

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 SEP -8 P 1:02

1. Minutes, City Council Meeting, August 29, 2016.
2. PUBLIC HEARING On the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District., 22 Apex Dr., Order No. 16-1006634.
3. PUBLIC HEARING On the Proposed Zoning Amendment Allowing Assisted Living Facilities under Sections 650-5.B, 650-17, 650-18.A(44) and 650-48.A, Order No. 16-1006631.
4. Communication from City Solicitor, Donald Rider re: Reporting Obligations after a Devastating Event, Order No. 16-1006458A.
5. Communication from Ryan Development, LLC to withdraw its Special Permit application for the Veterinary Hospital at Apex Center, Order No. 16-1006633.
6. Communication from Attorney Bergeron, on behalf of Cameron Realty Trust, re: Proposed Zoning Ordinance Amendment within the Marlborough Village District.
7. Site Plan Application from Attorney Bergeron, on behalf of Marlborough on Main Development LLC, for a mixed-use project at 163-175 Main St. in the Marlborough Village District.
8. Communication from Central Mass. Mosquito Control Project re: Mosquito Control Update.
9. Minutes, Zoning Board of Appeals, July 26 & August 24, 2016.
10. Minutes, Cultural Council, November 2, 2015.
11. Minutes, License Board, July 20, 2016.
12. Minutes, Planning Board, July 25, 2016.
13. Minutes, Public School Committee, August 15, 2016.
14. Minutes, Conservation Commission, June 30, & August 4, 2016.
15. CLAIMS:
 - a. Lori Grupposo, 109 John Dee Rd., Sterling, other property damage.
 - b. Christopher Collette, 193 Hildreth St., pothole or other road defect.

REPORTS OF COMMITTEES:

16. ORDERED: That the DPW Commissioner and Mayor meet with the Operations and Oversight Committee to discuss increases in water and sewer bills that appear to be out of line with the normal increases the residents should have expected after the repairs to the wastewater treatment plants. Submitted by Councilor Elder
17. ORDERED: That the City Solicitor contact the Department of Revenue and any other department at the state level for a legal opinion whether the City of Marlborough is legally allowed to overcharge residents on water and sewer bills as a result of old and faulty water meters that may have undercharged residents in previous readings.Submitted by Councilor Elder

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.

UNFINISHED BUSINESS:

From Personnel Committee

18. **Order No. 16-1006628: Reappointments of Robin Williams and James Griffin to the Board of Health for a term of two years expiring on the first Monday in February 2018.** Recommendation of the Personnel Committee is to approve the reappointments of Robin Williams and James Griffin to the Board of Health. **Motion made by Councilor Irish, seconded by the Chair, to approve the reappointments. The motion carried 2-1 (Elder opposed.)**
19. **Order No. 16-1006629: Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three years to expire April 1, 2019.** Recommendation of the Personnel Committee is to approve the reappointment of Elizabeth Evangelous to the Board of Registrars. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**
20. **Order No. 16-1006630: Appointment of Thomas Pope to the Zoning Board of Appeals for a term expiring five years from date of City Council approval.** Recommendation of the Personnel Committee is to approve the appointment of Thomas Pope to the Zoning Board of Appeals. **Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. The motion carried 3-0.**

From Operations and Oversight Committee

21. **Order No. 16-1006645: That the Mayor meet with the Operations and Oversight Committee to discuss ancillary uses of the Senior Center, in direct opposition to what was discussed with the City Council. The Council was assured that the Center would only be used for activities for seniors, but the Veterans Agent was recently moved there. (Submitted by Councilor Elder)** The Operations and Oversight Committee met with Mayor Arthur Vigeant and Council on Aging Executive Director, Patricia Pope, for a discussion of the relocation of the office of the Veterans' Services Agent to the Senior Center. The committee was informed approximately one-third of the State's Veterans' Services Agents are located in their local Senior Centers and this would be the only office moved to the Senior Center as the remainder of the space is used for their programs. **Motion made by Councilor Robey, seconded by Chair, to report with no recommendation. The motion carried 3-0. Motion made and seconded, to adjourn. The motion carried 3-0. The meeting adjourned at 6:58 PM.**

From City Council

22. **Order No.16-1006517B - Application by Vrej Askanian to operate an LED illuminated changeable gas pricing sign at Discount Gas Station located at 50 Main Street. Motion made and seconded to TABLE UNTIL THE SEPTEMBER 12, 2016 CITY COUNCIL MEETING.**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 SEP - 8 A 10:25



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

AUGUST 29, 2016

Regular meeting of the City Council held on Monday, AUGUST 29, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 10:27PM.

