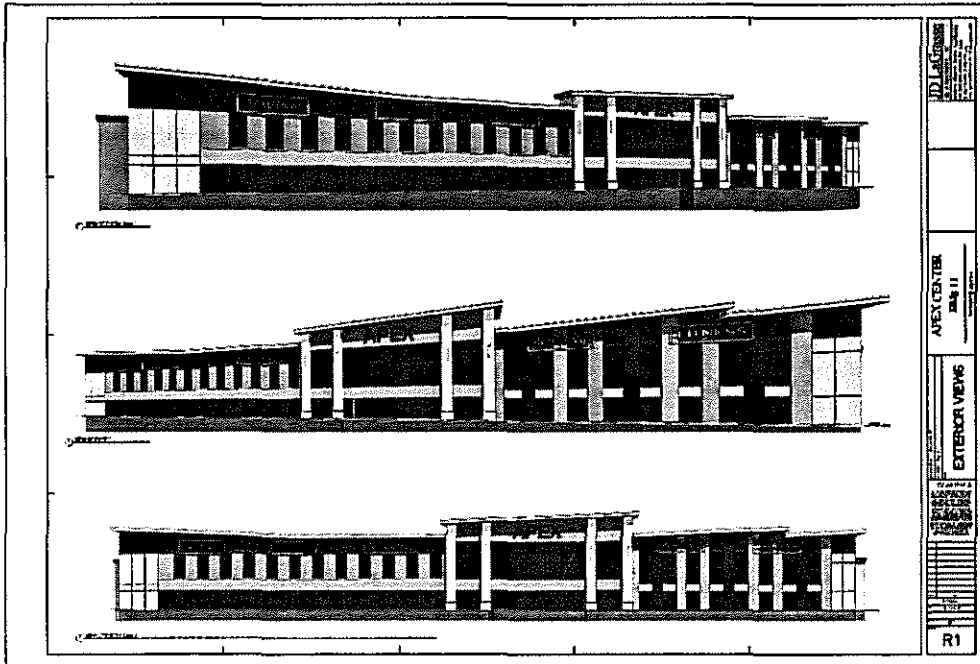
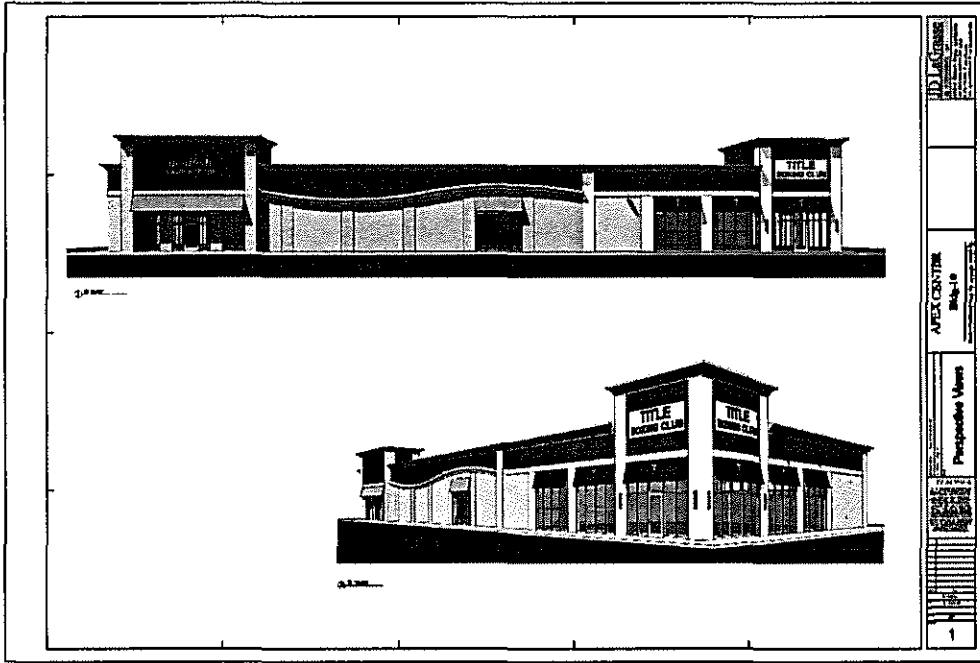
# HANCOCK ASSOCIATES





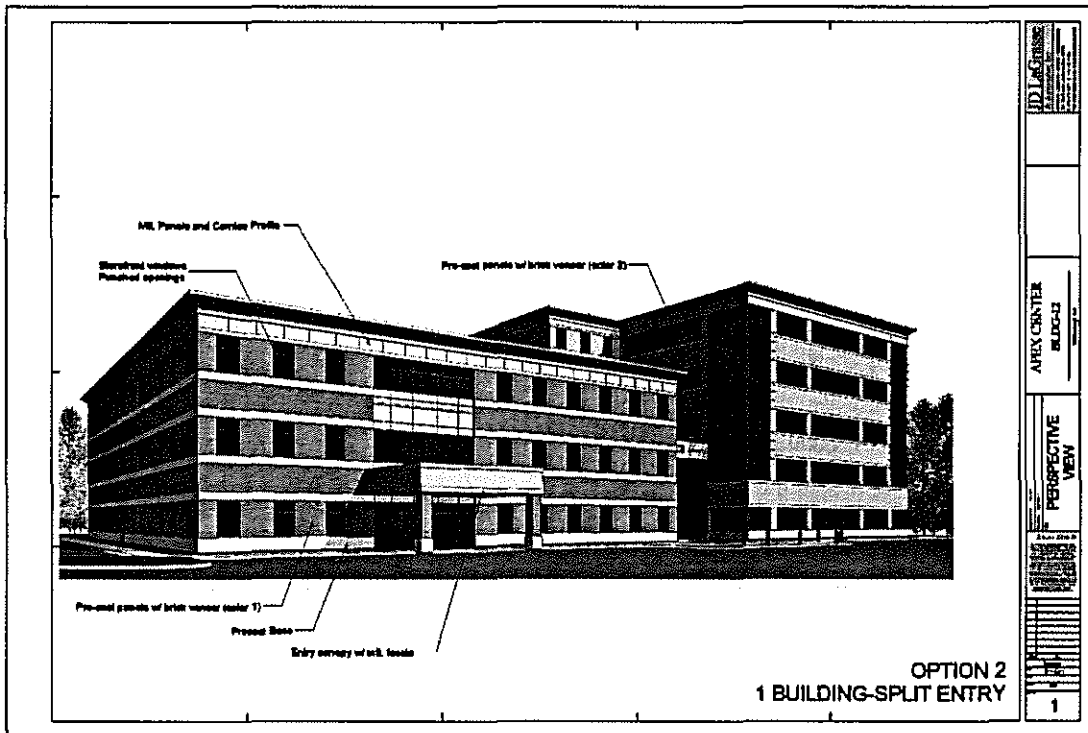


# HANCOCK ASSOCIATES





# HANCOCK ASSOCIATES



# PERMIT SITE PLAN

## APEX CENTER

180 BOSTON POST ROAD WEST  
MARLBOROUGH, MASSACHUSETTS 01752

FOR

## RYAN DEVELOPMENT, LLC



**VICINITY MAP**  
SCALE 1" = 100'

**OWNER:**

ARTURO J GUTIERREZ TRUST  
JOHN A CATALDO TRUST  
1 WALL STREET  
BURLINGTON, MASSACHUSETTS 01803

**APPLICANT:**

RYAN DEVELOPMENT, LLC  
4 LAN DRIVE  
WESTFORD, MASSACHUSETTS 01886

**PROJECT TEAM**

**Civil Engineers**  
HANCOCK ASSOCIATES  
115 ELM STREET  
MARLBOROUGH, MASSACHUSETTS 01752

**LAND SURVEYOR / TRAFFIC ENGINEER**  
VANASSE HANGEN BRUSTLIN  
2 WASHINGTON STREET, #719  
WORCESTER, MASSACHUSETTS 01604

**ARCHITECTS**  
JO LORASSE & ASSOCIATES  
ONE ELM SQUARE  
ANDOVER, MASSACHUSETTS 01910

**APEX  
CENTER**

180 Boston Post Road West  
Marlborough, Massachusetts 01752  
PROJECT NO.

Ryan  
Development,  
LLC

4 Lan Drive  
Westford, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

Civil Engineer  
Land Surveyor  
Environmental  
Consultant

21 Elm Street, Marlborough, MA, 01752  
Phone: 508.252.1111  
Fax: 508.252.1122



NO.	DATE	DESCRIPTION OF REVISION

**TITLE  
SHEET**

TS

**REGISTERED PLANNERS**  
THE CITY OF MARLBOROUGH DEMONSTRATES ITS COMMITMENT TO THE CITY OF MARLBOROUGH BY PROVIDING CERTAIN INFORMATION TO THE PUBLIC REGARDING THE PROJECTS. THE FOLLOWING INFORMATION IS PROVIDED FOR THE PUBLIC'S INFORMATION.  
SOURCE: FROM SECTION 60B-10 (2)(C)

THE CITY OF MARLBOROUGH DEMONSTRATES ITS COMMITMENT TO THE CITY OF MARLBOROUGH BY PROVIDING CERTAIN INFORMATION TO THE PUBLIC REGARDING THE PROJECTS. THE FOLLOWING INFORMATION IS PROVIDED FOR THE PUBLIC'S INFORMATION.  
SOURCE: FROM SECTION 60B-10 (2)(C)

**SHEET INDEX**

- SHEET 1 ..... TS ..... TITLE SHEET
- SHEET 2 ..... MR ..... NOTES, REFERENCES & LEGEND SHEET
- SHEET 3 ..... SE ..... SOIL EXPLORATION PLAN
- SHEET 4-7 ..... LM ..... LAYOUT & MATERIALS PLAN
- SHEET 8-15 ..... GD ..... GRADING & DRAINAGE PLAN / PRE-POST AREAS
- SHEET 16-21 ..... UT ..... UTILITIES PLAN / SEWER RELOCATION PROFILE
- SHEET 22-24 ..... LT ..... LIGHTING PLAN
- SHEET 25-27 ..... PL ..... PLANTING PLAN
- SHEET 28-33 ..... DT ..... DETAILS SHEET
- SHEET 34-35 ..... SW ..... STORMWATER POLLUTION PREVENTION PLAN

APEX  
CENTER

Brashear Post Road West  
Marblehead, Massachusetts 01853

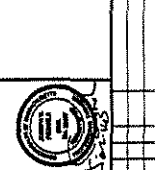
Ryan  
Development,  
LLC

4 Lin Drive  
Westford, Massachusetts 01886

HANCOCK  
ASSOCIATES

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

NOTES,  
REFERENCES  
AND LEGEND



DATE	4/21/15	REVISION	
DESCRIPTION			
BY		DATE	
APPROVED BY			

HANCOCK ASSOCIATES  
101 Elm Street, Marblehead, MA 01853  
Tel: (781) 326-7100  
Fax: (781) 326-7101  
www.hancockassoc.com

DWG: 15043-AP01.dwg  
LAYOUT: 101  
SHEET: 3 OF 25  
JOB NO.: 15043

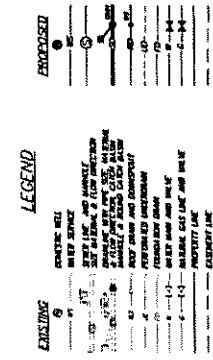
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**GENERAL NOTES**

1. LOCATIONS OF EXISTING UNDERGROUND UTILITIES/STRUCTURES/PIPES SHALL BE SHOWN WHERE KNOWN AND LOCATIONS OF EXISTING UNDERGROUND UTILITIES/STRUCTURES/PIPES SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING ALL UNDERGROUND UTILITIES/STRUCTURES/PIPES SHALL BE SHOWN WHERE KNOWN.
2. UNDERGROUND SERVICES, ALL NEW UTILITIES SHALL BE UNDERGROUND.
3. CONTRACTOR SHALL FURNISH CONNECTIONS (LAYOUT OF SERVICE AND SEE APPENDICES) AND NEW SERVICE SHALL BE FURNISHED BY A PROFESSIONAL (LAND SURVEYOR).
4. SANITARY SEWER, COMPLETION METHODS AND CATCHES OF NEW SHALL BE RESPONSIBLE TO CONTRACTOR.
5. EXISTING UNDERGROUND SERVICES SHALL BE EXPOSED AND REMOVED OR RELOCATED AS SHOWN ON DRAWING. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE OF ALL EXISTING UNDERGROUND SERVICES AND PROVIDING THE LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND SERVICES TO THE CONTRACTOR.
6. NEW 18" IS NOT REFERRED TO AS NEW EXCEPT WHERE SPECIFICALLY NOTED OTHERWISE. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING 18" SEWER LINES. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING 18" SEWER LINES. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING 18" SEWER LINES.
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13. ALL EXISTING UNDERGROUND SERVICES SHALL BE EXPOSED AND REMOVED OR RELOCATED AS SHOWN ON DRAWING. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE OF ALL EXISTING UNDERGROUND SERVICES AND PROVIDING THE LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND SERVICES TO THE CONTRACTOR.
14. STRUCTURE SHALL VERIFY THAT DETAILS SHOWN ON THIS DRAWING COMPLY WITH THE LATEST STATE PLUMBING CODE OF MASSACHUSETTS.

**REGULATORY NOTES**

1. CONTRACTOR SHALL CONTACT DEP-SAFE FOR UNDERGROUND UTILITY MARKING AT 1-800-346-7211.
2. AT LEAST 72 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
3. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING UNDERGROUND SERVICES AND PROVIDING THE LOCATION AND DEPTH OF EXISTING UNDERGROUND SERVICES TO THE CONTRACTOR.
4. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING UNDERGROUND SERVICES AND PROVIDING THE LOCATION AND DEPTH OF EXISTING UNDERGROUND SERVICES TO THE CONTRACTOR.



**ZONING**  
COMMUNITY DEVELOPMENT DEPARTMENT (PREPARED)  
COMMUNITY BUSINESS (B) & LIMITED INDUSTRIAL (LI)

**ASSESSORS**

MAP NO.	MAP DATE	MAP SCALE	MAP AREA
MAP NO. 20	2011	1"=40'	10.3 AC
MAP NO. 21	2011	1"=40'	10.3 AC
MAP NO. 22	2011	1"=40'	10.3 AC
MAP NO. 23	2011	1"=40'	10.3 AC

**RECORD OWNERS**  
ARTHUR J. GUERREZ TRUST  
JOHN A. CATALDO TRUST  
1 WALL STREET  
BOSTON, MASSACHUSETTS 02108

**ZONING REGULATIONS**  
CITY OF MARLBOROUGH ZONING ORDINANCE 2012-11

ZONE	MIN. LOT	MIN. SIDE	MIN. REAR	MAX. SETBACK	MAX. COVER	MAX. GROUND COVER	MAX. STORY	MAX. HEIGHT	MIN. OFFSET
COMMERCIAL	50 FT	5 FT	5 FT	0 FT	50%	30%	3	35 FT	5 FT
INDUSTRIAL	50 FT	5 FT	5 FT	0 FT	50%	30%	3	35 FT	5 FT
RESIDENTIAL	50 FT	5 FT	5 FT	0 FT	50%	30%	3	35 FT	5 FT
RECREATION	50 FT	5 FT	5 FT	0 FT	50%	30%	3	35 FT	5 FT

\* WORKING WITHIN A RESERVANCE DISTRICT

**PARKING REGULATIONS**  
CITY OF MARLBOROUGH ZONING ORDINANCE 2012-11

MINIMUM NUMBER OF PARKING SPACES FOR EACH 1,000 SQ. FT. OF GROSS FLOOR AREA:

USE	MINIMUM NUMBER OF PARKING SPACES
OFFICE	10-15
RETAIL	20-30
RESTAURANT	15-20
AMUSEMENT	25-35
TOURIST	30-40
INDUSTRIAL	15-20

**AREAS**

AREA	TOTAL AREA
AREAS SETBACK	4.8 AC
AREAS OFFSET	1.2 AC
AREAS GROUND COVER	1.2 AC
AREAS STORY	1.2 AC
AREAS HEIGHT	1.2 AC
AREAS MIN. OFFSET	1.2 AC
AREAS TOTAL AREA NOT OBTAINED	10.3 AC

**APEX  
CENTER**

Electric Power Plant West  
Morgantown, West Virginia 26505  
PROJECT NO.

**Ryan  
Development,  
LLC**

4 Lee Drive  
Westland, Missouri 64084

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental  
Scientists

33 The Green, Northbrook, MA 01861  
Phone: (617) 881-9100  
Fax: (617) 881-9101

DATE: 01/05/10

SCALE: 1" = 40'

PROJECT NO.: 10-001-10

DRAWING NO.: 10-001-10-002

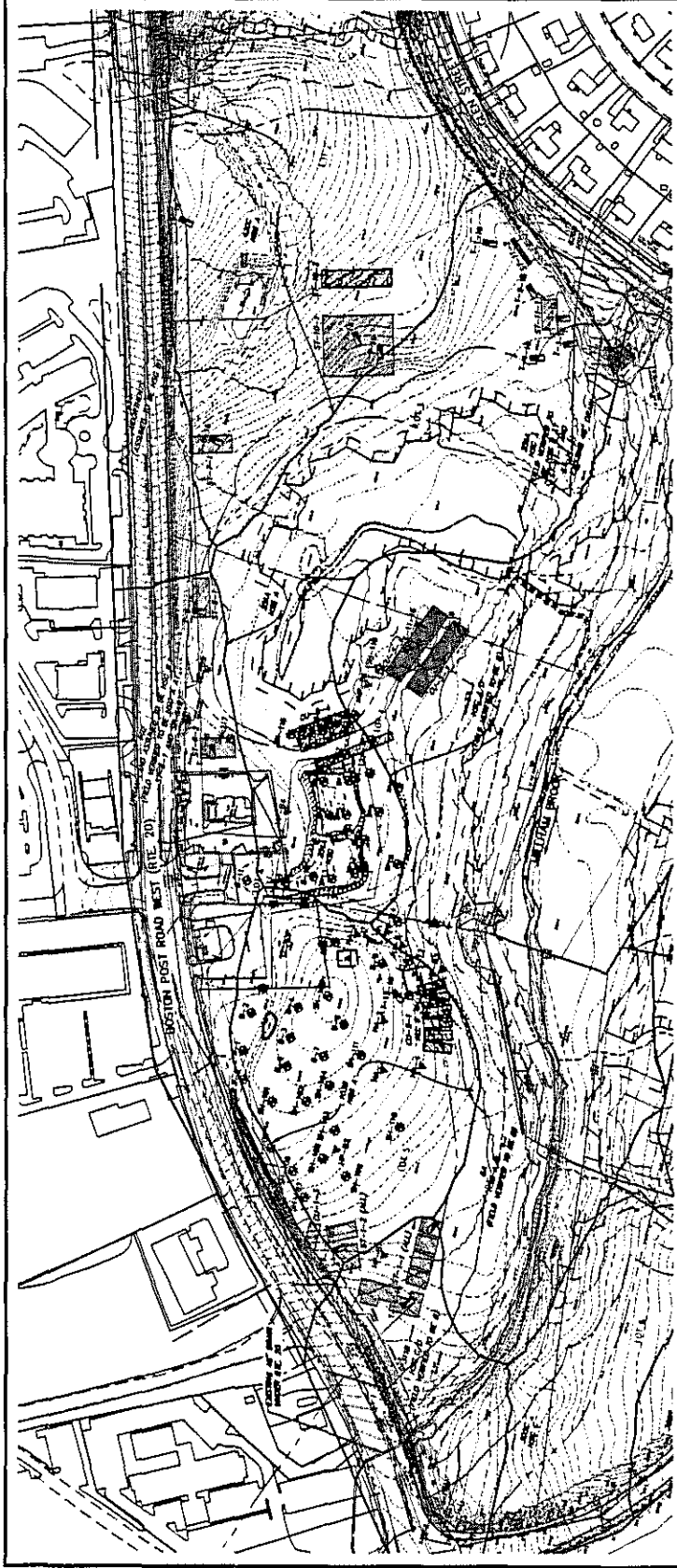
**SOIL EXPLORATION  
PLAN**

DATE: 01/05/10

PROJECT NO.: 10-001-10

DRAWING NO.: 10-001-10-002

**SE**



NO.	ELEVATION	DEPTH	DIST. FROM EXIST. DRIVE	PROPOSED EXCAVATION INFORMATION				PLAN	DEPTH	DIST. FROM EXIST. DRIVE
				PLAN	DEPTH	DIST. FROM EXIST. DRIVE	EX. NO.			
1	324.8	4.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0
2	324.7	4.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
3	324.6	4.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
4	324.5	4.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
5	324.4	4.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
6	324.3	4.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0
7	324.2	4.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
8	324.1	4.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
9	324.0	4.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0
10	323.9	4.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0

**NOTES**

1. EXISTING ELEVATION IS BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
2. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
3. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
4. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
5. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
6. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
7. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
8. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
9. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.
10. EXISTING ELEVATIONS ARE BASED ON THE ADJUSTED MEAN SEA LEVEL DATUM FOR THE STATE OF WEST VIRGINIA. ELEVATIONS ARE SHOWN IN FEET.