ORDERED: That the Minutes of the City Council meeting JULY 25, 2016, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Wireless Special Permit from New Cingular Wireless PCS, LLC-AT & T Mobility to remove Condition 7 of Special Permit, Order No. 11-1003004C which requires that AT & T fly an American Flag from the stealth antenna canister on the water tower, 175 Maple St. Order No. 16-1006637, all were heard who wish to be heard, hearing recessed at 8:07 PM.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Mirick O'Connell on behalf of Crabtree Lake Williams LLC to amend Condition 2 of Special Permit, 215 Lakeside Ave., Order No. 16-1006636, X08/09-1002051E, all were heard who wish to be heard, hearing recessed at 8:51 PM.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, 22 Apex Dr., Order No. 16-1006635, all were heard who wish to be heard, hearing recessed at 9:19 PM.

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

ORDERED: That the Communication from Attorney Bergeron on behalf of its client assenting to this public hearing being held on August 29, 2016, **FILE**; adopted.

ORDERED: That the DPW transfer request in the amount of \$84,827.75 which moves funds from Contractual Obligations to various accounts as noted on the attached spreadsheets to fund the recently ratified collective bargaining contract between the City and the DPW Engineers, MA Laborers District Council of the Laborers International Union of North America, Local 176 for FY16-18 which is in effective as of July 1, 2015, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:				FISCAL YEAR:				2017
FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$84,827.75</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$3,317.60</u>	<u>14001101</u>	<u>5108</u>	<u>GIS Administrator</u>	<u>\$61,718.93</u>
Reason:	<u>Contractual Obligation</u>			Reason:	<u>Contractual Obligation</u>			
				<u>\$7,540.40</u>	<u>14001101</u>	<u>50660</u>	<u>Asst. City Engineer</u>	<u>\$142,875.47</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$3,000.00</u>	<u>14001101</u>	<u>50700</u>	<u>Grade II Engineering Aide</u>	<u>\$38,096.30</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$11,836.00</u>	<u>14001101</u>	<u>50710</u>	<u>Junior Civil Engineer</u>	<u>\$234,499.83</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$400.20</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity</u>	<u>\$10,055.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$514.48</u>	<u>14001103</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$12,900.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$3,869.60</u>	<u>14001301</u>	<u>50660</u>	<u>General Foreman</u>	<u>\$73,398.15</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$205.44</u>	<u>14001303</u>	<u>51430</u>	<u>Longevity</u>	<u>\$37,840.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$133.42</u>	<u>14001303</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$28,760.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$3,869.00</u>	<u>14001401</u>	<u>50692</u>	<u>Automotive Maintenance</u>	<u>\$73,383.13</u>

Reason:		Reason:	Contractual Obligation	
		\$104.07	14001403 51430 Longevity	\$3,870.00
Reason:		Reason:	Contractual Obligation	
		\$133.42	14001403 51920 Sick Leave Buy Back	\$5,430.00
Reason:		Reason:	Contractual Obligation	
		\$3,868.87	14001501 50680 General Foreman	\$73,383.15
Reason:		Reason:	Contractual Obligation	
		\$205.44	14001503 51430 Longevity	\$27,726.74
Reason:		Reason:	Contractual Obligation	
		\$133.42	14001503 51920 Sick Leave Buy Back	\$19,511.09
Reason:		Reason:	Contractual Obligation	
		\$3,240.50	60080001 50570 Chemist	\$60,089.93
Reason:		Reason:	Contractual Obligation	
		\$2,465.40	60080001 50580 Asst. Chemist	\$44,090.27
Reason:		Reason:	Contractual Obligation	
		\$28.41	60080003 51430 Longevity	\$710.00
Reason:		Reason:	Contractual Obligation	
		\$109.25	60080003 51920 Sick Leave Buy Back	\$2,735.00
Reason:		Reason:	Contractual Obligation	
		\$15,012.20	60081001 50850 Treatment Plant Operator	\$275,527.97
Reason:		Reason:	Contractual Obligation	
		\$3,868.87	60081001 50910 Chief Treatment Plant Oper.	\$73,383.14
Reason:		Reason:	Contractual Obligation	
		\$447.66	60081003 51430 Longevity	\$11,750.00
Reason:		Reason:	Contractual Obligation	
		\$233.51	60081003 51920 Sick Leave Buy Back	\$10,470.00
Reason:		Reason:	Contractual Obligation	
		\$12,009.80	60085001 50850 Treatment Plant Operator	\$220,963.00
Reason:		Reason:	Contractual Obligation	
		\$3,868.87	60085001 50910 Chief Treatment Plant Oper.	\$73,383.12
Reason:		Reason:	Contractual Obligation	
		\$309.54	60085003 51430 Longevity	\$11,300.00
Reason:		Reason:	Contractual Obligation	
		\$233.51	60085003 51920 Sick Leave Buy Back	\$8,340.00
Reason:		Reason:	Contractual Obligation	
		\$3,868.87	61090001 50680 General Foreman	\$73,383.12
Reason:		Reason:	Contractual Obligation	
Reason:		Reason:	Contractual Obligation	
\$84,827.75	Total	\$84,827.75	Total	

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Transportation Program and Multicultural Outreach Program Grants from BayPath Elder Services in the amounts of \$4,500.00 and \$5,000.00 respectively to continue and expand the highly successful transportation program and the continuation of the Portuguese and Latino outreach program; adopted.

ORDERED:

**CERTIFICATE OF ADOPTION
CITY COUNCIL
CITY OF MARLBOROUGH, MASSACHUSETTS**

**A RESOLUTION ADOPTING THE
CITY OF MARLBOROUGH HAZARD MITIGATION PLAN 2016 UPDATE**

WHEREAS, the City of Marlborough established a Committee to prepare the *City of Marlborough Hazard Mitigation Plan 2016 Update*, and

WHEREAS, the *City of Marlborough Hazard Mitigation Plan 2016 Update* contains several potential future projects to mitigate potential impacts from natural hazards in the City of Marlborough, and

WHEREAS, as part of the process of updating the Hazard Mitigation Plan, duly-noticed public meetings were held by the Planning Board on April 6, 2015 and by the City Council on July 27, 2015,

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council hereby:

1. Formally approves and adopts the *City of Marlborough Hazard Mitigation Plan 2016 Update*, in accordance with the General Laws of Massachusetts and the charter and ordinances of the City of Marlborough, as an official plan of the City of Marlborough; and
2. Authorizes responsible departments and/or agencies to execute their responsibilities and implement the recommended actions demonstrated in the plan.

APPROVED; adopted

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

ORDERED: That the Reappointments of the following individuals to the Council on Aging with staggered terms; Jim Confrey and Richard Collins with four year terms expiring in May 2020, Brenda Costa and Leslie Biggar to three year terms expiring in May 2019, & Rose Marie Elwood and Jeanne McGeough and Pat Gallier to two year terms expiring May 2018, refer to **PERSONNEL COMMITTEE**; adopted.