**PROPOSED UNDERGROUND INFILTRATION CHANGERS INFORMATION**

NO.	PLAN	DEPTH	DIST. FROM EXIST. DRIVE	EX. NO.	PLAN	DEPTH	DIST. FROM EXIST. DRIVE	EX. NO.
1	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0
2	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
3	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
4	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
5	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
6	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0
7	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
8	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
9	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0
10	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0

**LEGEND**

SYMBOL	DESCRIPTION
○	TEST PIT
△	TEST PIT
▽	TEST PIT
□	TEST PIT
◇	TEST PIT
☆	TEST PIT
☐	TEST PIT

**PERMIT PLAN - NOT FOR CONSTRUCTION**

DATE: 01/05/10

**APEX CENTER**

Executive Plaza East West  
Highway, Massachusetts 01128  
TELEPHONE: 708

Ryan  
Development,  
LLC

4 Elm Drive  
Woburn, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental  
Chemists

25 Old Street, Woburn, MA 01897  
Telephone: 948-1111  
Fax: 948-1112

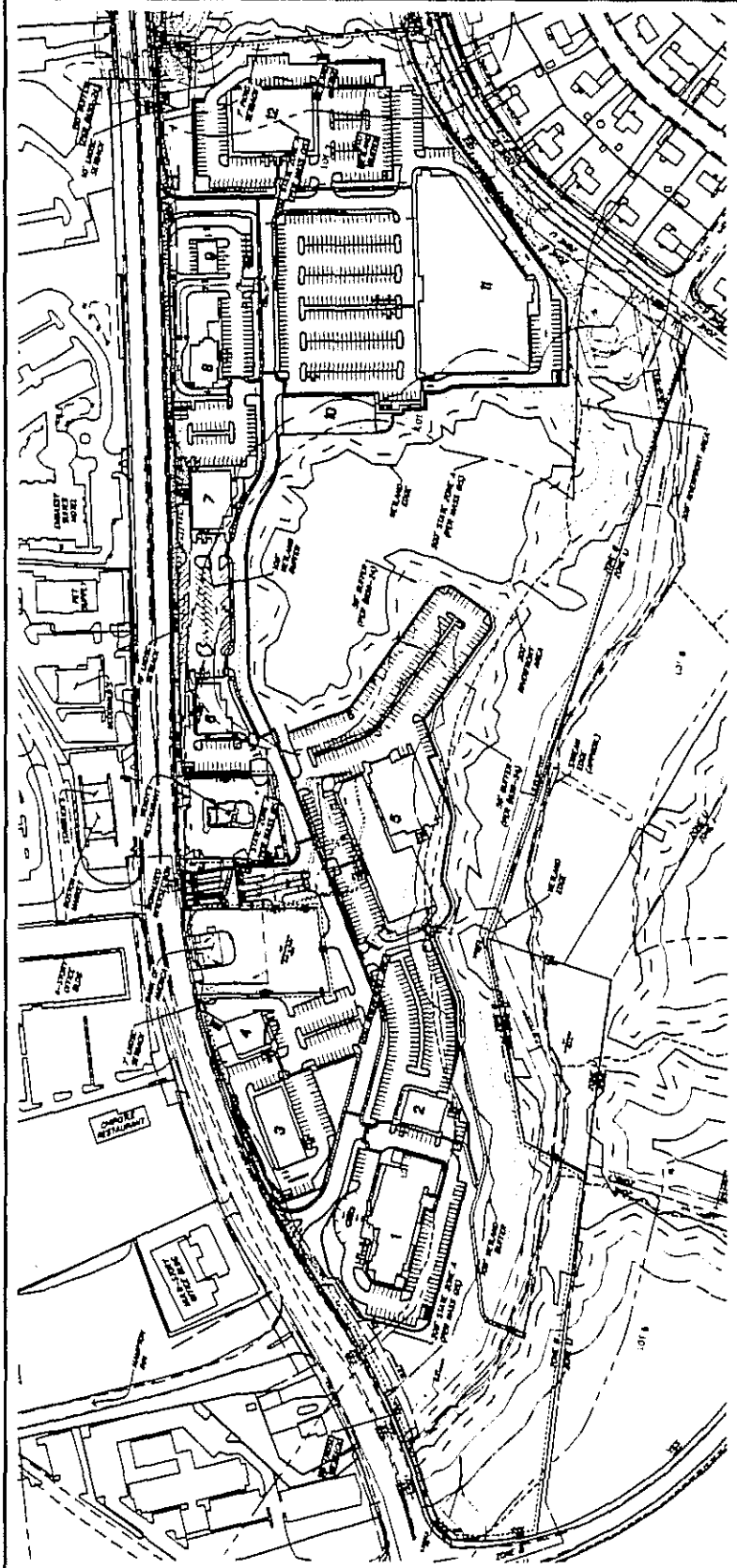


NO.	DATE	DESCRIPTION	BY	CHK

**LAYOUT AND  
MATERIALS  
KEY PLAN**

**LM-0**

DATE: 08/11/11  
DRAWN: [Name]  
CHECKED: [Name]  
SCALE: AS SHOWN  
SHEET NO. OF NO.  
JOB NO.



GRAPHIC SCALE: 1" = 100' - 0" (1:125)

**UNIT SCHEDULE**

NO.	DESCRIPTION	UNIT	AREA	PERCENT	PERMITS
1	RESTAURANT	1	1,100	1.1	1
2	OFFICE	2	2,200	2.2	2
3	RETAIL	3	3,300	3.3	3
4	RETAIL	4	4,400	4.4	4
5	RETAIL	5	5,500	5.5	5
6	RETAIL	6	6,600	6.6	6
7	RETAIL	7	7,700	7.7	7
8	RETAIL	8	8,800	8.8	8
9	RETAIL	9	9,900	9.9	9
10	RETAIL	10	11,000	11.0	10
TOTAL			100,000	100.0	

PERMIT PLAN - NOT FOR CONSTRUCTION

**BUILDING SCHEDULE**

NO.	DESCRIPTION	AREA	PERCENT	PERMITS
1	RESTAURANT	1,100	1.1	1
2	OFFICE	2,200	2.2	2
3	RETAIL	3,300	3.3	3
4	RETAIL	4,400	4.4	4
5	RETAIL	5,500	5.5	5
6	RETAIL	6,600	6.6	6
7	RETAIL	7,700	7.7	7
8	RETAIL	8,800	8.8	8
9	RETAIL	9,900	9.9	9
10	RETAIL	11,000	11.0	10
TOTAL		100,000	100.0	

**ZONING REGULATIONS**

SEE CITY ZONING ORDINANCE...

**PARKING REGULATIONS**

SEE CITY ZONING ORDINANCE...

APEX CENTER

Boston Post Road West  
Methuen, Massachusetts 01842  
PROJECT NO.

Ryan  
Development,  
LLC

4 Linn Drive  
Wardboro, Massachusetts 01886

HANCOCK  
ASSOCIATES

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

313 Elm Street, Methuen, MA 01842  
Phone (978) 345-1111 Fax (978) 345-1112  
http://www.hancockassociates.com

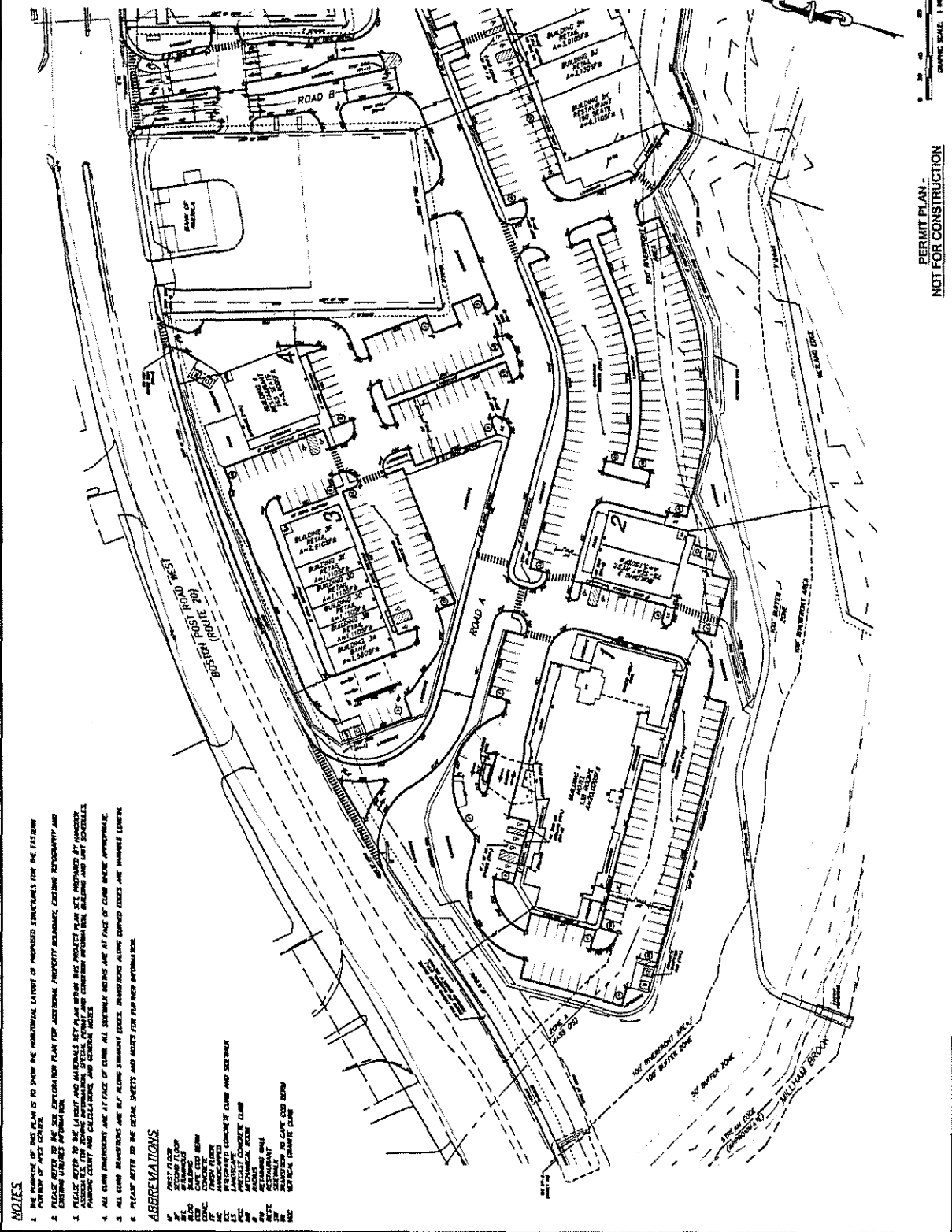


NO.	DATE	DESCRIPTION
1	10/02/07	DESIGN SUBMITTAL
2	10/02/07	DESIGN SUBMITTAL
3	10/02/07	DESIGN SUBMITTAL
4	10/02/07	DESIGN SUBMITTAL

LAYOUT AND MATERIALS PLAN

LM-1

CIVIL: 10/02/07 Step  
DATE: 10/02/07  
SHEET 3 OF 23  
JOB NO.: 103-02



- NOTES**
1. THE PURPOSE OF THIS PLAN IS TO SHOW THE HORIZONTAL LAYOUT OF PROPOSED STRUCTURES FOR THE EASTERN PORTION OF THIS CENTER.
  2. FOR A COMPLETE DESCRIPTION OF THE PROPOSED PROJECT, REFER TO THE GENERAL NOTES, EXISTING RECORDS, AND EXISTING PLANS ON FILE AT THE PROJECT OFFICE.
  3. PLEASE REFER TO THE LAYOUT AND MATERIALS STORAGE PLAN SET, PREPARED BY HANCOCK ASSOCIATES, FOR DETAILED INFORMATION REGARDING SITE AND CONSTRUCTION INFORMATION, INCLUDING AND LIMIT SCHEDULES, PROPOSED PLANT AND EQUIPMENT, AND OTHER NOTES.
  4. ALL CURB DIMENSIONS ARE AT FACE OF CURB. ALL INTERNAL DIMENSIONS ARE AT FACE OF CURB UNLESS OTHERWISE INDICATED.
  5. PLEASE REFER TO THE OTHER SHEETS AND NOTES FOR FURTHER INFORMATION.

- ABBREVIATIONS**
- APL ASPHALT
  - BLK BLOCK
  - CUR CURB
  - CON CONCRETE
  - FRT FRESH FLOOR
  - FRM FORM
  - GRA GRAVEL
  - INS INSULATION
  - INT INTERIOR
  - LT LIGHT
  - ME MECHANICAL
  - MEM MEMBRANE
  - RE RETAINMENT WALL
  - RT ROOF
  - SLV SLAB
  - SUB SUBGRADE
  - STR STRUCTURE
  - TYP TYPICAL
  - VAR VARIATION

PERMIT PLAN - NOT FOR CONSTRUCTION

# APEX CENTER

Boston Post Road West  
Marlborough, Massachusetts 01752

PROPOSED FOR

Ryan  
Development,  
LLC

4 Elm Drive  
Westford, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

10 State Street, Suite 1000  
Boston, Massachusetts 02109  
Tel: 617.552.1111 Fax: 617.552.1112  
www.hancockassoc.com



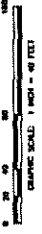
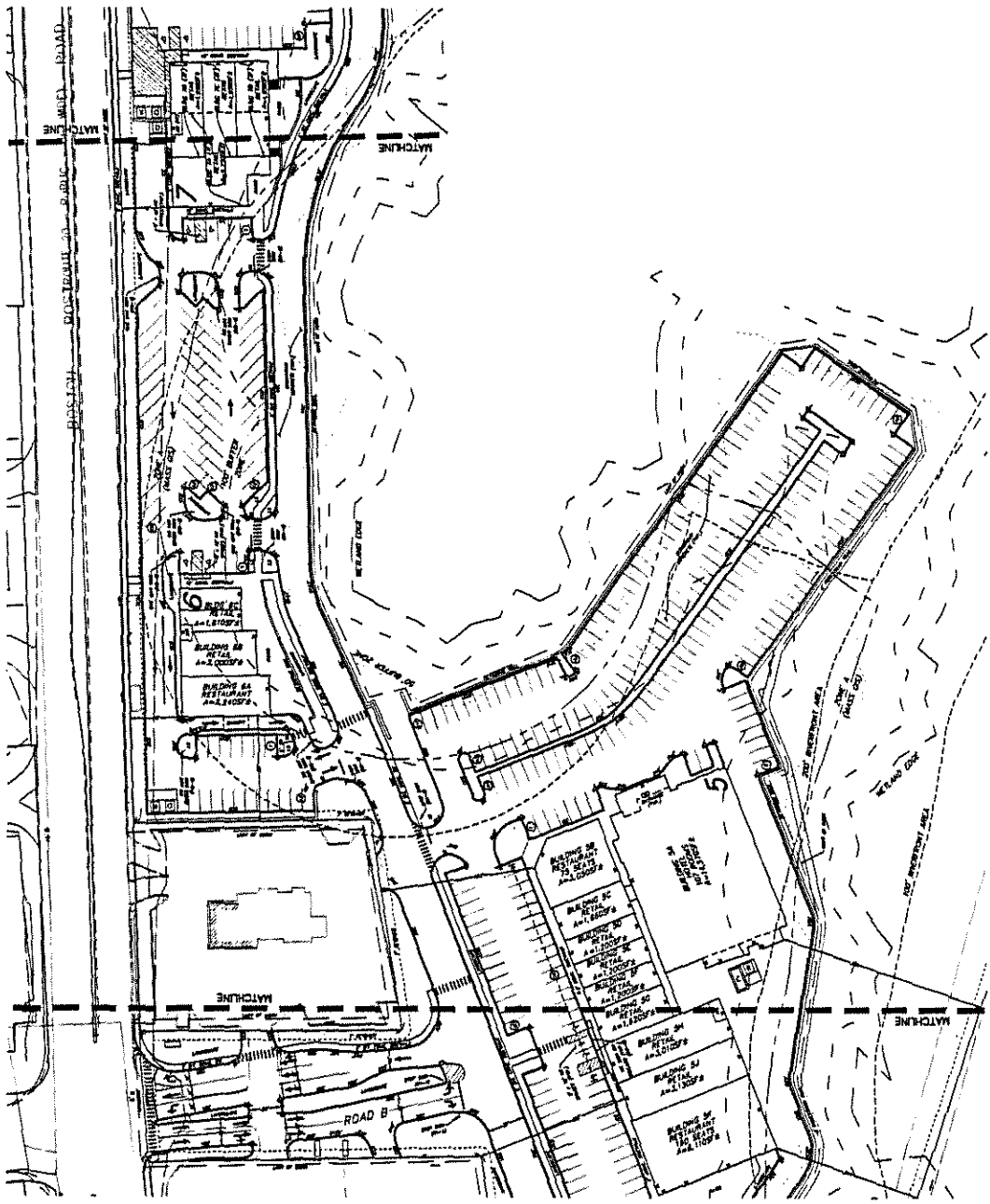
NO.	DATE	DESCRIPTION
1	01/15/10	PRELIMINARY LAYOUT
2	02/10/10	REVISED LAYOUT
3	03/15/10	REVISED LAYOUT
4	04/20/10	REVISED LAYOUT
5	05/25/10	REVISED LAYOUT
6	06/30/10	REVISED LAYOUT
7	07/31/10	REVISED LAYOUT
8	08/31/10	REVISED LAYOUT
9	09/30/10	REVISED LAYOUT
10	10/31/10	REVISED LAYOUT
11	11/30/10	REVISED LAYOUT
12	12/31/10	REVISED LAYOUT
13	01/31/11	REVISED LAYOUT
14	02/28/11	REVISED LAYOUT
15	03/31/11	REVISED LAYOUT
16	04/30/11	REVISED LAYOUT
17	05/31/11	REVISED LAYOUT
18	06/30/11	REVISED LAYOUT
19	07/31/11	REVISED LAYOUT
20	08/31/11	REVISED LAYOUT
21	09/30/11	REVISED LAYOUT
22	10/31/11	REVISED LAYOUT
23	11/30/11	REVISED LAYOUT
24	12/31/11	REVISED LAYOUT
25	01/31/12	REVISED LAYOUT
26	02/29/12	REVISED LAYOUT
27	03/31/12	REVISED LAYOUT
28	04/30/12	REVISED LAYOUT
29	05/31/12	REVISED LAYOUT
30	06/30/12	REVISED LAYOUT
31	07/31/12	REVISED LAYOUT
32	08/31/12	REVISED LAYOUT
33	09/30/12	REVISED LAYOUT
34	10/31/12	REVISED LAYOUT
35	11/30/12	REVISED LAYOUT
36	12/31/12	REVISED LAYOUT
37	01/31/13	REVISED LAYOUT
38	02/28/13	REVISED LAYOUT
39	03/31/13	REVISED LAYOUT
40	04/30/13	REVISED LAYOUT
41	05/31/13	REVISED LAYOUT
42	06/30/13	REVISED LAYOUT
43	07/31/13	REVISED LAYOUT
44	08/31/13	REVISED LAYOUT
45	09/30/13	REVISED LAYOUT
46	10/31/13	REVISED LAYOUT
47	11/30/13	REVISED LAYOUT
48	12/31/13	REVISED LAYOUT
49	01/31/14	REVISED LAYOUT
50	02/28/14	REVISED LAYOUT
51	03/31/14	REVISED LAYOUT
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60	12/31/14	REVISED LAYOUT
61	01/31/15	REVISED LAYOUT
62	02/28/15	REVISED LAYOUT
63	03/31/15	REVISED LAYOUT
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72	12/31/15	REVISED LAYOUT
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74	02/28/16	REVISED LAYOUT
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84	12/31/16	REVISED LAYOUT
85	01/31/17	REVISED LAYOUT
86	02/28/17	REVISED LAYOUT
87	03/31/17	REVISED LAYOUT
88	04/30/17	REVISED LAYOUT
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92	08/31/17	REVISED LAYOUT
93	09/30/17	REVISED LAYOUT
94	10/31/17	REVISED LAYOUT
95	11/30/17	REVISED LAYOUT
96	12/31/17	REVISED LAYOUT
97	01/31/18	REVISED LAYOUT
98	02/28/18	REVISED LAYOUT
99	03/31/18	REVISED LAYOUT
100	04/30/18	REVISED LAYOUT

## LAYOUT AND MATERIALS PLAN

LM-2

- NOTES**
1. THE PURPOSE OF THIS PLAN IS TO SHOW THE ARCHITECTURAL LAYOUT OF PROPOSED STRUCTURES FOR THE CENTRAL PORTION OF APEX CENTER.
  2. PLEASE REFER TO THE SEE ELEVATION PLAN FOR ADDITIONAL PROPERTY BOUNDARY, EXISTING UTILITY AND EXISTING UTILITY INFORMATION.
  3. PLEASE REFER TO THE LAYOUT AND MATERIALS LAYOUT PLAN FOR THE PERMITTING, SPECIAL PERMIT AND CONSTRUCTION INFORMATION AND ANY SCHEDULES, PERMITS, AND REGULATIONS AND EXISTING NOTES.
  4. ALL OF THE WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF MARLBOROUGH ZONING ORDINANCE AND ALL CITY ORDINANCES.
  5. ALL CURB IMPROVEMENTS ARE SET ALONG STRAIGHT EDGES IMMEDIATELY ADJACENT TO THE CURB.
  6. PLEASE REFER TO THE DETAIL SHEETS AND NOTES FOR FINISH INFORMATION.

- ABBREVIATIONS**
- 1" = 1' FINISH GRADE
  - 2" = 2' FINISH GRADE
  - 3" = 3' FINISH GRADE
  - 4" = 4' FINISH GRADE
  - 5" = 5' FINISH GRADE
  - 6" = 6' FINISH GRADE
  - 7" = 7' FINISH GRADE
  - 8" = 8' FINISH GRADE
  - 9" = 9' FINISH GRADE
  - 10" = 10' FINISH GRADE
  - 11" = 11' FINISH GRADE
  - 12" = 12' FINISH GRADE
  - 13" = 13' FINISH GRADE
  - 14" = 14' FINISH GRADE
  - 15" = 15' FINISH GRADE
  - 16" = 16' FINISH GRADE
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  - 27" = 27' FINISH GRADE
  - 28" = 28' FINISH GRADE
  - 29" = 29' FINISH GRADE
  - 30" = 30' FINISH GRADE
  - 31" = 31' FINISH GRADE
  - 32" = 32' FINISH GRADE
  - 33" = 33' FINISH GRADE
  - 34" = 34' FINISH GRADE
  - 35" = 35' FINISH GRADE
  - 36" = 36' FINISH GRADE
  - 37" = 37' FINISH GRADE
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  - 89" = 89' FINISH GRADE
  - 90" = 90' FINISH GRADE
  - 91" = 91' FINISH GRADE
  - 92" = 92' FINISH GRADE
  - 93" = 93' FINISH GRADE
  - 94" = 94' FINISH GRADE
  - 95" = 95' FINISH GRADE
  - 96" = 96' FINISH GRADE
  - 97" = 97' FINISH GRADE
  - 98" = 98' FINISH GRADE
  - 99" = 99' FINISH GRADE
  - 100" = 100' FINISH GRADE



PERMIT PLAN -  
NOT FOR CONSTRUCTION



**APEX  
CENTER**

Building Foot Restored Wall  
Manchester, Massachusetts 01732  
PROJECT NO.