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

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

On Thursday, September 8, 2016 then and there, for the purpose of casting their votes in the State Primary for the candidates of political parties for the following offices:

REPRESENTATIVE IN CONGRESS	THIRD DISTRICT
COUNCILLOR	THIRD DISTRICT
SENATOR IN GENERAL COURT	MIDDLESEX &
REPRESENTATIVE IN GENERAL COURT	WORCESTER DISTRICT
SHERIFF	4TH MIDDLESEX & 13TH
	MIDDLESEX DISTRICT
	MIDDLESEX COUNTY

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

FILE; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Application for LED Sign Special Permit, V & G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees, 50 Main St., in proper legal form, Order No. 16-1006517A, **TABLED UNTIL SEPTEMBER 12, 2016**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Application for LED Sign Special Permit, CareWell Urgent Care Centers of MA, P.C., in proper legal form, Order No. 16-1006579A, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Favorable Recommendation from the Planning Board to the City Council for Proposed Zoning Amendment-Lawful Pre-Existing Single and Two-Family Residential Structures, Chapter 650, Sections 12 & 58, Order No. 16-1006578A, **FILE**; adopted.

- ORDERED: That Communication from Attorney Bergeron on behalf of Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District, 22 Apex Dr., 16-1006634, assenting to the public hearing being held on September 12, 2016, **FILE**; adopted.
- ORDERED: That the Communication from Attorney Bergeron on behalf of Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr., 16-1006632 & for Proposed Veterinary Hospital, 58 Apex Dr., Order No. 16-1006633, assenting to the public hearing being held on September 26, 2016, **FILE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2016** as **DATE FOR PUBLIC HEARING** On the Petition from NGrid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from Attorney Austin re: Request to Change Location of Easement at 85 Ames St., refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the Minutes, Planning Board, June 6 & June 20, 2016, **FILE**; adopted.
- ORDERED: That the Minutes, School Committee, June 28 & July 11, 2016, **FILE**; adopted.
- ORDERED: That the Minutes, Traffic Commission, June 29 & July 26, 2016, **FILE**; adopted.
- ORDERED: That the Minutes, Conservation Commission, May 19, 2016, **FILE**; adopted.
- ORDERED: That the following **CLAIMS**, refer to the **LEGAL DEPARTMENT**; adopted.
- a. Ronald Teran, 1 Dibuono Dr., other property damage.

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: August 3, 2016

Time: 7:00 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 7:03 PM – Adjourned: 7:25 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; Councilors Clancy, Delano, Juairé, Landers, Ossing and Robey

Also Present: Arthur Vigeant (Mayor); Robin Williams; James Griffin; Elizabeth Evangelous; Thomas Pope

Reports of Committees Cont'd:

Order No. 16-1006628: Reappointments of Robin Williams and James Griffin to the Board of Health for a term of two years expiring on the first Monday in February 2018. Recommendation of the Personnel Committee is to approve the reappointments of Robin Williams and James Griffin to the Board of Health. **Motion made by Councilor Irish, seconded by the Chair, to approve the reappointments. The motion carried 2-1 (Elder opposed.)**

Order No. 16-1006629: Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three years to expire April 1, 2019. Recommendation of the Personnel Committee is to approve the reappointment of Elizabeth Evangelous to the Board of Registrars. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**

Order No. 16-1006630: Appointment of Thomas Pope to the Zoning Board of Appeals for a term expiring five years from date of City Council approval. Recommendation of the Personnel Committee is to approve the appointment of Thomas Pope to the Zoning Board of Appeals. **Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. The motion carried 3-0.**

Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:25 PM.

Councilor Elder reported the following out of the Operations and Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: August 3, 2016

Time: 6:00 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 6:02 PM – Adjourned: 6:58 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Robey and Landers; Councilors Clancy, Delano, Juaire and Ossing

Also Present: Arthur Vigeant (Mayor); Patricia Pope (Executive Director, Council on Aging)

Order No. 16-1006645: That the Mayor meet with the Operations and Oversight Committee to discuss ancillary uses of the Senior Center, in direct opposition to what was discussed with the City Council. The Council was assured that the Center would only be used for activities for seniors, but the Veterans Agent was recently moved there. (Submitted by Councilor Elder) The Operations and Oversight Committee met with Mayor Arthur Vigeant and Council on Aging Executive Director, Patricia Pope, for a discussion of the relocation of the office of the Veterans' Services Agent to the Senior Center. The committee was informed approximately one-third of the State's Veterans' Services Agents are located in their local Senior Centers and this would be the only office moved to the Senior Center as the remainder of the space is used for their programs. Motion made by Councilor Robey, seconded by Chair, to report with no recommendation. The motion carried 3-0. Motion made and seconded, to adjourn. The motion carried 3-0. The meeting adjourned at 6:58 PM.