**Ryan  
Development,  
LLC**

4 Lee Drive  
Westford, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

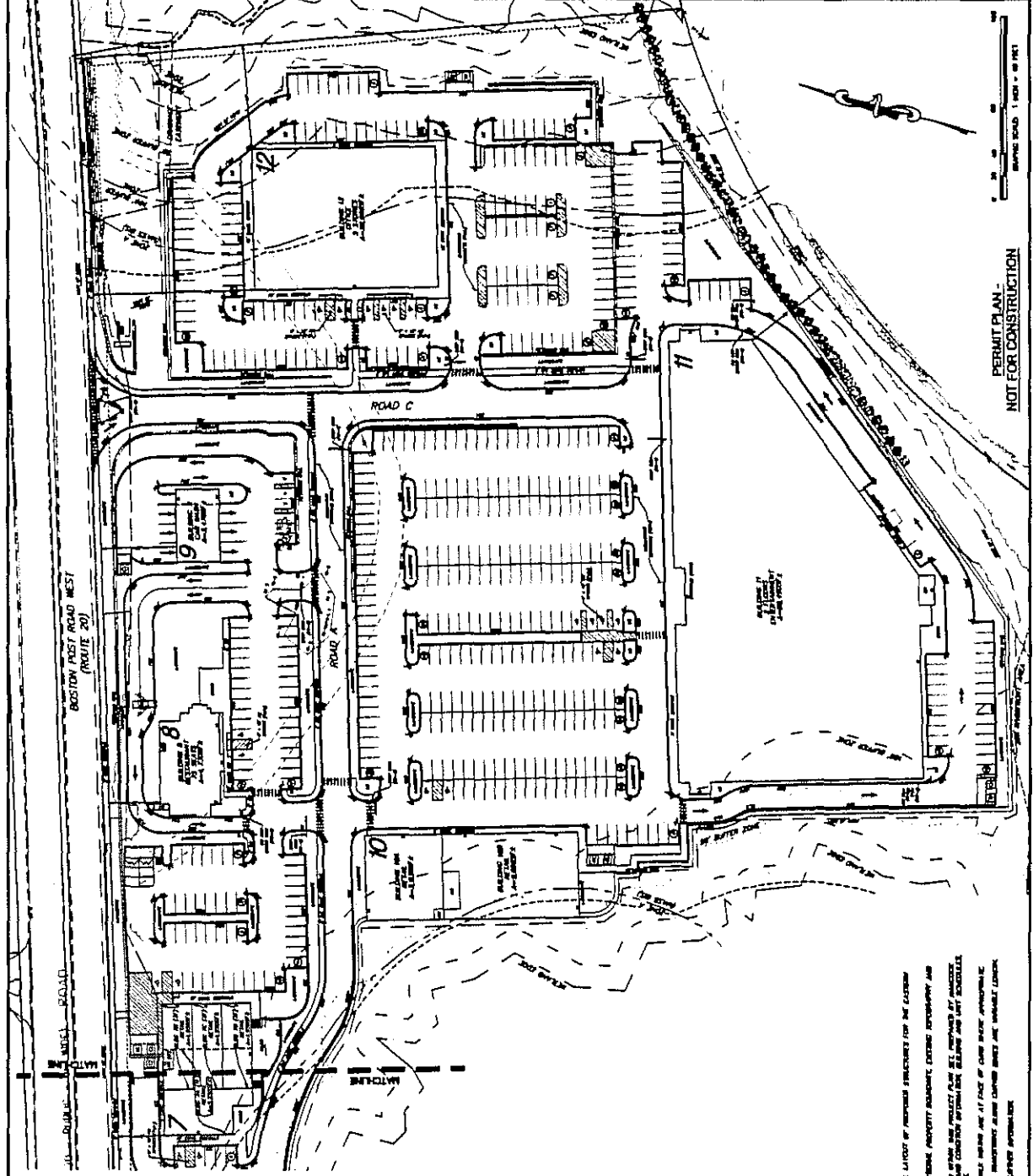
Civil Engineer  
Lead Surveyors  
Environmental  
Consultants

70 The Green, Westford, MA 01886  
Tel: 978.392.1111 Fax: 978.392.1112  
www.hancockassoc.com



**LAYOUT AND  
MATERIALS PLAN**

**LM-3**




**ABBREVIATIONS**

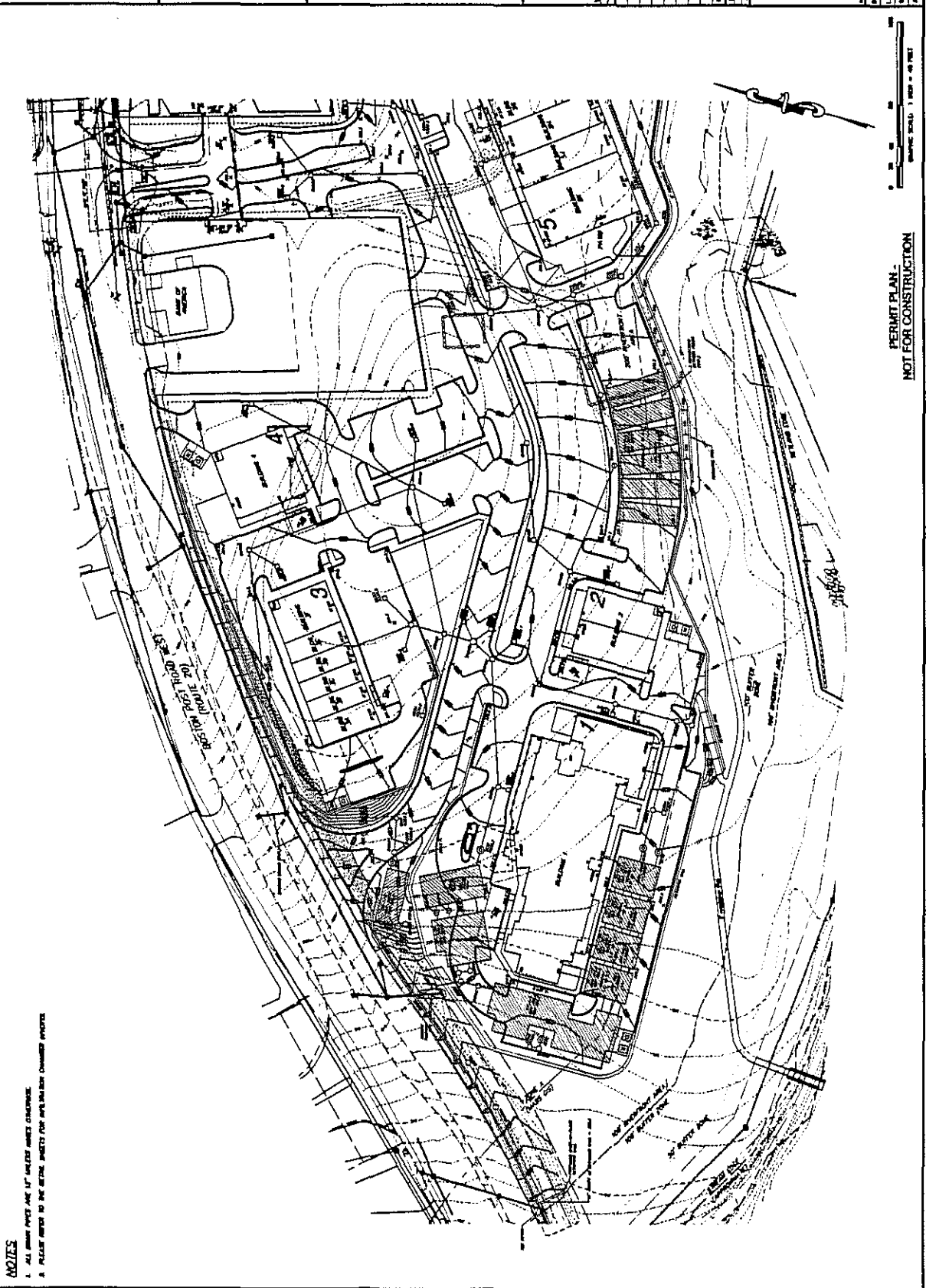
- W. FOOT ALLOW
- W.P. WET PAVEMENT
- W.B. WET BENCH
- W.C. WET CURB
- W.D. WET DRIVE
- W.E. WET EDGE
- W.F. WET FINISH
- W.G. WET GRASS
- W.H. WET HATCH
- W.I. WET INTERLOCK
- W.L. WET LANE
- W.M. WET MOUNTAIN
- W.N. WET NORTH
- W.O. WET OIL
- W.P. WET PAVEMENT
- W.R. WET ROAD
- W.S. WET SIDEWALK
- W.T. WET TRAIL
- W.U. WET UTILITY
- W.V. WET VALLEY
- W.W. WET WALL
- W.X. WET X-ROAD
- W.Y. WET YARD
- W.Z. WET ZONE

**NOTES**

1. SEE PLAN FOR THE LAYOUT OF THE PROPOSED IMPROVEMENTS FOR THE EXISTING ROADWAY AND SIDEWALKS.
2. SEE PLAN FOR THE LAYOUT OF THE PROPOSED IMPROVEMENTS FOR THE EXISTING ROADWAY AND SIDEWALKS.
3. PLEASE REFER TO THE LAYOUT AND MATERIALS PLAN FOR THE PROPOSED IMPROVEMENTS FOR THE EXISTING ROADWAY AND SIDEWALKS.
4. ALL CURB MATERIALS ARE AT FACE OF CURB UNLESS OTHERWISE NOTED.
5. ALL CURB MATERIALS ARE AT FACE OF CURB UNLESS OTHERWISE NOTED.
6. PLEASE REFER TO THE SEVERAL SHEETS AND NOTES FOR FURTHER INFORMATION.

PERMIT PLAN -  
NOT FOR CONSTRUCTION

<p><b>APEX CENTER</b></p> <p>Boston Post Road West Marlborough, Massachusetts 01752</p> <p>PROJECT NO.</p>	<p><b>Ryan Development, LLC</b></p> <p>4 Lee Drive Westford, Massachusetts 01886</p> <p><b>HANCOCK ASSOCIATES</b></p> <p>Chief Engineers Lead Surveyors Environmental Consultants</p> <p>100 Main Street, Suite 100 Westford, Massachusetts 01886 Tel: 978-391-1100</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>DATE</td><td>NOV 10 2011</td></tr> <tr><td>BY</td><td>W. J. HANCOCK</td></tr> <tr><td>CHECKED</td><td>W. J. HANCOCK</td></tr> <tr><td>SCALE</td><td>AS SHOWN</td></tr> </table>	DATE	NOV 10 2011	BY	W. J. HANCOCK	CHECKED	W. J. HANCOCK	SCALE	AS SHOWN	<p><b>GRADING AND DRAINAGE PLAN</b></p> <p>DATE: 11/10/11          SHEET: 9 OF 25          JOB NO.: 10379</p>
DATE	NOV 10 2011											
BY	W. J. HANCOCK											
CHECKED	W. J. HANCOCK											
SCALE	AS SHOWN											



**NOTES**

1. ALL DIMENSIONS ARE 1/4" UNLESS OTHERWISE SPECIFIED.
2. PLEASE REFER TO THE OTHER SHEETS FOR ANY ADDITIONAL CHANGED PARTS.

PERMIT PLAN -  
 NOT FOR CONSTRUCTION

**APEX  
CENTER**

Boston Post Road West  
Melrose, Massachusetts 01752

**Ryan  
Development,  
LLC**

4 Lee Drive  
Westford, Massachusetts 01581

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

Professional Seal and Stamp  
of the State of Massachusetts  
for the State of Massachusetts  
Professional Engineer

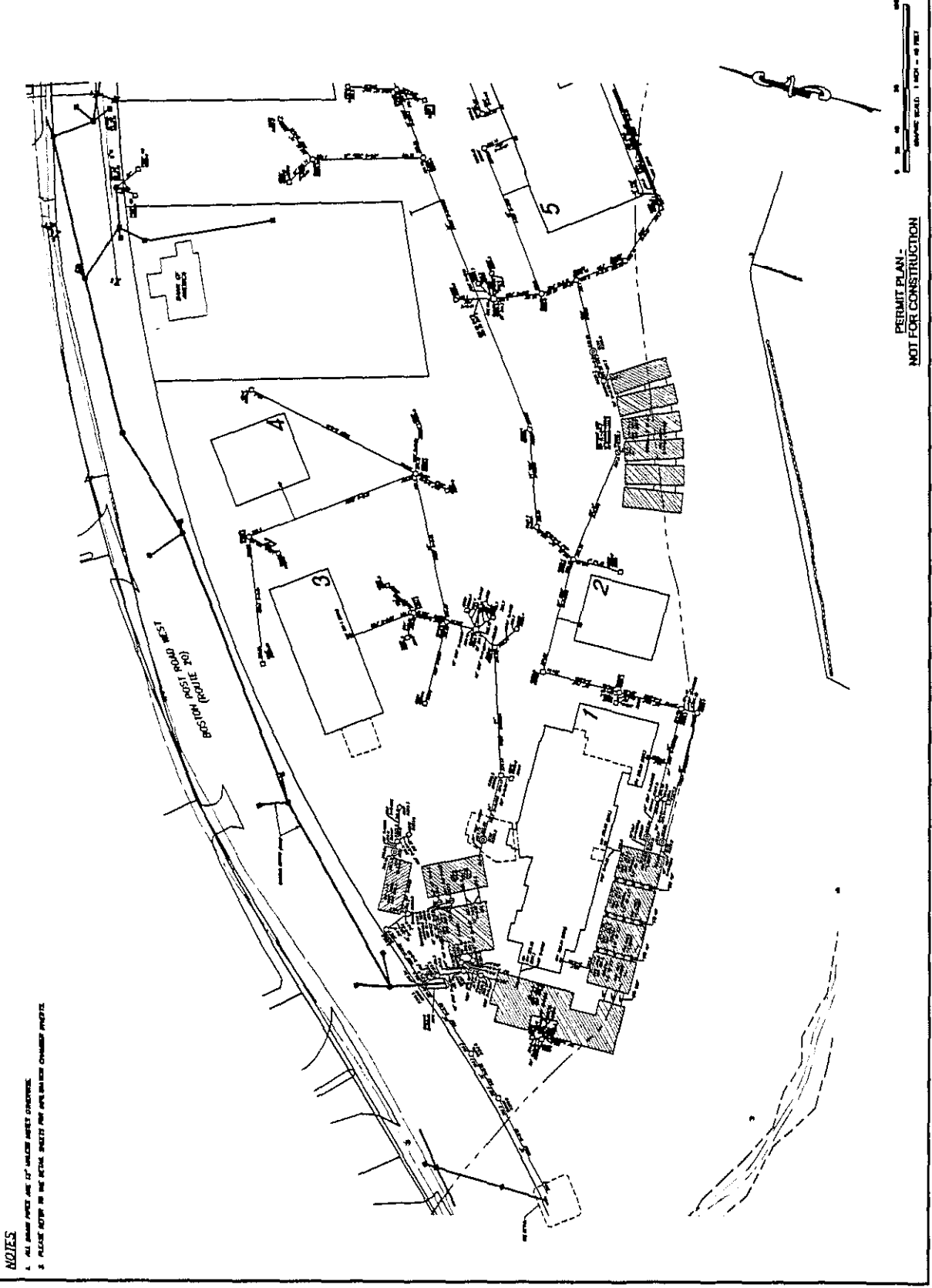


NO.	DATE	DESCRIPTION
1	10/1/11	PRELIMINARY
2	10/1/11	REVISED
3	10/1/11	REVISED
4	10/1/11	REVISED
5	10/1/11	REVISED
6	10/1/11	REVISED
7	10/1/11	REVISED
8	10/1/11	REVISED
9	10/1/11	REVISED
10	10/1/11	REVISED

**GRADING AND  
DRAINAGE PLAN  
PIPE INVERTS**

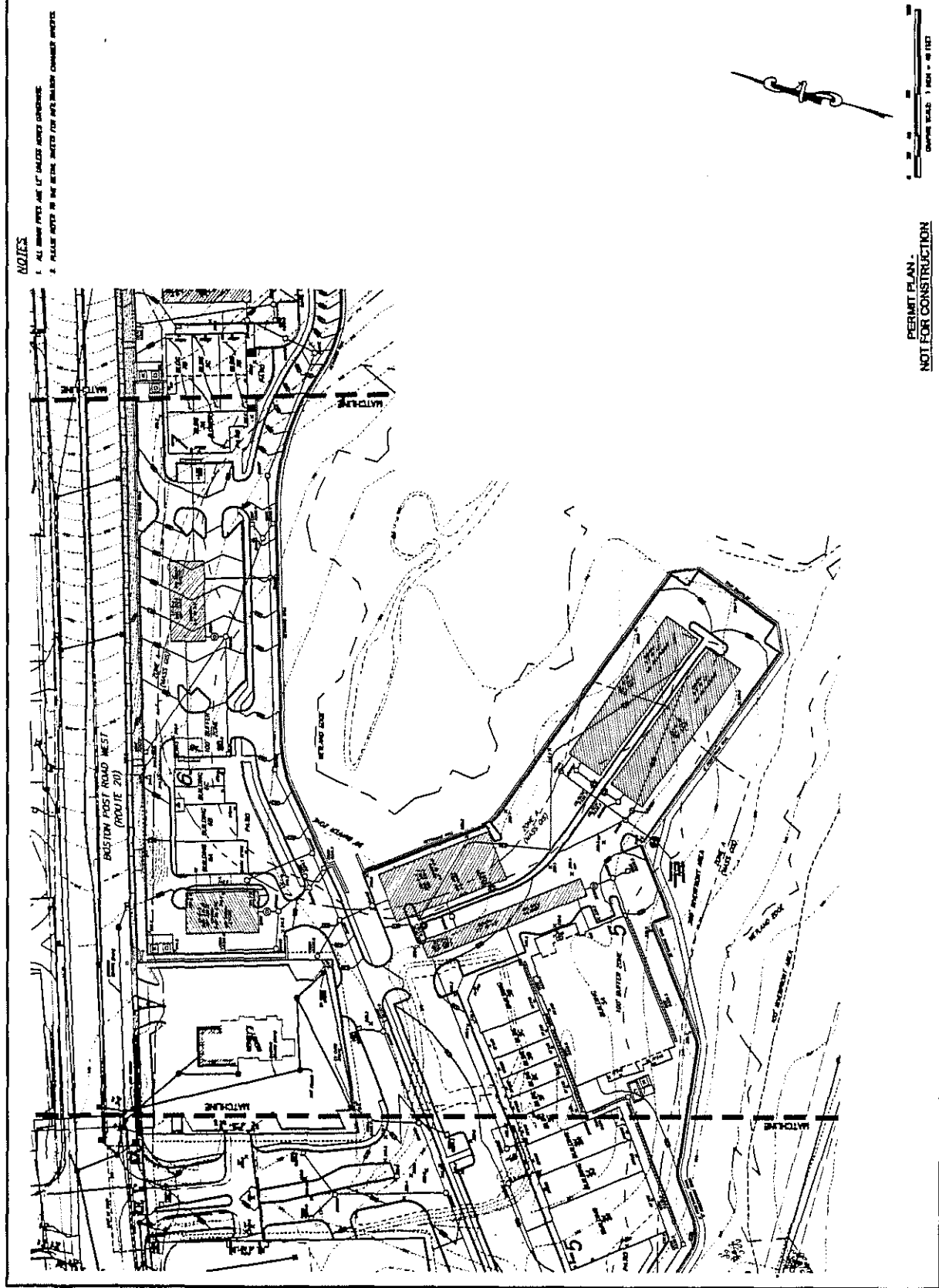
**GD-111**

DATE: 10/1/11  
LAYOUT: 0011  
SHEET: 9 OF 25  
JOB NO.: 110718




- NOTES**
- 1. ALL DIMENSIONS ARE 12" UNLESS OTHERWISE SPECIFIED.
  - 2. PLEASE REFER TO THE OTHER SHEETS FOR DIMENSIONS AND DETAILS.

**PERMIT PLAN -  
NOT FOR CONSTRUCTION**

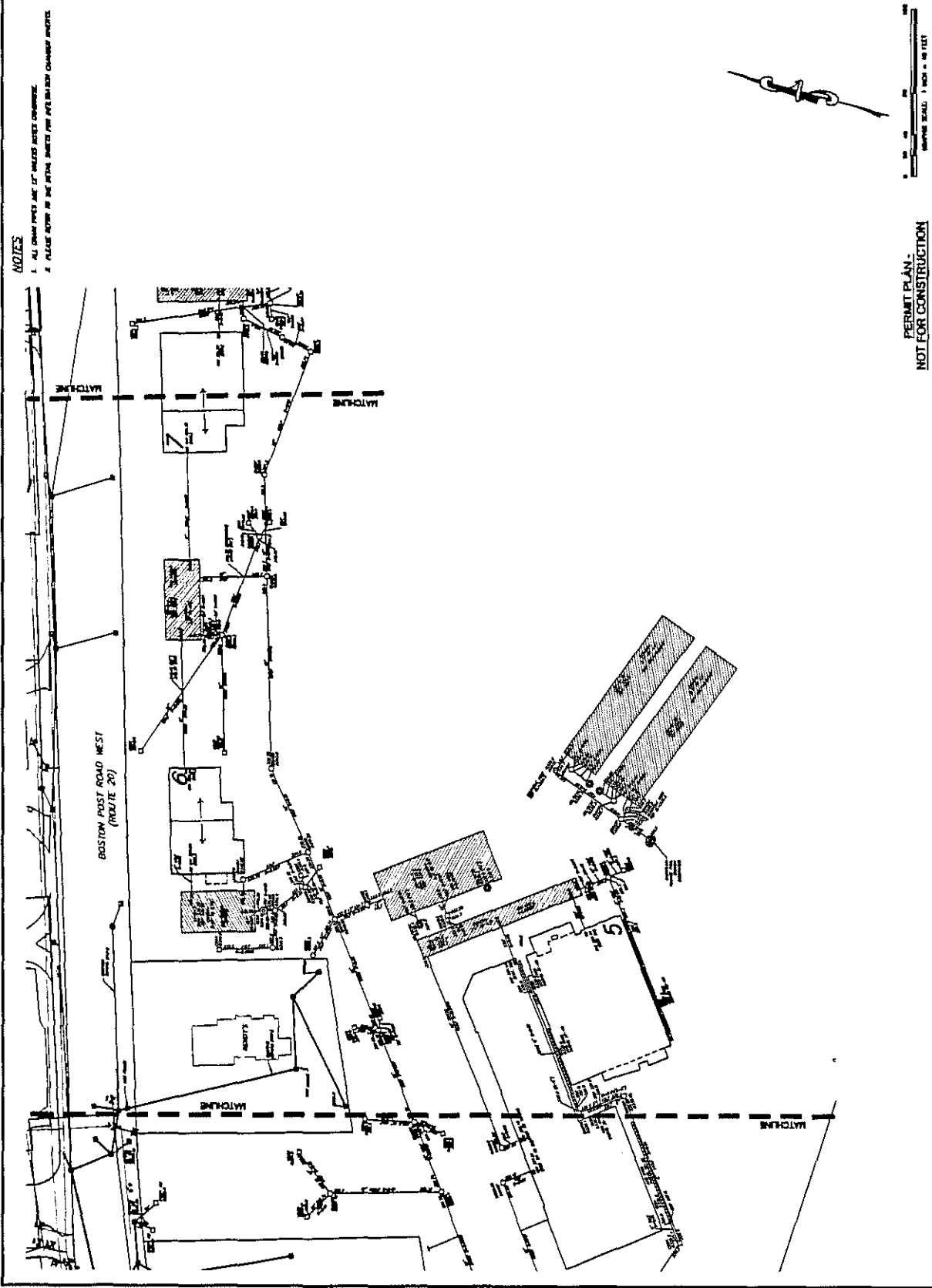


**NOTES**

- 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SPECIFIED.
- 2. PLEASE REFER TO THE RECORD SET FOR ANY NECESSARY CHANGES.

<p><b>APEX CENTER</b></p> <p>Boston Post Road West Marlborough, Massachusetts 01752</p>	<p><b>Ryan Development, LLC</b></p> <p>4 Lion Drive Westford, Massachusetts 01886</p>	<p><b>HANCOCK ASSOCIATES</b></p> <p>Chief Engineer Lead Surveyor Environmental Coordinator</p> <p>31 Old Street, Marlborough, MA 01752 Phone: (508) 251-1111 Fax: (508) 251-1112 www.hancockassoc.com</p>		<p><b>GRADING AND DRAINAGE PLAN</b></p>	<p><b>GD-20</b></p> <p>DATE: 10/20/17          DRAWN BY: [Name]          CHECKED BY: [Name]          DATE: 10/20/17</p>
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PERMIT PLAN -  
NOT FOR CONSTRUCTION



**NOTES**

1. ALL DRAIN PIPES ARE 12" UNLESS NOTED OTHERWISE.
2. PLEASE REFER TO THE NOTES SHEETS FOR ANY ADDITIONAL CHANGES.

**APEX CENTER**  
 1000 Post Road West  
 Norwalk, Connecticut 06851

**Ryan Development, LLC**  
 4 Leas Drive  
 Westport, Connecticut 06880

**HANCOCK ASSOCIATES**

Civil Engineers  
 Land Surveyors  
 Environmental Chemists


Professional Seal of a Registered Professional Engineer  
 State of Connecticut  
 License No. 10000  
 Date of Issue: 01/15/10  
 Date of Renewal: 01/15/13

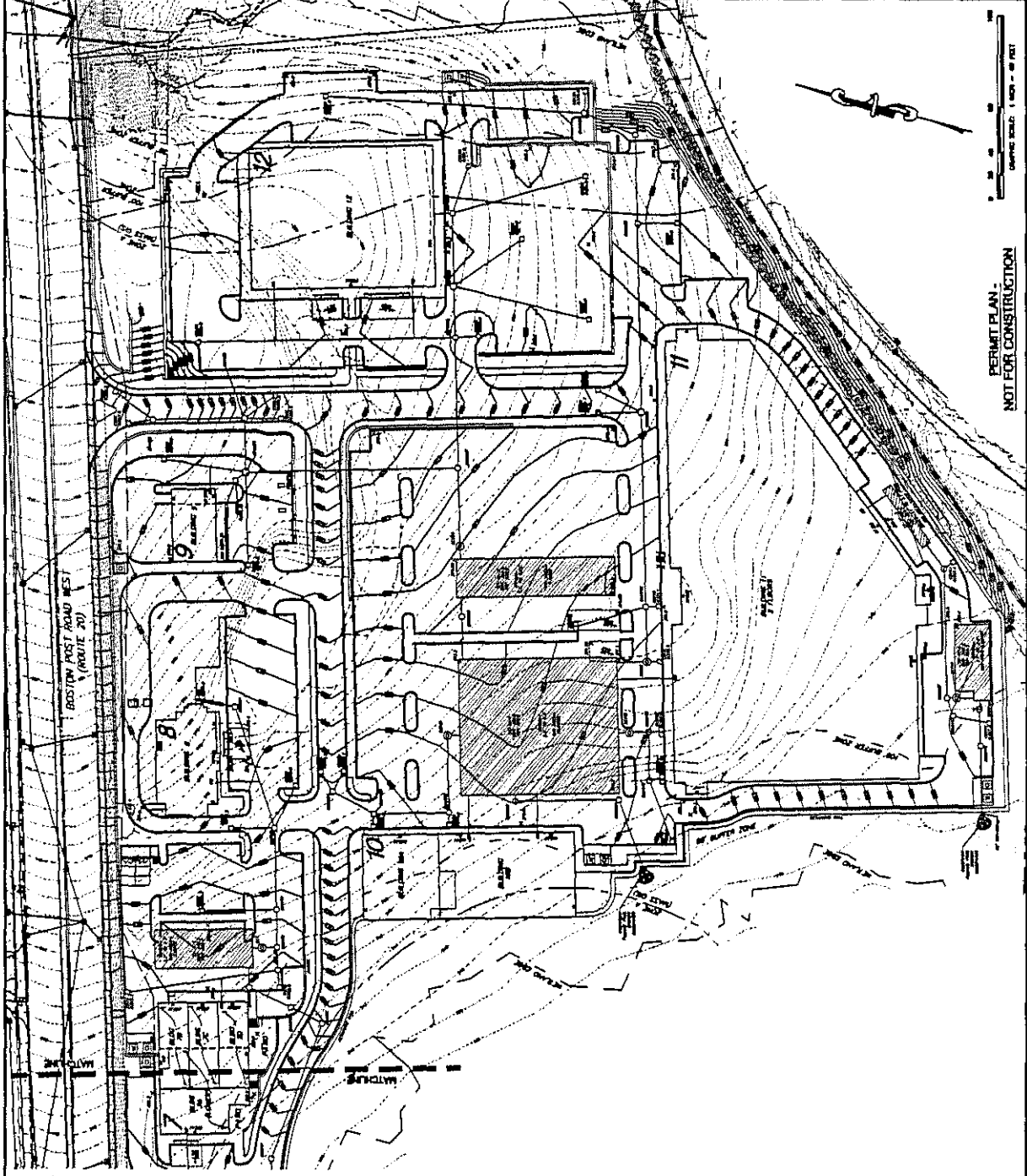
**GRADING AND DRAINAGE PLAN  
 PIPE INVERTS**

**GD-21**

PERMIT PLAN -  
 NOT FOR CONSTRUCTION



<b>APEX CENTER</b> Boston Post Road West Marlborough, Massachusetts 01755 PROJECT NO.	Ryan Development, LLC 4 Lee Drive Marlborough, Massachusetts 01755	<b>HANCOCK ASSOCIATES</b> Civil Engineers Land Developers Environmental Consultants 60 New Street, Suite 200 Marlborough, MA 01755 Tel: 978-249-1111 Fax: 978-249-1112		<b>GRADING AND DRAINAGE PLAN</b> DATE: 05/11/11 DRAWN BY: [Name] CHECKED BY: [Name]	<b>GD-3.0</b> SHEET 13 OF 25 JOB NO. 10729
--	--	--	---	--	--



**NOTES**

1. ALL DIMENSIONS ARE 1/4" UNLESS NOTED OTHERWISE.
2. PLEASE REFER TO THE OTHER SHEETS FOR ANY OTHER DRAINAGE DETAILS.

PERMIT PLAN -  
 NOT FOR CONSTRUCTION

**APEX CENTER**  
 Boston Post Road West  
 Marlborough, Massachusetts 01752  
 PROJECT NO.

**Ryan Development, LLC**  
 4 Lane Drive  
 Westford, Massachusetts 01886

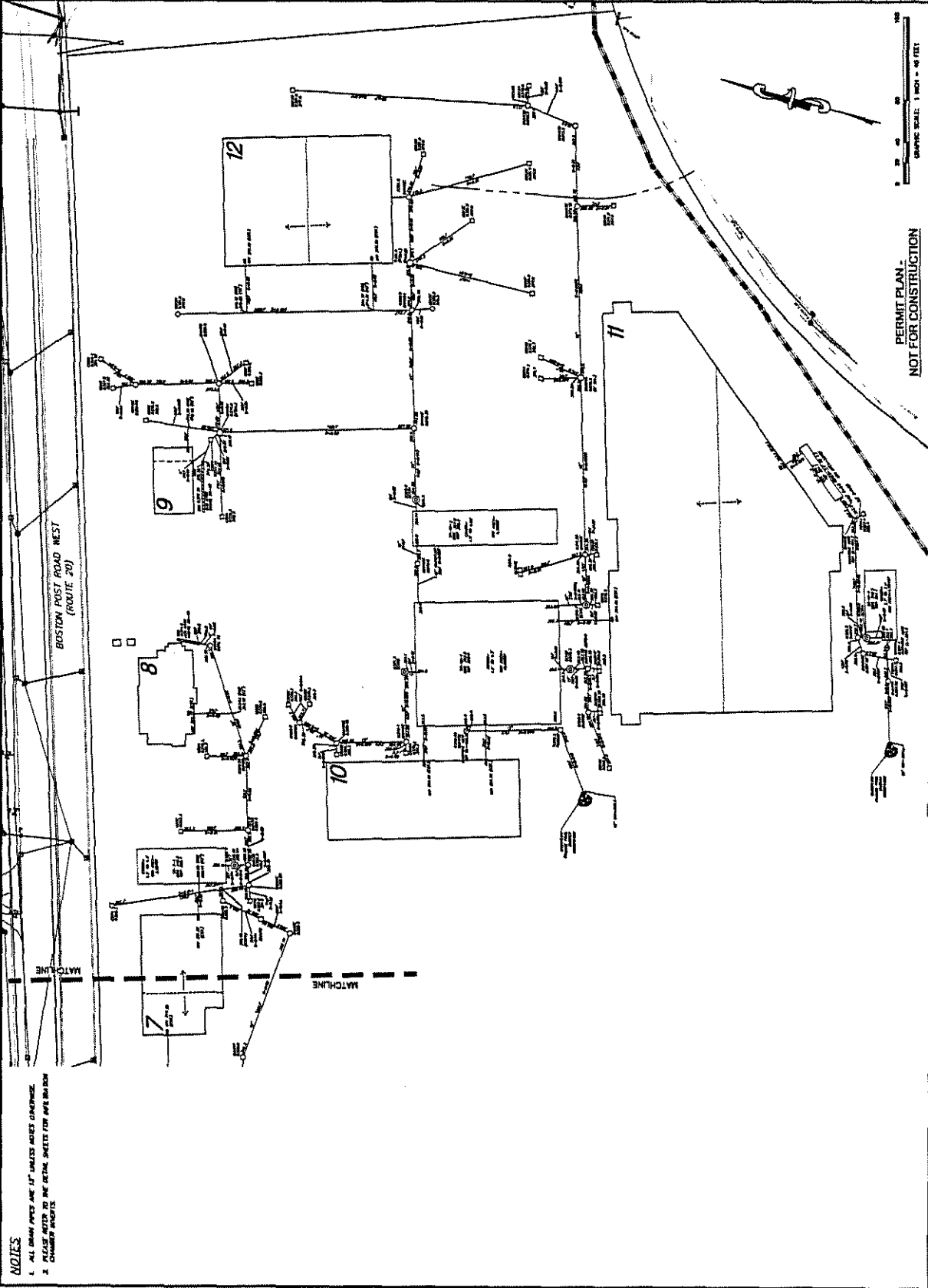
**HANCOCK ASSOCIATES**  
 Civil Engineers  
 Land Surveyors  
 Environmental Consultants  
 31 Elm Street, Marlborough, MA 01752  
 Telephone: (508) 251-1111  
 Fax: (508) 251-1112

DATE	BY	DESCRIPTION
07/23/10	JK	ISSUE FOR PERMIT
08/20/10	JK	REVISED
09/15/10	JK	REVISED

**GRADING AND DRAINAGE PLAN  
 PIPE INVERTS**

DATE: 08/20/10  
 DRAWN BY: JK  
 CHECKED BY: JK  
 PROJECT NO.: 10100001

**GD-3.1**



**NOTES**

1. ALL DRAIN PIPES ARE 12" UNLESS NOTED OTHERWISE.
2. PLEASE REFER TO THE RETAIN SHEETS FOR PIPE SIZES AND CHANGES.

PERMIT PLAN -  
 NOT FOR CONSTRUCTION

APEX  
CENTER

Eastern Piedmont Watershed  
Northampton, Massachusetts 01062  
PERMIT NO. 100

Ryan  
Development,  
LLC

4 Elm Drive  
Northampton, Massachusetts 01064

HANCOCK  
ASSOCIATES

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

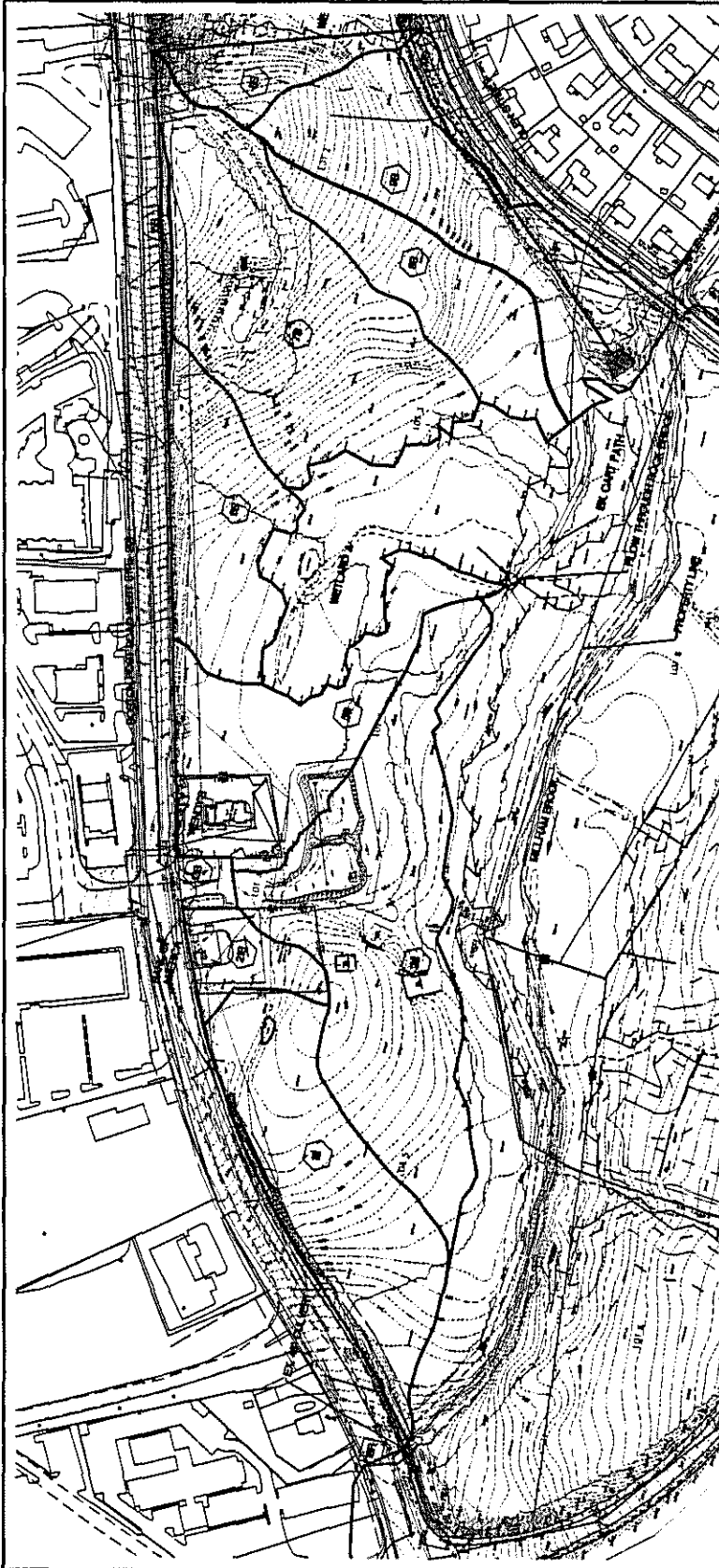
100 Elm Street, Northampton, MA 01062  
Tel: 413/253-1111 Fax: 413/253-1112  
www.hancockassoc.com



DATE	10/13/11
SCALE	AS SHOWN
PROJECT NO.	11-001
DATE	10/13/11
SCALE	AS SHOWN
PROJECT NO.	11-001

PRE-DEVELOPMENT  
WATERSHED  
PLAN

PRE



PERMIT PLAN -  
NOT FOR CONSTRUCTION



APEX  
CENTER

Eastern Post Road West  
Apex, North Carolina 27523

Ryan  
Development,  
LLC

4 Lm Drive  
Westford, Massachusetts 01886

HANCOCK  
ASSOCIATES

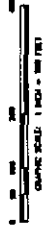
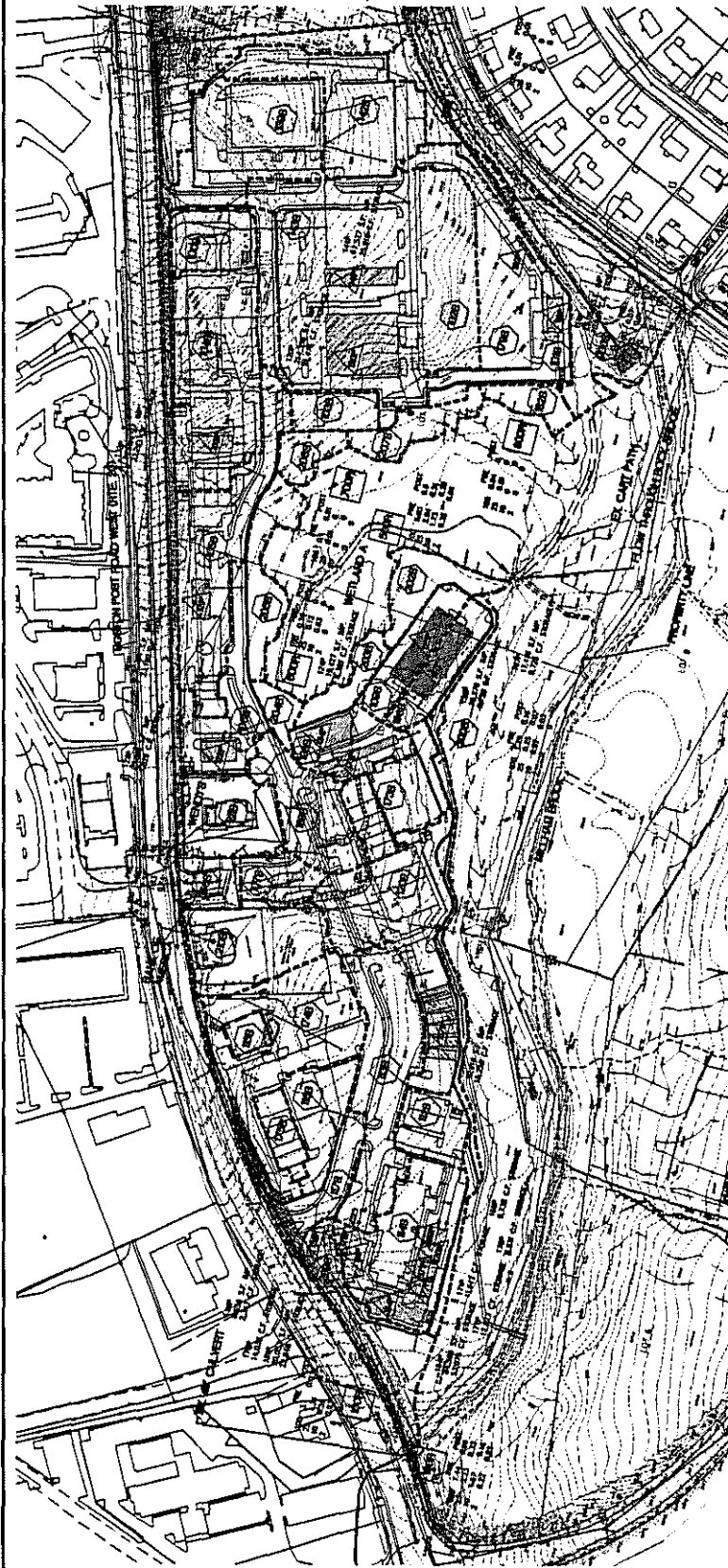
Civil Engineers  
Land Surveyors  
Environmental  
Chemists

40 Old Street, Northborough, MA 01532  
Phone: (508) 875-1111, Fax: (508) 875-1112  
www.hancockassoc.com



POST-DEVELOPMENT  
WATERSHED  
PLAN

POST



PERMIT PLAN -  
NOT FOR CONSTRUCTION

DATE: 08/11/2010  
DRAWN: JLD  
CHECKED: JLD  
SCALE: 1/8" = 1'-0"







# APEX CENTER

Essex Road East West  
Middleborough, Massachusetts 01533  
PROJECT NO. 1703

Ryan  
Development,  
LLC

4 Lin Drive  
Providence, Massachusetts 01884

## HANCOCK ASSOCIATES

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

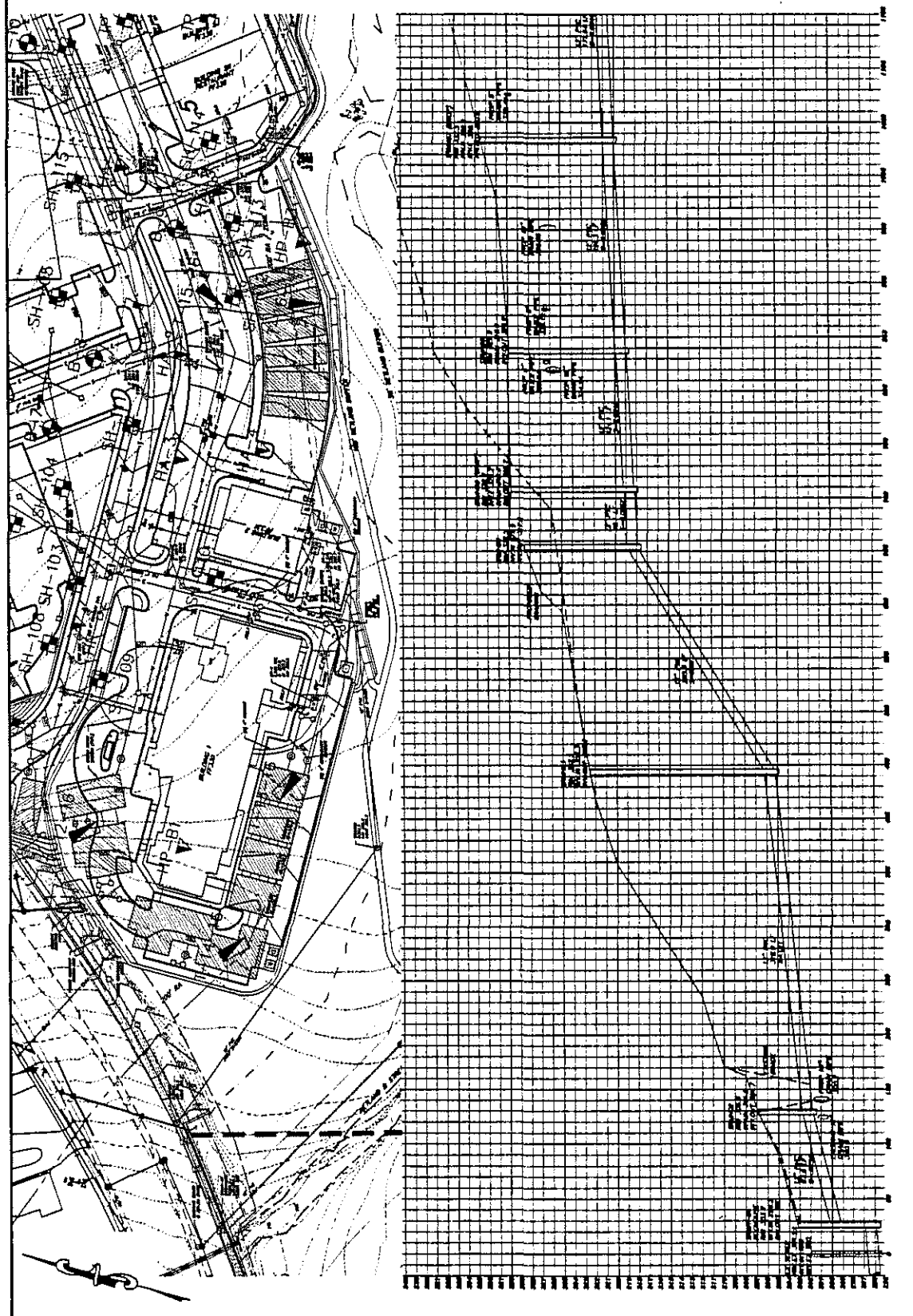
200 Main Street, Middleborough, MA 01533  
Phone: 508-833-1111 Fax: 508-833-1112  
www.hancockassoc.com



## SEWER RELOCATION PROFILE

# UT4

DATE: 08/11/10  
SCALE: AS SHOWN  
JOB NO.: 1703



APEX  
CENTER

Executive Plaza East West  
Manchester, Massachusetts 01723  
PROJECT NO. 100000000

Ryan  
Development,  
LLC

4 Lee Drive  
Worcester, Massachusetts 01606

HANCOCK  
ASSOCIATES

Civil Engineers  
Land Surveyors  
Environmental  
Scientists

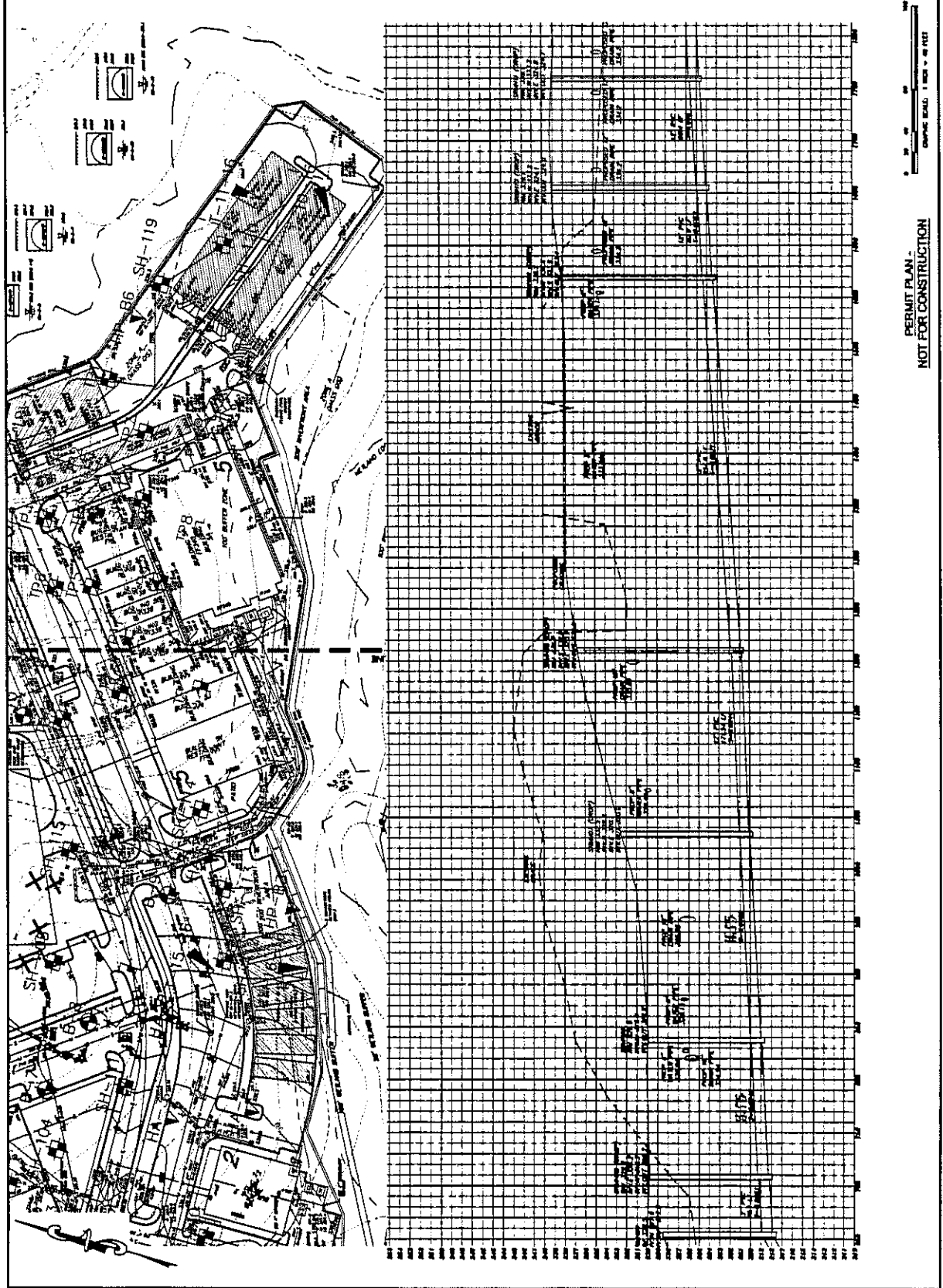
25 The Green, Northampton, MA 01060  
Tel: 413-253-1100  
Fax: 413-253-1101  
www.hancock-assoc.com



SEWER  
RELOCATION  
PROFILE

UT5

PERMIT PLAN -  
NOT FOR CONSTRUCTION



**APEX  
CENTER**

Boston Post Road West  
Malden, Massachusetts 02148  
PROJECT #20

**Ryan  
Development,  
LLC**

4 Lee Drive  
Woburn, Massachusetts 01884

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Developers  
Environmental  
Consultants

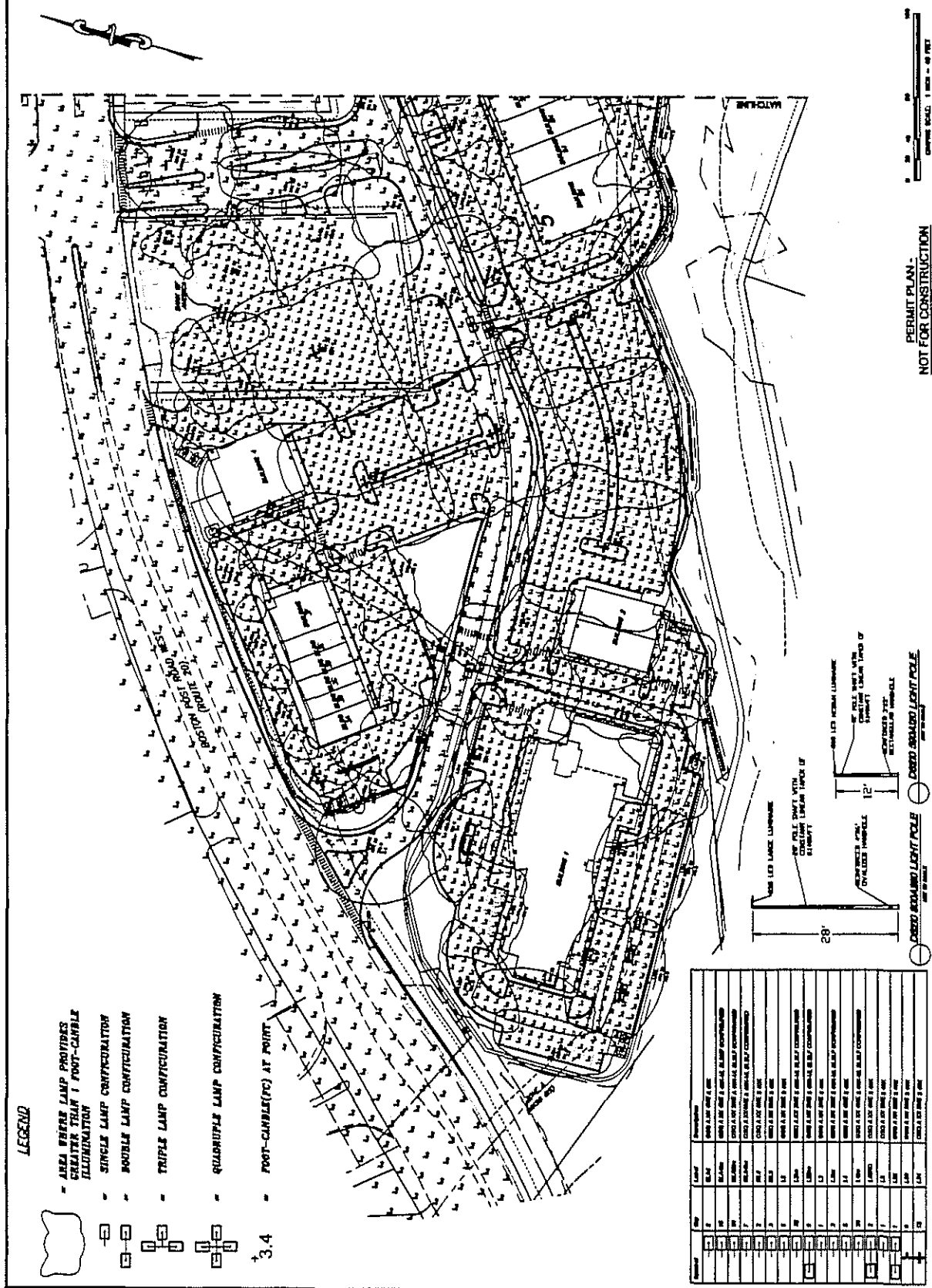
400 New Street, Southborough, MA 01772  
Phone: 508-351-1100, Fax: 508-351-1102  
www.hancockassoc.com



**LIGHTING PLAN**

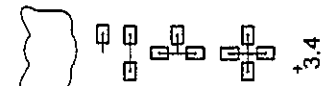
**LT-1**

PERMIT PLAN -  
NOT FOR CONSTRUCTION

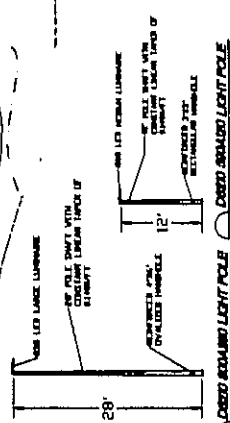


**LEGEND**

- AREA WHERE LAMP PROVIDES GREATER THAN 1 FOOT-CANDLE ILLUMINATION
- SINGLE LAMP CONFIGURATION
- DOUBLE LAMP CONFIGURATION
- TRIPLE LAMP CONFIGURATION
- QUADRUPLE LAMP CONFIGURATION
- FOOT-CANDLE(S) AT POINT



NO.	TYPE	DESCRIPTION
1	LED	100 W LED LARGE LUMINAIRE
2	LED	100 W LED MEDIUM LUMINAIRE
3	LED	100 W LED SMALL LUMINAIRE
4	LED	50 W LED MEDIUM LUMINAIRE
5	LED	50 W LED SMALL LUMINAIRE
6	LED	25 W LED MEDIUM LUMINAIRE
7	LED	25 W LED SMALL LUMINAIRE
8	LED	15 W LED MEDIUM LUMINAIRE
9	LED	15 W LED SMALL LUMINAIRE
10	LED	10 W LED MEDIUM LUMINAIRE
11	LED	10 W LED SMALL LUMINAIRE
12	LED	5 W LED MEDIUM LUMINAIRE
13	LED	5 W LED SMALL LUMINAIRE



LED LED LARGE LUMINAIRE  
POLE HEIGHT WITH  
CONSTANT LEADING TRIM OF  
12 FEET

LED LED MEDIUM LUMINAIRE  
POLE HEIGHT WITH  
CONSTANT LEADING TRIM OF  
12 FEET

LED LED SMALL LUMINAIRE  
POLE HEIGHT WITH  
CONSTANT LEADING TRIM OF  
12 FEET

LED LED LARGE LUMINAIRE  
POLE HEIGHT WITH  
CONSTANT LEADING TRIM OF  
12 FEET

LED LED MEDIUM LUMINAIRE  
POLE HEIGHT WITH  
CONSTANT LEADING TRIM OF  
12 FEET

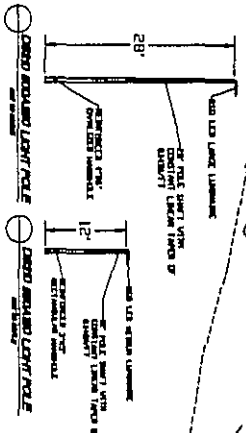
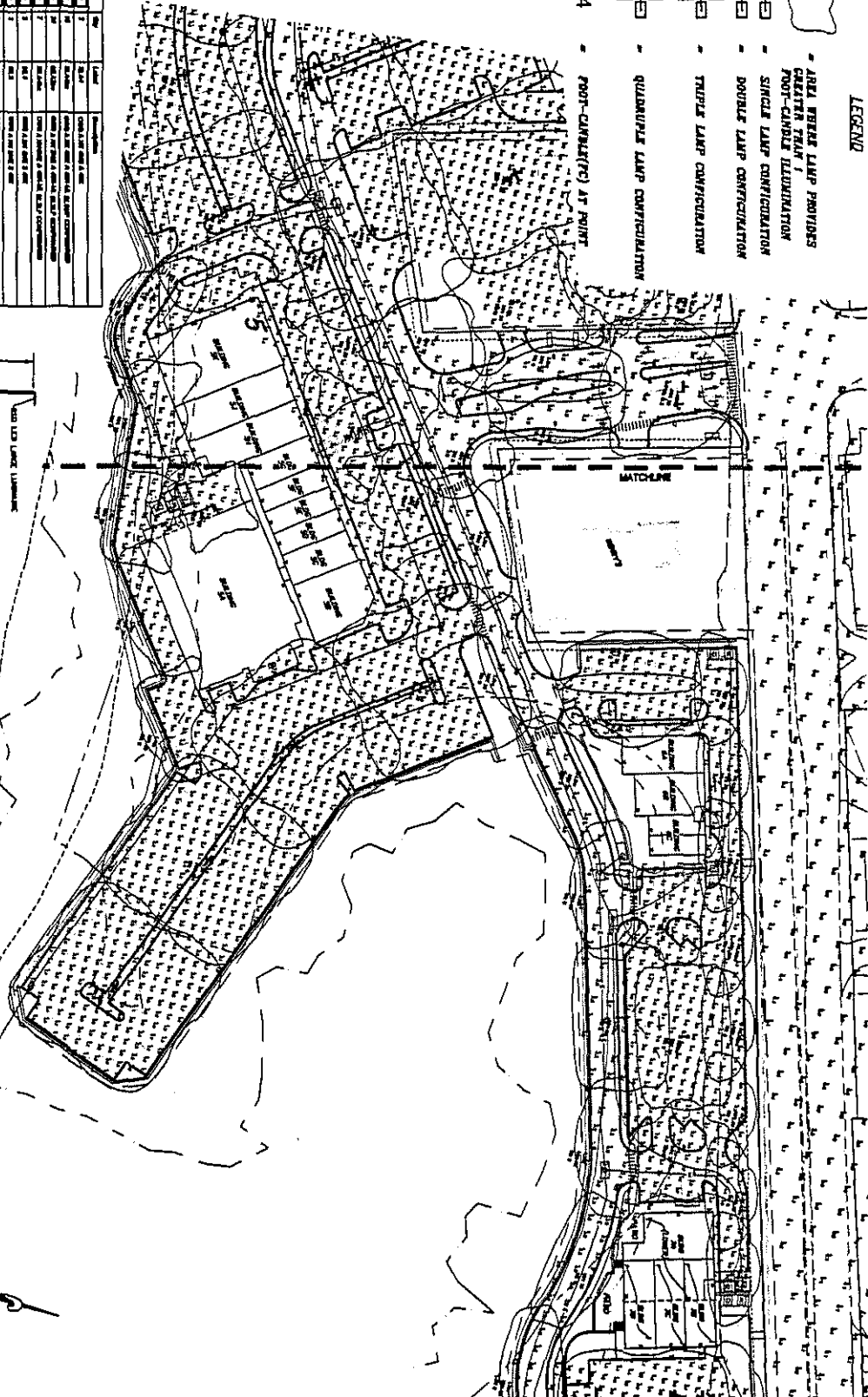
LED LED SMALL LUMINAIRE  
POLE HEIGHT WITH  
CONSTANT LEADING TRIM OF  
12 FEET

SCALE: 1" = 40' FT

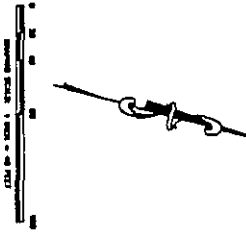
**LEGEND**

- AREA WHERE LAMP PROVIDES CENTER BEAM FOOT-CANDLE ILLUMINATION
- SINGLE LAMP CONFIGURATION
- DOUBLE LAMP CONFIGURATION
- TRIPLE LAMP CONFIGURATION
- QUADRUPLE LAMP CONFIGURATION
- FOOT-CANDLE(S) AT POINT

Foot-candle	Foot-candle	Foot-candle	Foot-candle	Foot-candle	Foot-candle	Foot-candle	Foot-candle	Foot-candle	Foot-candle
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100



PERMIT PLAN - NOT FOR CONSTRUCTION



**APEX CENTER**

4 Lam Drive  
Wendell, Massachusetts 01825

Ryan Development, LLC

Chief Engineer  
Land Surveyor  
Environmental Consultant

**HANCOCK ASSOCIATES**

200 Park Street, Woburn, MA 01897  
Phone: 781.938.1100  
Fax: 781.938.1101  
www.hancockassoc.com

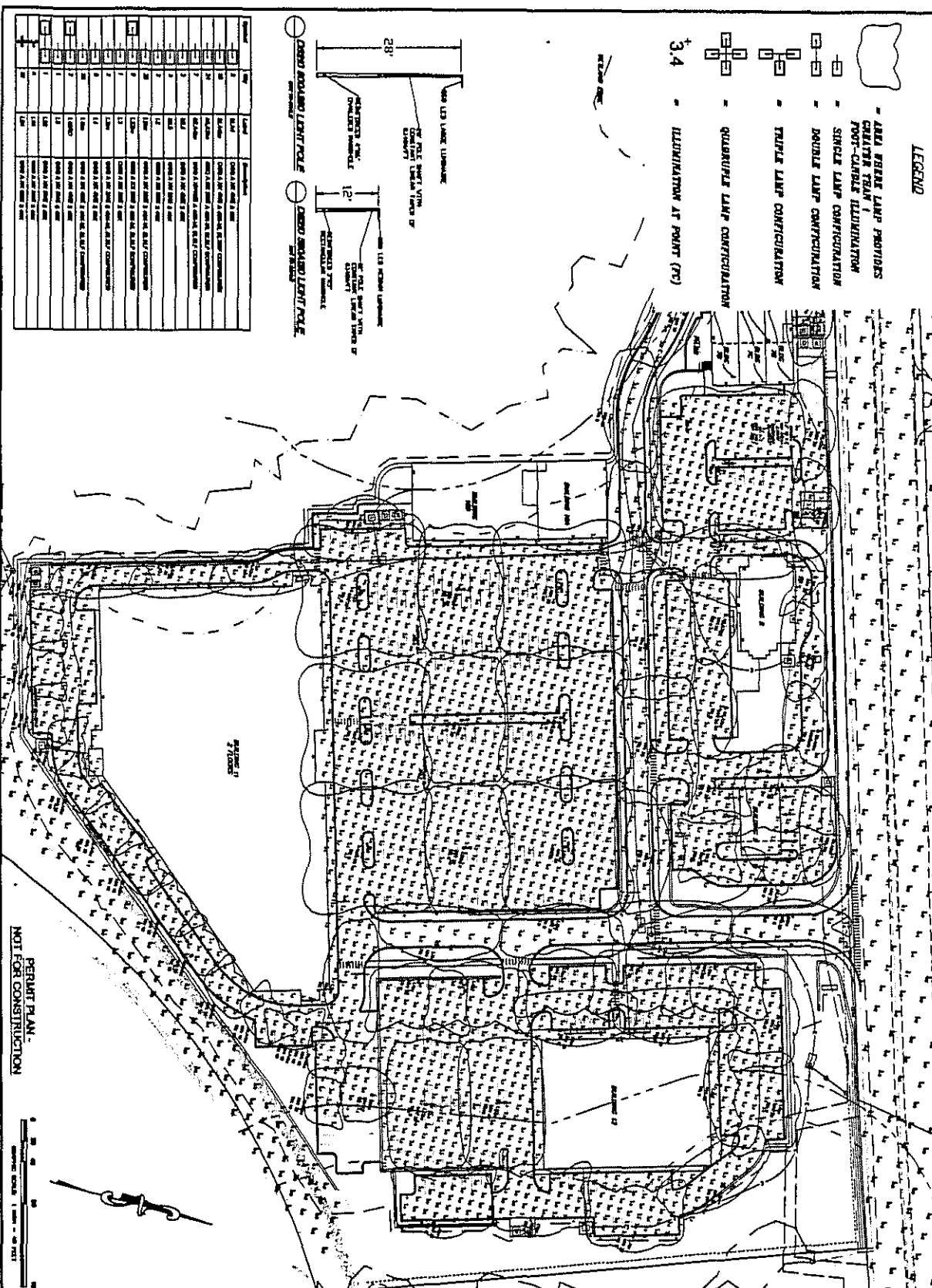
PROJECT NO. \_\_\_\_\_

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

SCALE: \_\_\_\_\_

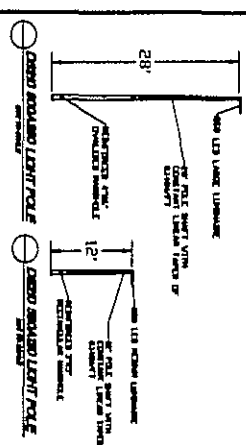
**LT-2**





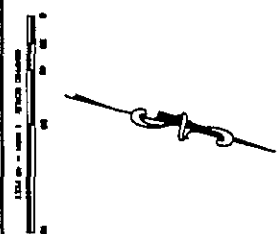
**LEGEND**

- AREA FLOOR LAMP FOOTCANDLES
- GREATER THAN 1 FOOT-CANDLE ILLUMINATION
- SINGLE LAMP CONFIGURATION
- DOUBLE LAMP CONFIGURATION
- TRIPLE LAMP CONFIGURATION
- QUADRUPLE LAMP CONFIGURATION
- ILLUMINATION AT POINT (FC)



Item	Qty	Description
1	1	Area Floor Lamp
2	1	Greater Than 1 Foot-Candle Illumination
3	1	Single Lamp Configuration
4	1	Double Lamp Configuration
5	1	Triple Lamp Configuration
6	1	Quadruple Lamp Configuration
7	1	Illumination at Point (FC)
8	1	Cered Downward Light Pole (28' height)
9	1	Cered Downward Light Pole (12' height)

PERMIT PLAN -  
NOT FOR CONSTRUCTION



**APEX CENTER**

1100 Peach Street, West  
Washington, Massachusetts 01733

PROJECT NO. \_\_\_\_\_

Ryan  
Development,  
LLC

1100 Peach Street  
Washington, Massachusetts 01733

**HANCOCK ASSOCIATES**

ONE Engineers  
Land Services  
Environmental  
Construction

1100 Peach Street, Washington, MA 01733  
Tel: 508-338-1100 Fax: 508-338-1101  
www.hancockassociates.com

**LIGHTING PLAN**

DATE: 10/27/2011  
DRAWN: JLD  
CHECKED: JLD  
SCALE: AS SHOWN

**LT-3**

**APEX  
CENTER**

Business Post Road West  
Methuen, Massachusetts 01842  
PERMIT NO.

**Ryan  
Development,  
LLC**

4 Lion Drive  
Westford, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

Civil Engineer  
Landscape Architect  
Environmental  
Consultants

200 Old Street, Westford, MA 01886  
Phone: 978.342.1111 Fax: 978.342.1112  
www.hancockassoc.com



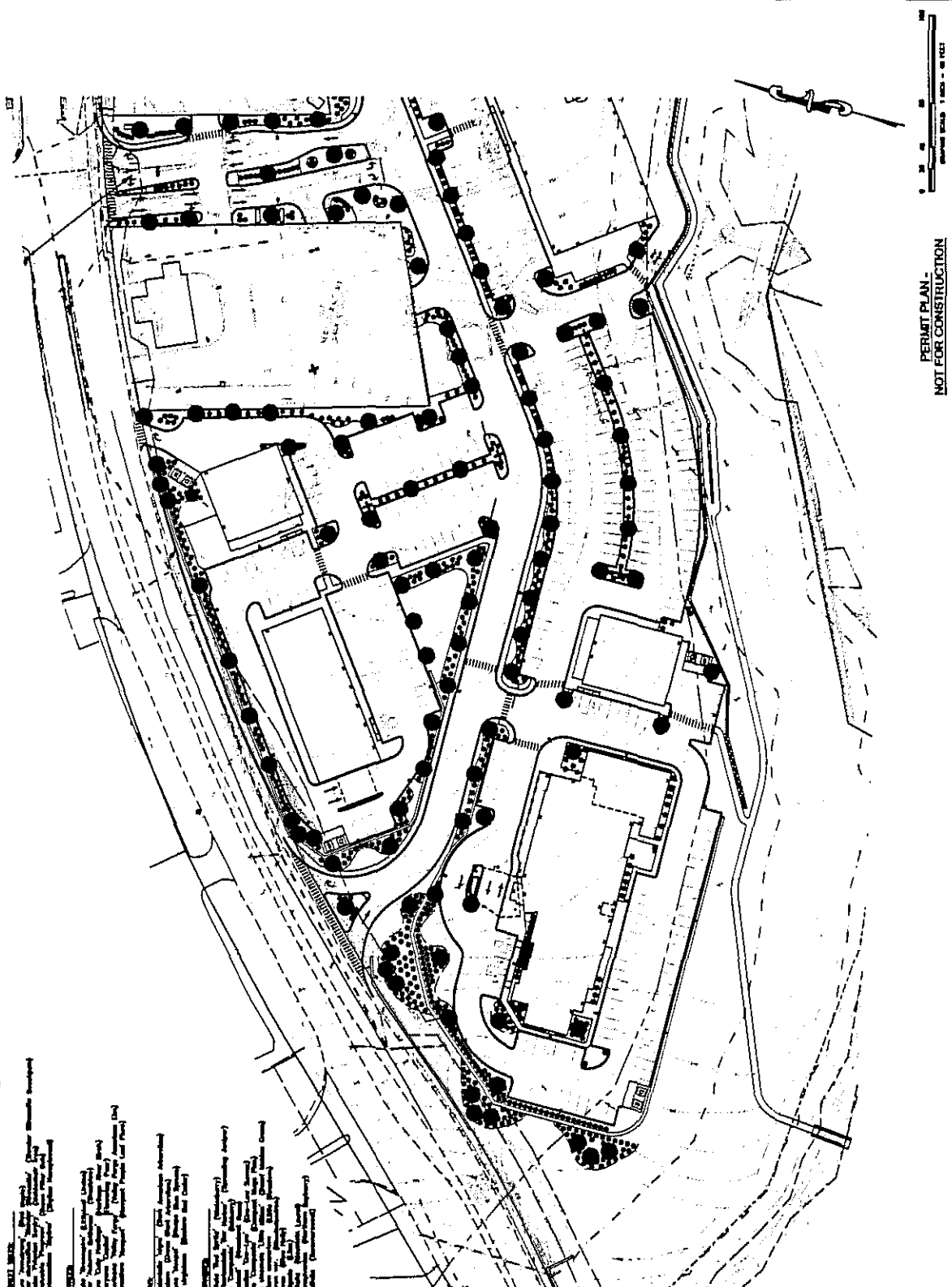
**PLANTING  
PLAN**

**PL-1**

SCALE: AS SHOWN  
DATE: 03/15/11  
BY: [Signature]  
CHECKED BY: [Signature]

**PROPOSED LANDSCAPE PLANTING PALETTE**

- **NEW PLANTING SPECIES:**
  - 1. *Quercus macrocarpa* (White Oak)
  - 2. *Quercus prinus* (Pin Oak)
  - 3. *Quercus falcata* (Swamp White Oak)
  - 4. *Quercus alba* (White Oak)
  - 5. *Quercus rubra* (Red Oak)
  - 6. *Quercus laevis* (Water Oak)
  - 7. *Quercus lyrata* (Live Oak)
  - 8. *Quercus coccinea* (Scarlet Oak)
  - 9. *Quercus prinus* (Pin Oak)
  - 10. *Quercus falcata* (Swamp White Oak)
  - 11. *Quercus alba* (White Oak)
  - 12. *Quercus rubra* (Red Oak)
  - 13. *Quercus laevis* (Water Oak)
  - 14. *Quercus lyrata* (Live Oak)
  - 15. *Quercus coccinea* (Scarlet Oak)
- **EXISTING PLANTING SPECIES:**
  - 1. *Quercus macrocarpa* (White Oak)
  - 2. *Quercus prinus* (Pin Oak)
  - 3. *Quercus falcata* (Swamp White Oak)
  - 4. *Quercus alba* (White Oak)
  - 5. *Quercus rubra* (Red Oak)
  - 6. *Quercus laevis* (Water Oak)
  - 7. *Quercus lyrata* (Live Oak)
  - 8. *Quercus coccinea* (Scarlet Oak)
- **PLANTING NOTES:**
  - 1. All plantings shall be installed in accordance with the approved landscape plan.
  - 2. All plantings shall be installed in accordance with the approved landscape plan.
  - 3. All plantings shall be installed in accordance with the approved landscape plan.
  - 4. All plantings shall be installed in accordance with the approved landscape plan.
  - 5. All plantings shall be installed in accordance with the approved landscape plan.
  - 6. All plantings shall be installed in accordance with the approved landscape plan.
  - 7. All plantings shall be installed in accordance with the approved landscape plan.
  - 8. All plantings shall be installed in accordance with the approved landscape plan.
  - 9. All plantings shall be installed in accordance with the approved landscape plan.
  - 10. All plantings shall be installed in accordance with the approved landscape plan.
  - 11. All plantings shall be installed in accordance with the approved landscape plan.
  - 12. All plantings shall be installed in accordance with the approved landscape plan.
  - 13. All plantings shall be installed in accordance with the approved landscape plan.
  - 14. All plantings shall be installed in accordance with the approved landscape plan.
  - 15. All plantings shall be installed in accordance with the approved landscape plan.
  - 16. All plantings shall be installed in accordance with the approved landscape plan.
  - 17. All plantings shall be installed in accordance with the approved landscape plan.
  - 18. All plantings shall be installed in accordance with the approved landscape plan.
  - 19. All plantings shall be installed in accordance with the approved landscape plan.
  - 20. All plantings shall be installed in accordance with the approved landscape plan.



PERMIT PLAN -  
NOT FOR CONSTRUCTION

**APEX  
CENTER**

Eastern Piedmont Water  
Management, Massachusetts 01752  
Permitted Site

**Ryan  
Development,  
LLC**

4 Lion Drive  
Westfield, Massachusetts 01184

**HANCOCK  
ASSOCIATES**

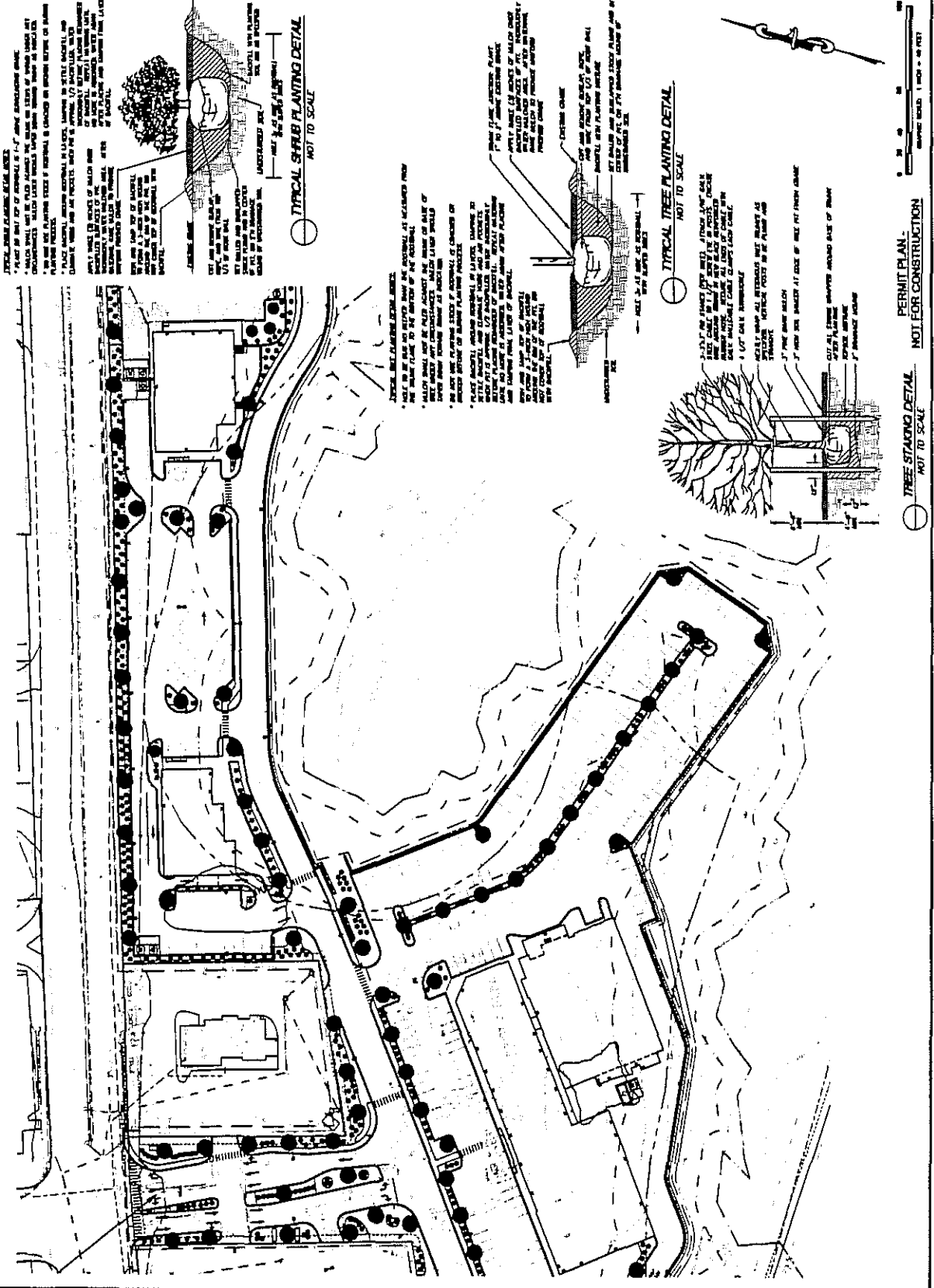
Civil Engineers  
Landscape Architects  
Environmental  
Scientists

100 The Green, Westfield, MA 01186  
Tel: 413-255-1111 Fax: 413-255-1112  
www.hancockassoc.com



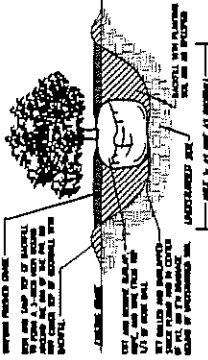
**PLANTING  
PLAN**

**PL-2**



**TYPICAL SHRUB PLANTING DETAIL**

- 1. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 2. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 3. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 4. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 5. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 6. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 7. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 8. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 9. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 10. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL



**TYPICAL TREE PLANTING DETAIL**  
NOT TO SCALE

- 1. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 2. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 3. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 4. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 5. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 6. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 7. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 8. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 9. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 10. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL



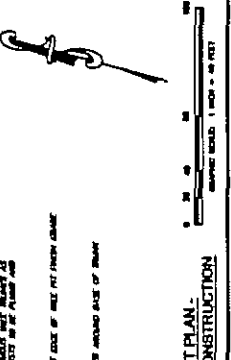
**TYPICAL TREE STAKING DETAIL**  
NOT TO SCALE

- 1. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 2. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 3. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 4. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 5. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 6. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 7. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 8. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 9. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 10. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL



**TYPICAL TREE PLANTING DETAIL**  
NOT TO SCALE

- 1. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 2. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 3. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 4. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 5. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
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- 7. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 8. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 9. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL
- 10. PLACE IN 1/2" OF SOIL ON TOP OF 1" OF SAND OR GRANULAR FILL



**APEX  
CENTER**

Boston Post Road West  
Marlborough, Massachusetts 01521

PREPARED FOR:

**Ryan  
Development,  
LLC**

4 Lane Drive  
Worland, Massachusetts 01865

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

12 Old Stone Mill, Marlborough, MA 01502  
Phone: 508-251-1111 Fax: 508-251-1122  
www.hancockassociates.com

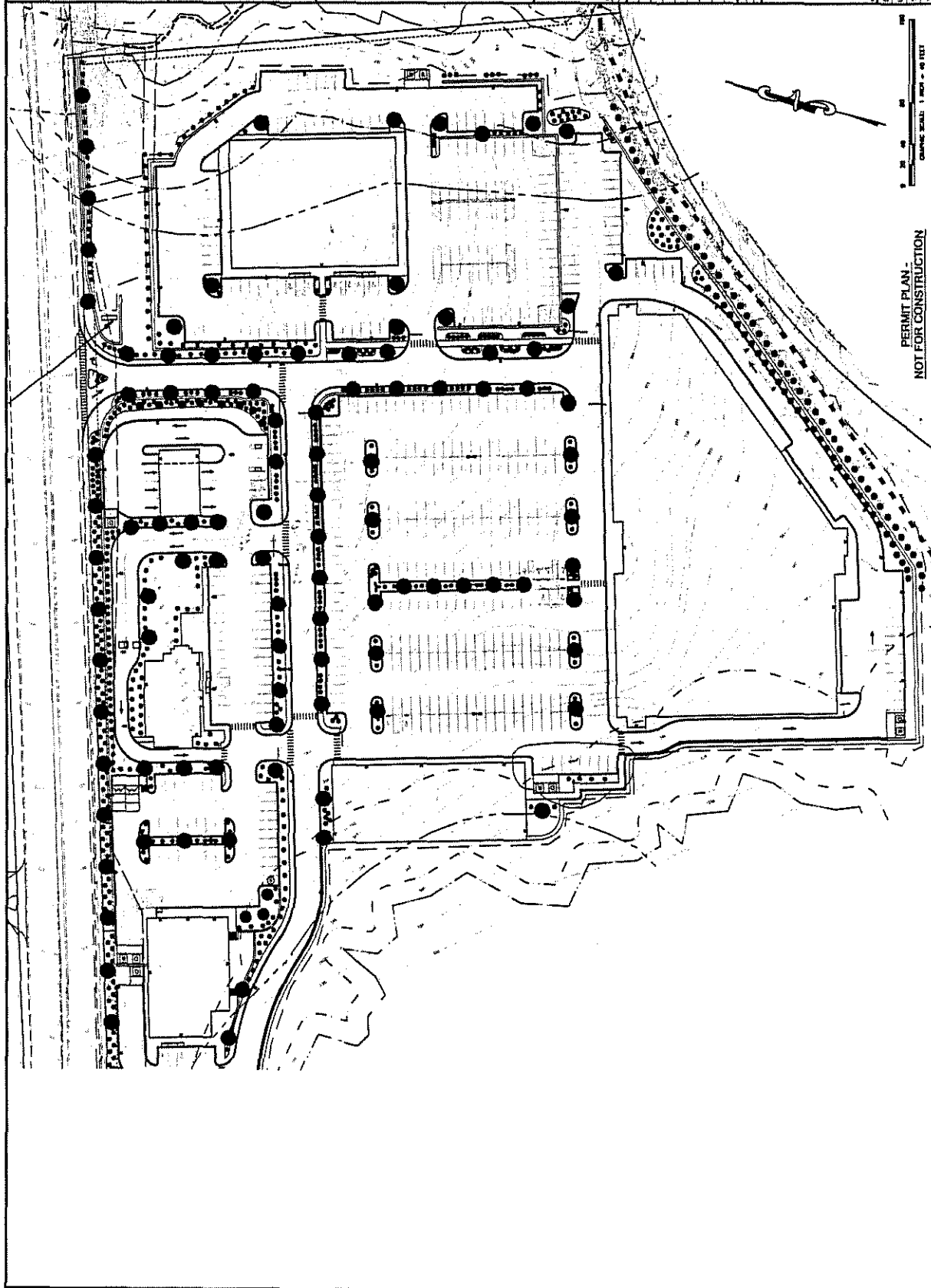


NO.	DATE	DESCRIPTION
1	02/07/15	PLANTING PLAN
2	02/11/15	REVISION
3	02/11/15	REVISION
4	02/11/15	REVISION
5	02/11/15	REVISION
6	02/11/15	REVISION
7	02/11/15	REVISION
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26	02/11/15	REVISION
27	02/11/15	REVISION
28	02/11/15	REVISION
29	02/11/15	REVISION
30	02/11/15	REVISION

**PLANTING  
PLAN**

**PL-3**

DATE: 02/07/15  
LAYER: PL-3  
SHEET: 21 OF 35  
JOB NO.: 15074



PERMIT PLAN -  
NOT FOR CONSTRUCTION

**APEX CENTER**

Elmer Pool Road West  
Methuen, Massachusetts 01752  
Phone: 978-351-1100

**Ryan Development, LLC**

4 Lin Drive  
Wareham, Massachusetts 01986

**HANCOCK ASSOCIATES**

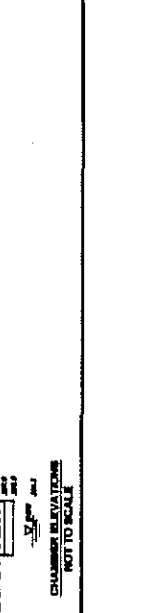
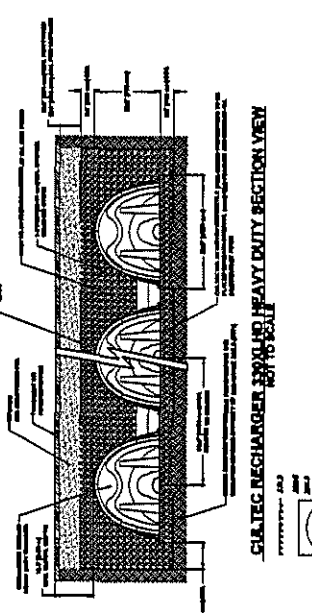
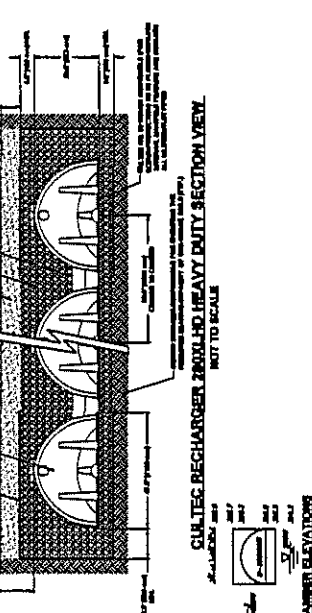
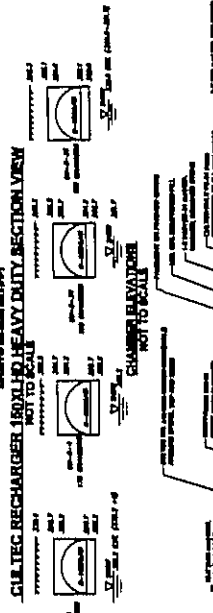
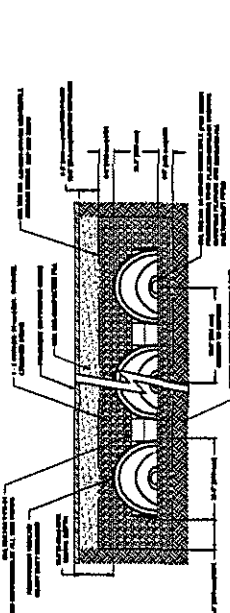
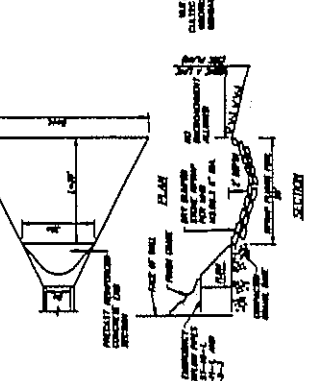
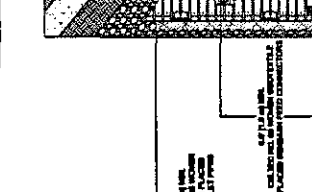
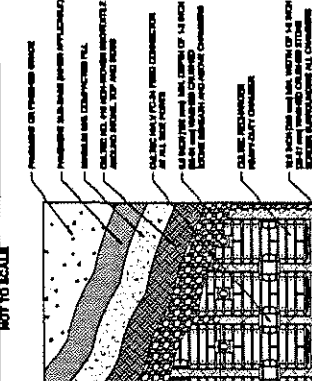
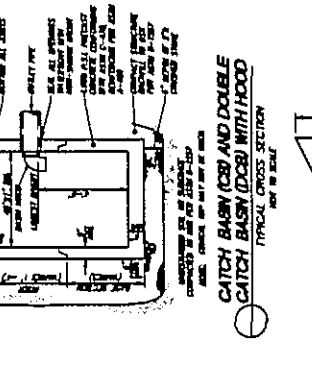
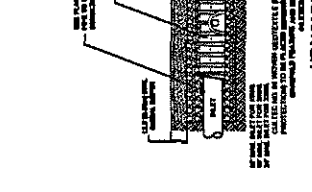
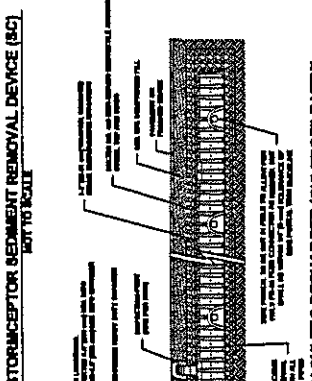
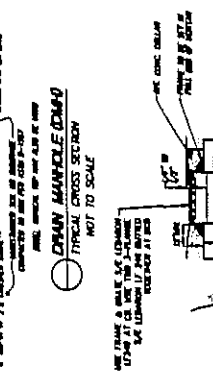
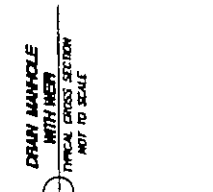
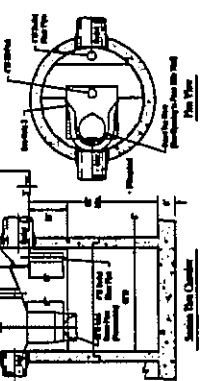
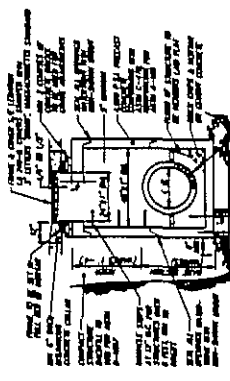
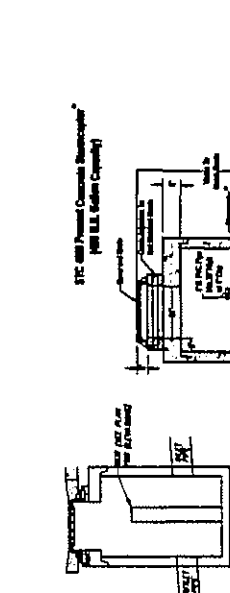
Civil Engineers  
Land Surveyors  
Equal Opportunity  
Contractors

All the items shown on this drawing are to be installed unless otherwise noted.



**STORM DRAIN DETAIL SHEET #1**

**DT-1**



CHAMBER ELEVATIONS  
NOT TO SCALE



**APEX  
CENTER**

Boston Post Road West  
Marlborough, Massachusetts 01753

PROPOSED PERM

**Ryan  
Development,  
LLC**

4 Lee Drive  
Westford, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Lead Surveyors  
Environmental  
Consultants

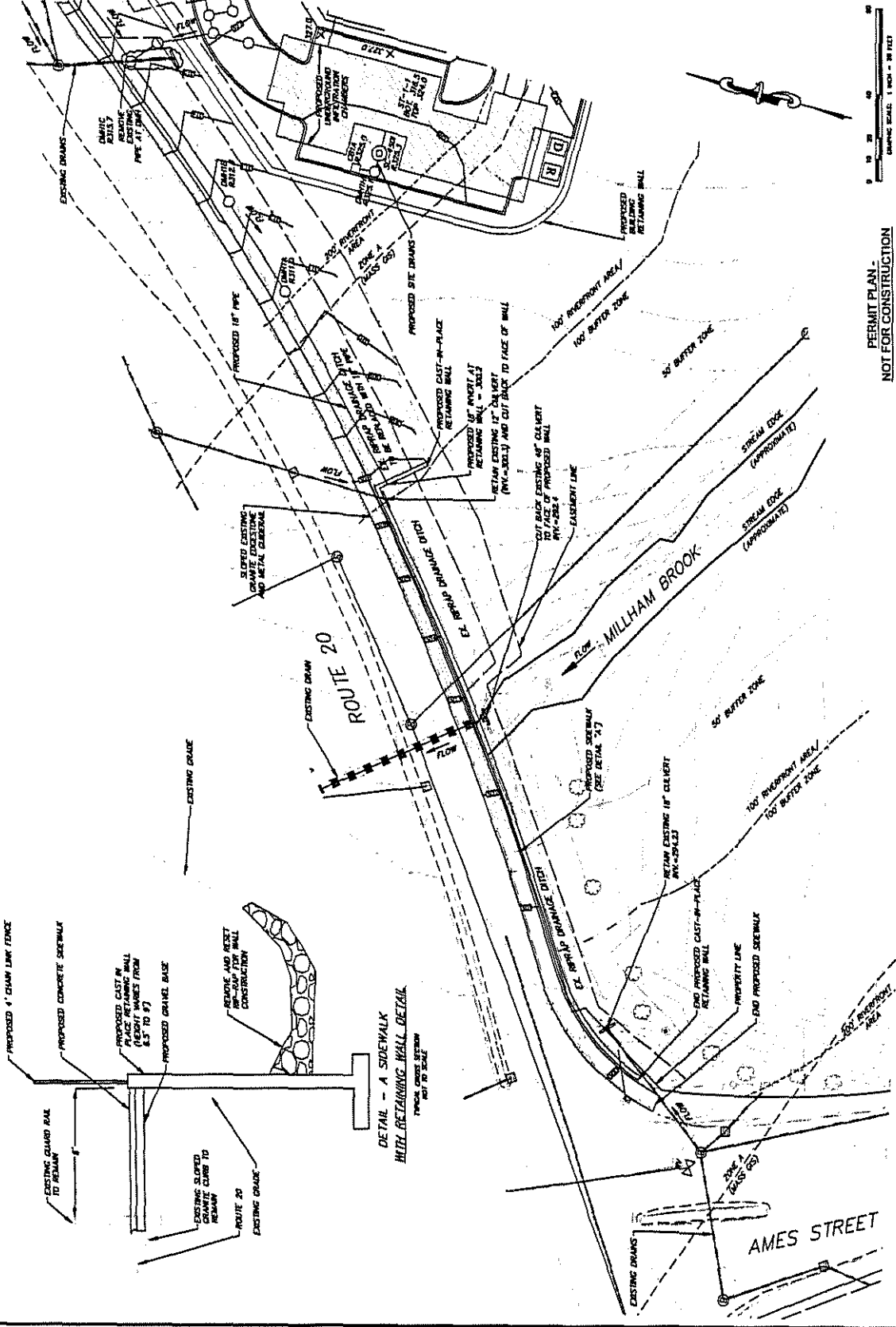
12 Elm Street, Marlborough, MA 01752  
Phone: (508) 251-1111 Fax: (508) 251-1112  
www.hancockassociates.com



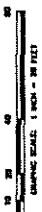
NO.	DATE	DESCRIPTION
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8	08/14/13	ISSUE FOR PERMIT
9	08/14/13	ISSUE FOR PERMIT
10	08/14/13	ISSUE FOR PERMIT

**STORM DRAIN  
DETAIL SHEET #3**

**DT-3**  
DATE: 08/14/13  
SHEET: 307 OF 33  
JOB NO: 13076



PERMIT PLAN -  
NOT FOR CONSTRUCTION







**APEX  
CENTER**

Boston Post Road West  
Marlborough, Massachusetts 01752

PROJECT NO. 100

**Ryan  
Development,  
LLC**

4 Lam Drive  
Westford, Massachusetts 01886

**HANCOCK  
ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental  
Consultants

12 The Barns, Marlborough, MA 01752  
Phone: (508) 251-1111 Fax: (508) 251-1122  
www.hancockassociates.com



**WATER SYSTEM  
DETAIL SHEET**

DATE: 10/20/09-01/14  
SHEET: 21/27  
JOB NO.: 10019

**DT-5**

**CITY OF MARLBOROUGH WATER SPECIFICATIONS**  
FOR THE CITY OF MARLBOROUGH WATER SYSTEM  
FOR THE CITY OF MARLBOROUGH WATER SYSTEM  
FOR THE CITY OF MARLBOROUGH WATER SYSTEM

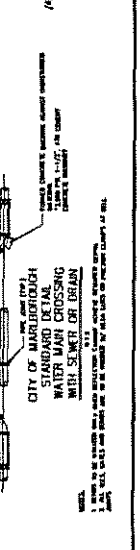
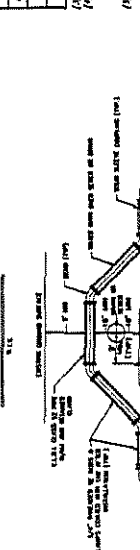
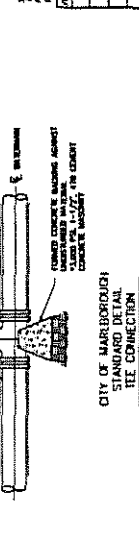
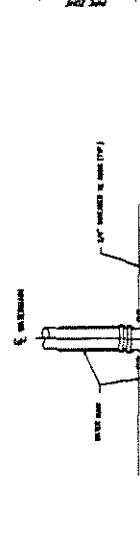
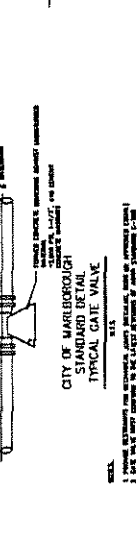
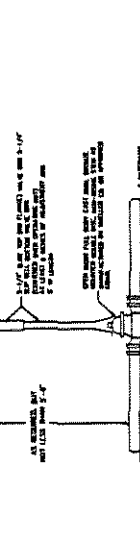
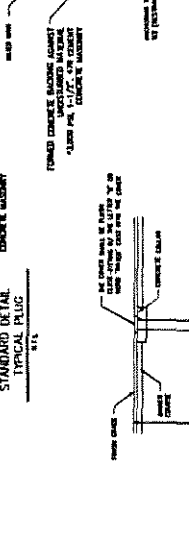
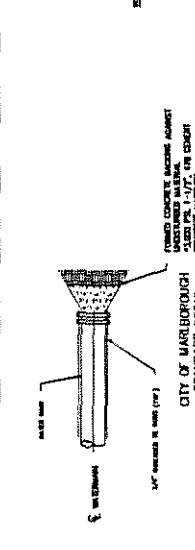
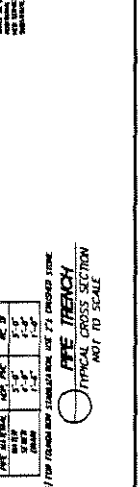
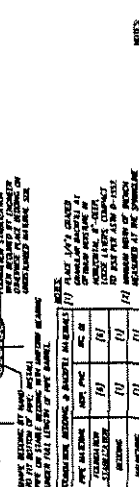
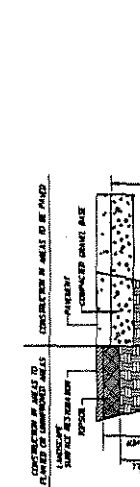
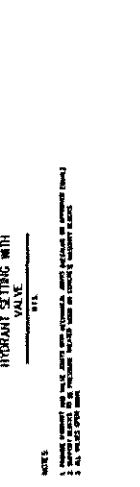
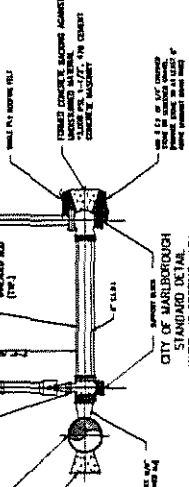
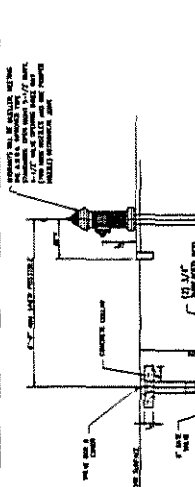
**MAIN INSTALLATION**  
ALL MAINS SHALL BE A MINIMUM OF 12" DIAMETER UNLESS OTHERWISE SPECIFIED. MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS. MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS. MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.

**MAIN GATE VALVES AND BRIDGES**  
MAIN GATE VALVES SHALL BE 12" DIAMETER UNLESS OTHERWISE SPECIFIED. MAIN GATE VALVES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS. MAIN GATE VALVES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.

**TRUNK LINES**  
TRUNK LINES SHALL BE 12" DIAMETER UNLESS OTHERWISE SPECIFIED. TRUNK LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS. TRUNK LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.

**CONNECTIONS**  
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**TESTING**  
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**NOTES**  
1. ALL MAINS SHALL BE 12" DIAMETER UNLESS OTHERWISE SPECIFIED.  
2. ALL TRUNK LINES SHALL BE 12" DIAMETER UNLESS OTHERWISE SPECIFIED.  
3. ALL CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.

**CONNECTIONS**  
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**INSTALLATION**  
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**MAINTENANCE**  
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**REVISIONS**  
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**APPENDICES**  
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**REFERENCES**  
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**CONTACT**  
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**NOTES**  
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4. ALL TESTS SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
5. ALL INSTALLATION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
6. ALL MAINTENANCE SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
7. ALL REVISIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
8. ALL APPENDICES SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
9. ALL REFERENCES SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
10. ALL CONTACT SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
11. ALL GENERAL SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.  
12. ALL TERMS SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MARLBOROUGH WATER SPECIFICATIONS.

**APEX CENTER**

Station Post Road West  
 Marlborough, Massachusetts 01752  
 Project No. 170

Ryan  
 Development,  
 LLC

4 Lee Drive  
 Westford, Massachusetts 01581

**HANCOCK ASSOCIATES**

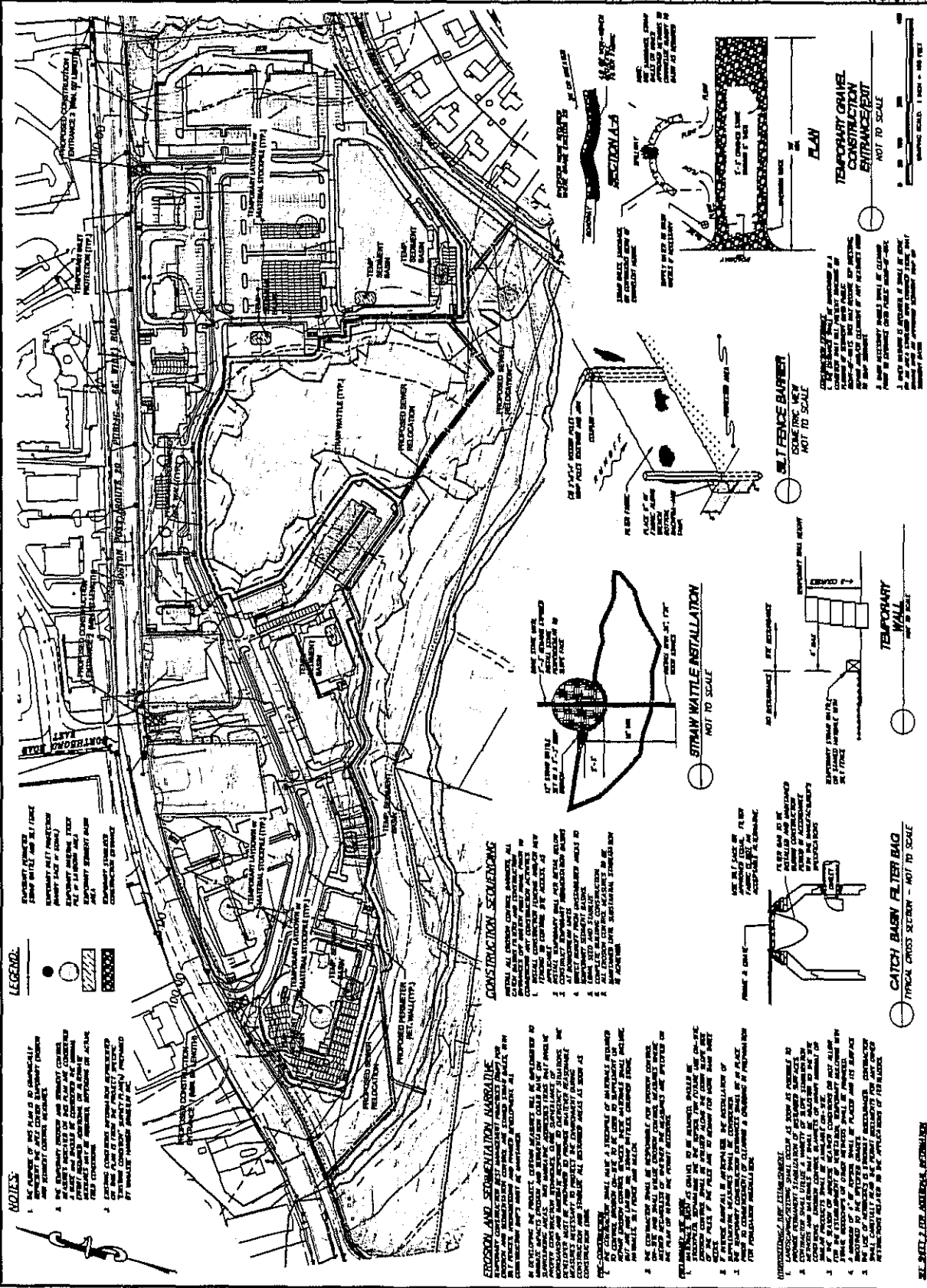
Civil Engineers  
 Land Surveyors  
 Environmental  
 Chemists

100 West Street, Suite 200  
 Marlborough, Massachusetts 01752  
 Phone: 978-251-1100  
 Fax: 978-251-1101  
 www.hancockassoc.com



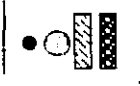
**STORMWATER POLLUTION PREVENTION PLAN**

**SWP1**  
 SHEET 1 OF 10  
 DATE: 10/15/10



- NOTES:**
1. THE OWNER OF ANY CONSTRUCTION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.

**LEGEND:**



**CONSTRUCTION SCHEDULING**

1. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

2. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

3. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**EROSION AND SEDIMENTATION MANAGEMENT**

1. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

2. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

3. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**STORMWATER POLLUTION PREVENTION PLAN**

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**STORMWATER POLLUTION PREVENTION PLAN**

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**STORMWATER POLLUTION PREVENTION PLAN**

1. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

2. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

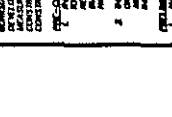
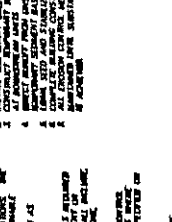
3. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**STORMWATER POLLUTION PREVENTION PLAN**

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**NOTES:**

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**LEGEND:**

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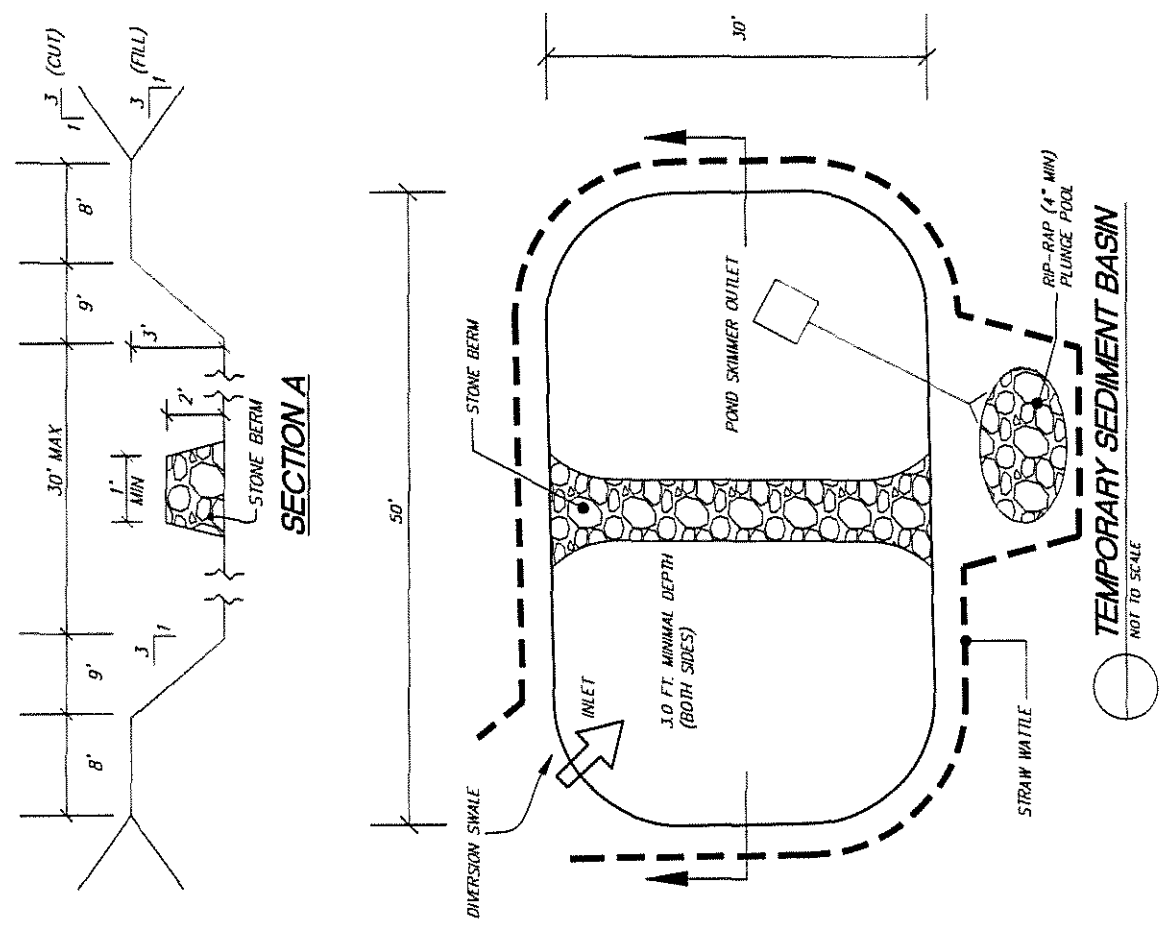
6. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

7. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

8. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

9. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

10. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.



**GENERAL CONSTRUCTION REQUIREMENTS**

1. THE PLAN AND SECTION DRAWINGS SHALL NOT BE PLACED UNDER ANY OTHER DRAWING.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10.
3. NO MATERIALS SHALL BE DEPOSITED INTO THE BASIN OR INTO ANY OTHER CONTAINER OR STORAGE AREA UNLESS THEY ARE APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS.
4. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10.
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**TABLE 2**  
 FEDERAL CONSTRUCTION SITE STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS

SYMBOL	DESCRIPTION	REQUIREMENT
1	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
2	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
3	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
4	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
5	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
6	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
7	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
8	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
9	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10
10	STORMWATER POLLUTION PREVENTION PLAN	DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10

**NOTES:**

1. THE PLAN AND SECTION DRAWINGS SHALL NOT BE PLACED UNDER ANY OTHER DRAWING.
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10. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS, 915 CMR 1.00 THROUGH 1.10.

City Copy

**PETITION FOR MANHOLE AND DUCT LOCATIONS**

RECEIVED  
MAY 17 2016  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

To the City Clerks Office  
of the City of Marlborough, Massachusetts

2016 MAY 23 P 12:45

**MASSACHUSETTS ELECTRIC COMPANY** requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the following public way:

**Donald Lynch Blvd.**

**NGRID request for the installation of 3 phase underground primary cable across Donald Lynch Blvd from existing MH3-5 to proposed MH3-51. This work is required to provide service for the expansion of the NE Sports Center.**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked--

**MASSACHUSETTS ELECTRIC COMPANY**

Plan No. 21681443 Dated: 05/11/2016

**MASSACHUSETTS ELECTRIC COMPANY**

By: *Eric Widman* *AB*  
Manager of Distribution Design

**ORDER FOR MANHOLE AND DUCT LOCATIONS**

May 17, 2016

By the Cit Clerks Office  
of the City of Marlborough, Massachusetts

Notice having been given and a public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **17th day of May, 2016**

All construction under this order shall be in accordance with the following conditions:--

Manholes and ducts shall be set substantially at the points indicated upon the plan marked--

**MASSACHUSETTS ELECTRIC COMPANY**

Plan No. **21681443**

Dated: **05/11/2016**

The following are the public ways or parts of ways along which the manholes/ducts above referred to may be installed, and the number of manholes/ducts which may be installed thereon under this order:--

**Donald Lynch Blvd.**

**NGRID request for the installation of 3 phase underground primary cable across Donald Lynch Blvd from existing MH3-5 to proposed MH3-51. This work is required to provide service for the expansion of the NE Sports Center.**

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016

\_\_\_\_\_  
Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

We hereby certify that on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M

at \_\_\_\_\_ a public hearing was held on the petition of

**MASSACHUSETTS ELECTRIC COMPANY** for permission to construct the underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Council of the City of

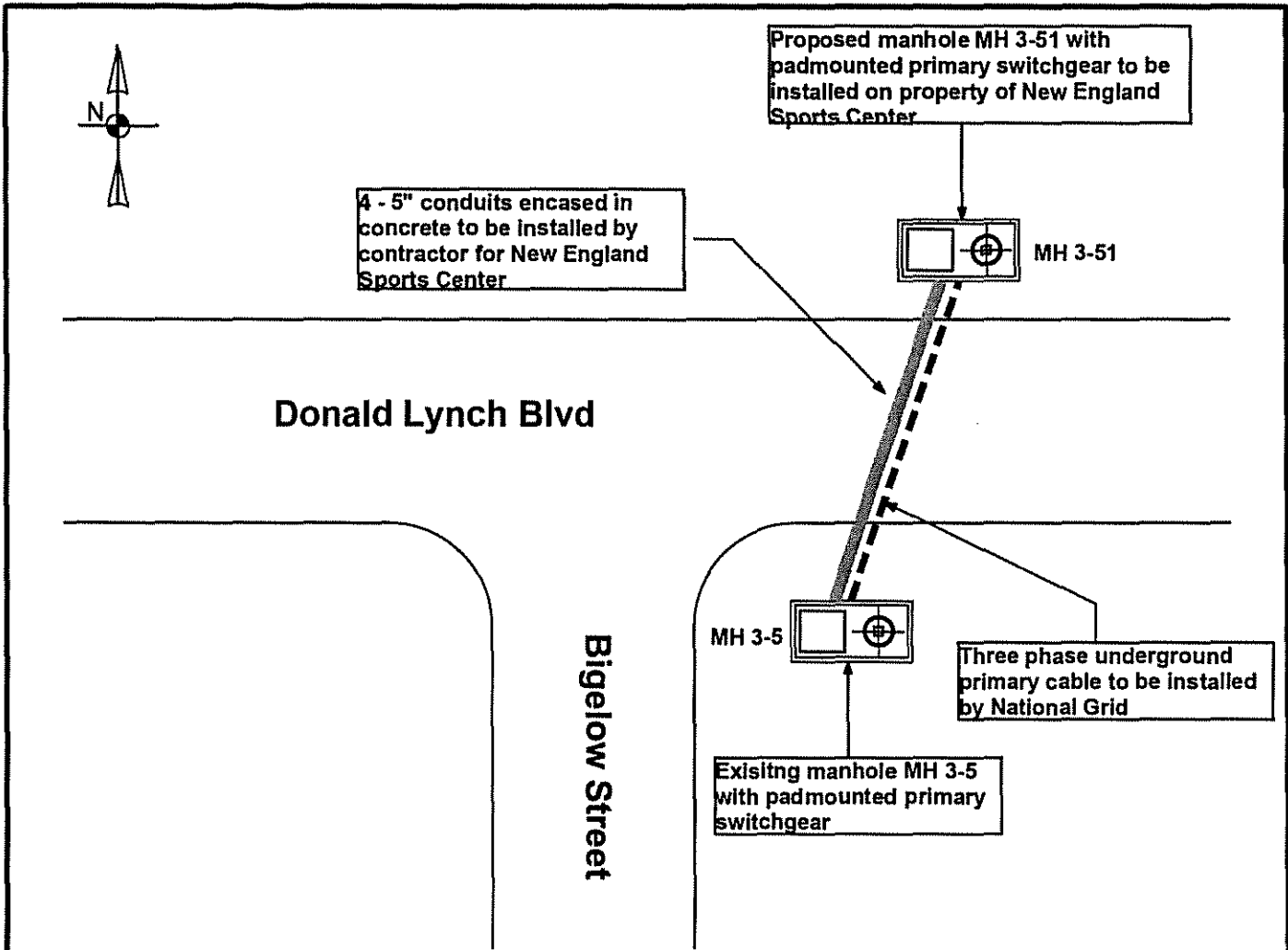
Marlborough, Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016 and recorded with the records of location orders of said City, Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
City Clerk



National Grid petitions for the installation of three phase underground primary cable across Donald Lynch Blvd from existing MH 3-5 to proposed MH 3-51. This work is required to provide service for the expansion of the New England Sports Center

UNDERGROUND PETITION		nationalgrid	
Urd Pole	3-Phase Pad	Date: 05/11/16 Plan Number: 21681443 To Accompany Petition Dated: To The: City _____ Of Marlboro For Proposed: Undgrd Cable      Location: Donald Lynch Blvd Date Of Original Grant:	
Manhole	Xfmr Foundation		
Pull Box	Underground Primary Cable		
Hand Hole	Conduit In Concrete		
	Street Light Wire		
Single Phase Pad	Service Arrow		
DISTANCES ARE APPROXIMATE			

PETITION FOR CONDUIT LOCATION 2016 MAY 23 P 12: 45

Springfield, Massachusetts, dated May 19, 2016  
To the City Council of the City of Marlborough, Massachusetts

**VERIZON NEW ENGLAND, INC.** requests permission to lay and maintain underground conduits, with wires and cables to be placed therein, under the surface of the following public way or ways:

**D'ANGELO DRIVE:** Place one (1) four inch (4") conduit on the easterly side of D'Angelo Drive beginning at existing Pole T.5, which is located on the easterly side of D'Angelo Drive, thence running in a southwesterly direction approximately sixty-three feet (63') to private property at #84 D'Angelo Drive.

**Reason:** Place conduit on D'Angelo Drive for the purpose of relocating the existing aerial lines from overhead to underground in order to provide for the distribution of intelligence and telecommunications.

Also for permission to lay and maintain underground conduits, handholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked – Verizon No. 4A0D2EV, dated May 19, 2016 showing location of conduit to be constructed is filed herewith.

**VERIZON NEW ENGLAND, INC.**

By Kelly-Anne Correia UCSYNERGETIC  
For: Albert Bessette, Jr.  
Manager-Right of Way



## ORDER FOR CONDUIT LOCATION

By the **City Council** of the **City of Marlborough**, Massachusetts, it is hereby ordered:

That permission be and hereby is granted to **Verizon New England Inc.**, to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said company dated **May 19, 2016**.

**D'ANGELO DRIVE:** Place one (1) four inch (4") conduit on the easterly side of D'Angelo Drive beginning at existing Pole T.5, which is located on the easterly side of D'Angelo Drive, thence running in a southwesterly direction approximately sixty-three (63) feet to private property at #84 D'Angelo Drive.

**Reason:** Place conduit on D'Angelo Drive for the purpose of relocating the existing aerial lines from overhead to underground in order to provide for the distribution of intelligence and telecommunications.

Said locations are to be in accordance with plan marked Verizon Job No. **4A0D2EV**, dated May 19, 2016 and attached herewith.

Also that permission be and hereby is granted to **Verizon New England Inc.**, to lay and maintain underground conduits, manholes, laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, equipment and buildings as it may desire for distributing purposes.

### Certification of Order

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts, held on the \_\_\_\_ day of \_\_\_\_\_, 2016.

---

City Clerk

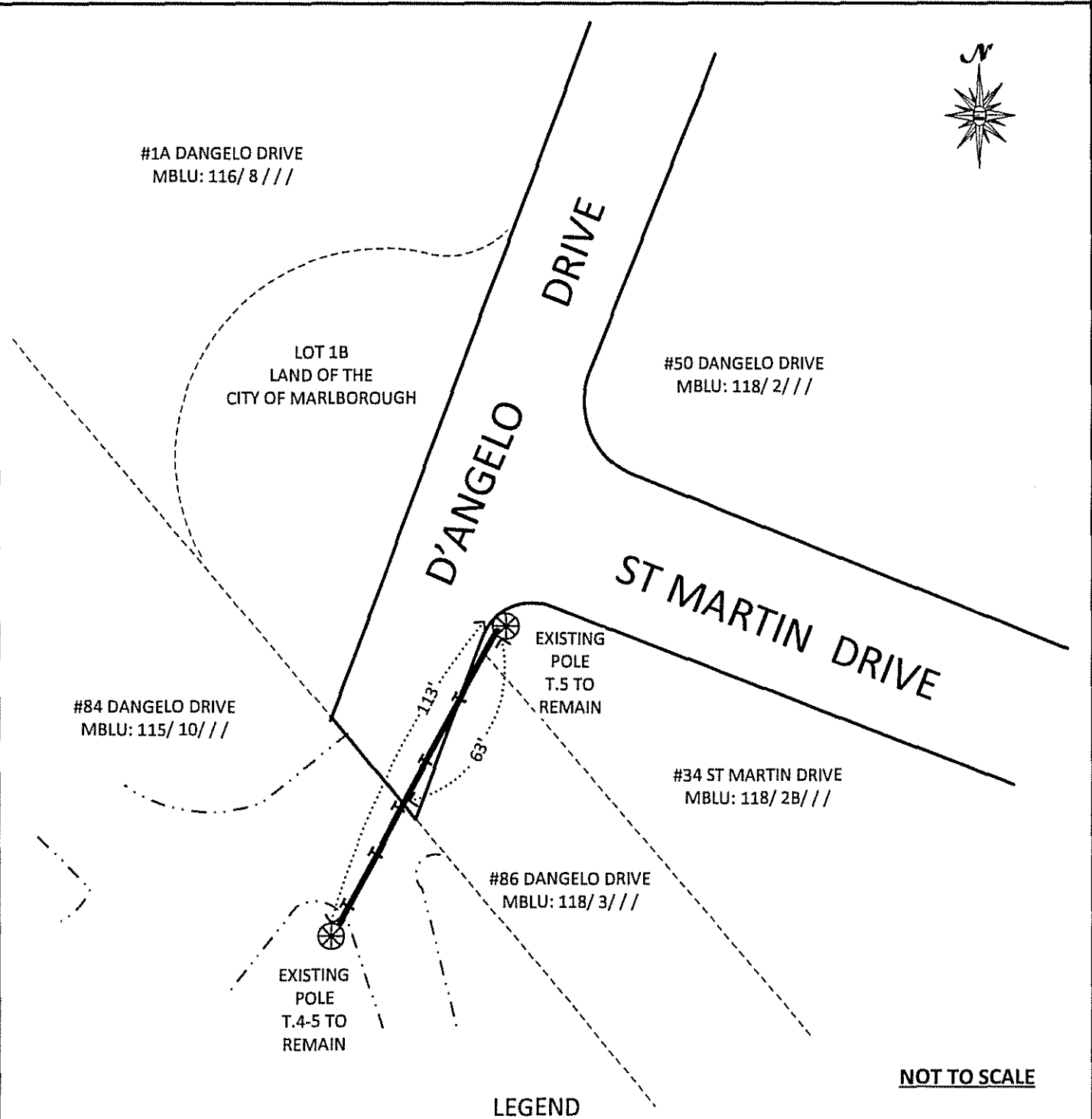


# PETITION PLAN

MUNICIPALITY MARLBOROUGH VZ N.E. Inc. No. 4A0D2EV

VERIZON NEW ENGLAND INC. DATE: MAY 19, 2016

SHOWING PROPOSED INSTALLATION 63' CONDUIT ON D'ANGELO DRIVE



## LEGEND

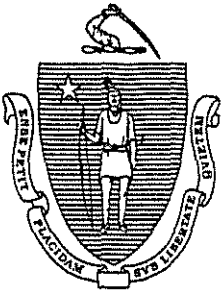
JOINTLY OWNED POLE TO REMIAN

EDGE OF ROADWAY

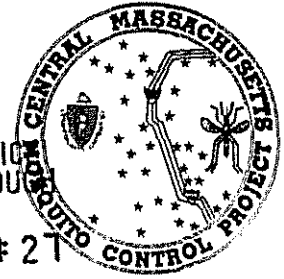
PROPERTY LINE

DRIVEWAYS

PROPOSED VERIZON CONDUIT



THE COMMONWEALTH OF MASSACHUSETTS  
 STATE RECLAMATION & MOSQUITO CONTROL BOARD  
**CENTRAL MASSACHUSETTS  
 MOSQUITO CONTROL PROJECT**  
 111 Otis Street, Northborough, MA 01532-1214  
 Telephone (508) 393-3055 • Fax (508) 393-8492  
 www.cmmcp.org



RECEIVED  
 CITY OF MARLBORO  
 2016 MAY 20 A 9:27

COMMISSION CHAIRMAN  
 RICHARD DAY

EXECUTIVE DIRECTOR  
 TIMOTHY D. DESCHAMPS

May 18, 2016

City of Marlboro  
 Health Department  
 Marlboro, MA 01752

Central Massachusetts Mosquito Control Project personnel will be in your community to investigate resident's complaints about mosquitoes on the following dates in June:

June 2, 8, 15, 22, 29

**PLEASE NOTE: THE DATES IN MAY ARE VERY TENTATIVE AND WILL BE SUBJECT TO FORECASTED WEATHER CONDITIONS**

The above dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperature becomes predominant in this area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website.

Complaints about mosquitoes may be registered by calling the CMMCP office at 508-393-3055 between 7:00 AM - 3:30 PM, Monday through Friday. The results of an investigation may warrant the use of a mosquito insecticide to defined, site-specific areas of the town. Such an application may be accomplished by using hand or truck mounted equipment, depending on the extent of the application.

Per 333CMR13.04: "No intentional application of pesticides shall be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." Notices were sent to all City and Town Clerks in January to alert them of the pesticide exclusion process; CMMCP will continue to accept exemptions during the spray season. Residents should contact their Town or City clerk for more information on the exclusion process, or may contact the CMMCP office during business hours, or apply for an exclusion through our website.

Please list this information in the local newspapers and on the local cable access station if possible. Additional information on CMMCP may be found online at: <http://www.cmmcp.org>

Sincerely,

*Timothy D. Deschamps*

Executive Director

cc: City/Town Clerk  
 Police Department

CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

Minutes

April 7, 2016 (Thursday)

Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall

7:00 PM

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 MAY 24 P 3:27

**Present:** Edward Clancy - Chairman, Allan White, Lawrence Roy, David Williams, Dennis Demers, John Skarin, and Karin Paquin. Also present was Priscilla Ryder- Conservation Officer.

**Absent:** None

**Minutes:** The minutes of March 24, 2016 have not been finalized, so this item was continued to the next meeting.

**Public Hearings:**

Request for Determination of Applicability

64 Varley Rd. – Nicholas Belland is the contractor

He explained that he was going to add a 12' x16' deck to the back of the house. The only disturbance to the ground will be the installation of the support posts. The area is right up against the house and well away from the wetland. The Commission reviewed the plans and voted unanimously 7-0 to issue a negative determination with standard conditions for notification.

Notice of Intent

420 Maple St. – Marlborough Maple Real Estate Trust c/o Creative Development Co.

Andrew Truman and Peter Wood from Samiotes Consultants, Inc. were present.

They explained that they would like to add an addition to the existing building to expand the "adult day care" facility. The area is existing pavement, so there will be no additional stormwater runoff, however they are proposing a dry well to recharge the roof drainage. The foundation will be dug, but they will need to import material since they won't have enough on site. (Charlotte Maynard the owner arrived).

They agreed to clean it up. Erosion controls will consist of straw wattles along the fence line and will be installed prior to any construction. Other items discussed were the trash along the back fence and the old cars parked in the back. Ms.

Maynard explained that they would be moving the dumpsters to one enclosed fenced area at the back of the property and will clean up the trash. She explained that all the "old cars" have been "evicted" and moved off the site, so the old car storage should no longer be a problem. After some discussion the Commission closed the hearing and asked Ms. Ryder to draft conditions for the April 21<sup>st</sup> meeting.

Notices of Intent – (4 individual house lots) (Continuations)

Slocumb Ln. – Slocumb Realty LLC

Peter Lavoie from Guerrier and Halnon was present representing the owners Fafard Real Estate Dev. He presented plans showing revisions to the slopes of the four houses (#69, #79, #78 and #90) in question. The plans show a 40' no disturb zone and all back slopes are now 2:1 slopes with rip rap. The toe of all slopes is at least 5' from the property line or buffer zone limit as shown. He went through each lot as follows:

#90 - Mr. Lavoie explained that Scott Goddard will be certifying the Vernal Pool per the original order requirements. They are not proposing any grading within the 100' buffer zone, it will have a 2:1 armored slope with a fence at the top. The Commission discussed a use restriction below the slope to allow for protection of the vernal pool- i.e. it must remain in its natural state with no vegetation removal (except invasive species).

For the other three lots, they all have 2:1 slopes. Most are outside 100' buffer, but a few do encroach into it. The plans show a detailed design for the slopes and construction notes.

Chairman Clancy expressed concern with the house that it will be behind 215 Farrington Ln. The toe of slope is right near this house. This will need to be reviewed further by the City Engineer.

After some discussion, Mr. Demers expressed concern about these sites and said he is not in favor of these lots, and then the Commission continued the hearing and asked Ms. Ryder to draft conditions for the April 21<sup>st</sup> meeting for reviews.

**Certificate of Compliance:**

- DEP 212-781 22 Balcom Rd. Ms. Ryder noted that all the deed language and other conditions have been met, but the markers have not been installed. The Commission voted unanimously 7-0 to issue the Certificate of Compliance, but asked Ms. Ryder to hold it until the markers have been installed.

**Draft Order of Conditions:**

- West Hill Rd. reconstruction – Marlborough Dept. of Public Works. The Commission reviewed the draft Order of Conditions. They amended two conditions regarding pipe maintenance and construction sequencing. The Commission voted unanimously 7-0 to issue the Order of Conditions as drafted and amended.

**Discussion/Correspondence/Other Business:**

- All Star Auto- Maple St.- The Commission asked Ms. Ryder to write a letter and remind the owners that they were to have filed for a permit for the work on the site. Since

nothing has been filed, further discussions with the Commission about what is acceptable on the site needs to be had. Ms. Ryder will notify them of same.

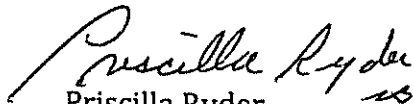
- Desert Natural Area - Ms. Ryder and Ms. Paquin explained that the beavers are back at the Desert Natural Area and are flooding the area on Old Concord Rd. which was impacted in the past. Ms. Ryder will post the entrance on either side of the dam to alert walkers to be cautious and avoid the area if needed.
- Blue Bird Boxes – Mr. Clancy built and donated two blue bird boxes to be installed on conservation land. He was thanked!

Normandy Real Estate Partners proposes to install a volleyball court near wetlands at 300 Nickerson Rd.

**Meetings** – Next Conservation meetings – April 21<sup>st</sup> and May 5th, 2016 (Thursdays)

**Adjournment** - There being no further business, the meeting was adjourned at 8:09 PM

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer



# Marlborough Public Schools

CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*School Committee*

17 Washington Street, Marlborough, MA 01752  
2016 MAY 25 A 10:21  
Phone (508) 460-3509  
• Fax (508) 460-3586

## Call to Order

May 10, 2016

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger & Mr. Walter.

Also present were MEA Representative Rupal Patel & Clerk Melissa Peltier.

Mrs. Matthews was absent.

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

2. **Pledge of Allegiance:** Was led by Chairman Vigeant

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to move up Item 9E. Motion passed 5-0-1.

Mrs. Greulich introduced Ms. Lindsay McGinnis representing Hologic, Inc. Ms. McGinnis presented the district \$30,000.00 to be used by the district for K-5 Modular Science Learning Experiences.

Chairman Vigeant thanked Hologic, Inc. on behalf of the entire Committee.

### **E. Acceptance of Donations and Gifts**

The Raytheon Company has donated \$1,000.00 to the MHS STEM Education Program.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the donation of \$1,000.00 from The Raytheon Company to the MHS STEM Education Program. Motion passed 5-0-1.

Hologic, Inc. has donated \$30,000.00 to the District for K-5 Modular Science Learning Experiences.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the donation of \$30,000.00 from Hologic, Inc. to the District for K-5 Modular Science Learning Experiences with gratitude. Motion passed 5-0-1.

### **3. Presentation:**

#### **A. MHS Student Advisory Committee Members**

Ms. Heidi DiPersio, Representative of the Sophomore Class, updated the Committee about the Spring Musical.

Mr. Jeffrey Slocumb, Representative of the Senior Class, updated the Committee about the AP Testing & State Science Fair.

Ms. Samantha Merrill, Representative of the Junior Class, updated the Committee about the Freshman Mentoring Program.

Mr. Timothy Goliger, Representative of the Freshman Class, updated the Committee about the Spring Concert.

#### **B. Malawi Presentation**

Ms. Nicole Wynne, Mr. Nayonni Moreira & Mr. Tyler Hardy gave a brief PowerPoint presentation regarding their recent Humanitarian/Medical trip to Malawi.

**\*\*An electronic version of the presentation is available\*\***

*Marlborough Public Schools • 17 Washington Street • Marlborough, MA 01752 • Richard P. Langlois, Superintendent  
www.mps-edu.org*

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



# Marlborough Public Schools

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*School Committee*

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

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

**5. Communications:** None

**6. Superintendent's & Executive Director of Secondary Education's Report:**

Mrs. Greulich gave this report covering a range of topics including: Hologic Grant, Masonic "Teacher of the Year" Awards, Teacher Appreciation Week, Implementation of Blended Learning, Assistance Program for Lead in Drinking Water, MA DESE Spring Convening, Panther Pride, Whitcomb Science Boost Camp, Accuplacer College Placement Testing & Conference on Civic Engagement and Learning.

- **Executive Director of Primary and Elementary Education Report**

Ms. Murphy gave this report covering a few topics including: K-5 Professional Development & PARCC.

**7. Acceptance of Minutes:**

**A. Minutes of the April 26, 2016 School Committee Meeting**

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approved the minutes of the April 26, 2016 School Committee Meeting as amended. Motion passed 5-0-1.

**8. Public Participation:** None

**9. Action Items/Reports**

**A. New MHS Scholarship**

Mrs. Greulich presented the new "Miranda Bread" Scholarship to the Committee.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the new "Miranda Bread" Scholarship with gratitude. Motion passed 5-0-1(Vigeant)

**B. FY '17 School Choice**

Mrs. Greulich presented the option of School Choice for the upcoming school year.

Motion made by Mr. Walter, seconded by Chairman Vigeant to NOT participate in the school choice program for the upcoming 2016/17 school year. Motion passed 5-0-1.

**C. New Job Descriptions**

Mrs. Greulich presented the two new job descriptions for (1) Supervisor/Director of Instructional Technology and (1) Transitional Specialist.

After much discussion among the Committee members in regards to the interviewing and ultimate selection of a candidate to fill the position of Supervisor/Director of Instructional Technology, the following motion was made:

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve the job description with the following amendment: Selection of the candidate and negotiation of a contract with said candidate will be under the direction of the Superintendent of Schools in collaboration with the Executive Director of Secondary Education. Motion passed 5-0-1.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve the job description for Transitional Specialist as presented. Motion passed 5-0-1.

*Marlborough Public Schools • 17 Washington Street • Marlborough, MA 01752 • Richard P. Langlois, Superintendent  
www.mps-edu.org*

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# Marlborough Public Schools

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*School Committee*

*17 Washington Street, Marlborough, MA 01752*

*Phone (508) 460-3509*

*• Fax (508) 460-3586*

## **D. Before & After School Programs at Whitcomb, Jaworek, Kane and Richer Schools**

Mr. Bergeron presented the current provider (Kidsborough) is operating in the Whitcomb, Jaworek, Kane and Richer Schools to the satisfaction of the Director of Public Facilities and is recommending the contract be renewed for the 2016/17 year at a rental fee of \$77,687.66.

Motion made Mr. Walter, seconded by Chairman Vigeant to approve the contract with Kidsborough for the period of July 1, 2016 – June 30, 2017 with a rental fee of \$77,687.66. Motion passed 5-0-1.

## **E. Acceptance of Donations and Gifts**

This item was moved up in the agenda.

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

Mrs. Hennessy reported that the Policy Subcommittee will be meeting Wednesday May 11, taking up the Attendance and Field Trip policies.

Mr. Walter reported that Negotiations between the School Committee and the MEA have been consolidated and signed.

## **11. Members Forum:**

Mrs. Hennessy noted that the Contemporary A Capella Group from the High School went to Wakefield to perform with several other A Capella Groups. A "shout out" to the Music Department for all the great work. Mrs. Hennessy continued with a request for a timetable for the upcoming transition between Superintendents preferably at the next meeting.

Finally, Mrs. Hennessy noted that the STEM/STEAM parent meeting will be on May 19 at 6:30pm in the Whitcomb Auditorium. All parents are encouraged to attend this informative meeting regarding the changes coming to the entire school.

## **12. Adjournment:**

Motion made by Mr. Walter, seconded by Chairman Vigeant to adjourn at 8:50pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews  
Marlborough School Committee

HM/mp

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