Reports of Committees Cont'd:

Councilor Robey reported the following out of the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee
Tuesday, August 9, 2016– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Juaire and Councilor Delano. Also attending were Cynthia Panagore Griffin, Assistant City Solicitor and Tom DiPersio, City Engineer.

Order No. 16-1006622: Order of acceptance of Permanent Easement from Bell Fund V Marlborough LLC for an approximately 4,799 SF portion of land on Elm St. at Millham Brook.

Mr. DiPersio explained this easement was necessary so the City could complete reconstruction and maintenance of the Millham Brook culvert that passes beneath Elm St. but the eastern side is on private property. The letter from the Mayor dated July 21, 2016 stated that no appropriation of funds was necessary as funding was available thru the reconstruction project.

Councilor Delano moved to recommend approval of Order 16-1006622 for the permanent drainage easement in an approximately 4,799 SF portion of land located on the easterly side of Elm Street at Millham Brook, including the culvert, and acceptance as a municipal easement with the attached Grant of Permanent Easement and the Plan of Land. The motion was seconded and carried 3-0.

It was moved and seconded to adjourn the Legislative & Legal Committee meeting; seconded and carried 3-0. Meeting adjourned at 6:10 PM.

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

Meeting Name: City Council Public Services Committee

Date: August 24, 2016

Time: 6:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 6:30 PM – Adjourned: 6:51 PM

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

Also Present: Jody Gaudet (Comcast); Thomas DiPersio, Jr., P.E. (City Engineer)

Order No.16-1006609: Petition of Comcast to excavate and place 1-3” schedule 40 PVC conduit across the alley-way that connects Main Street and Weed Street between buildings #200 Main Street and #194 Main Street starting at the existing Comcast hand hole, excavate and place conduit in a westerly direction toward the rear of #200 Main Street for a distance of 21 +/-feet. Jody Gaudet, Comcast representative, explained the petition was a request for permission to install service to the business located at 200 Main Street. The Public Services Committee confirmed the location and scope of the work with Mr. Gaudet.

Reports of Committees Cont'd:

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

1. The contractor performing the work should confirm with this department whether a street opening/trench permit is required, based on the depth of the proposed excavation.
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-owned or private property unless permission is granted in writing by the property owner(s).
3. The contractor is to ensure pedestrians along the work site are able to safely access parking areas and building entrances, and that construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
4. The excavation is to be paved, or completely backfilled and compacted at the end of each work day, and should never to be left unattended.
5. Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
6. The alley-way is owned by the Marlborough Redevelopment Authority. Comcast shall coordinate with them to obtain any easements as necessary prior to work commencing.

Motion made by Councilor Irish, seconded by Councilor Doucette, to approve. The motion carried 3-0. Motion made by Councilor Irish, seconded by Chair, to request a suspension of the rules at the August 29, 2016 City Council meeting to take action on the petition. The motion carried 3-0.

Motion made by Councilor Doucette, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:51 PM.

Councilor Ossing reported the following out of the Rules Committee:

Meeting Name: City Council Rules Committee

Date: August 9, 2016

Time: 3:00 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 3:07 PM – Adjourned: 4:00 PM

Present: Chairman Clancy; Rules Committee Members Councilors Delano and Ossing; Councilor Robey

Also Present: Lisa Thomas (City Clerk); Mark Gibbs (Director, Information Technology Systems); Dan Guindon (Executive Director, WMCT-TV Studios); Karen Boule (City Council Secretary)

Reports of Committees Cont'd:

Order No. 16-1006646: That all city councilors be given the choice to opt out of all paper communications and be allowed to bring a tablet or laptop to council meetings for informational purposes.

The Rules Committee met with City Clerk Lisa Thomas and Information Technology Director Mark Gibbs for a discussion regarding the use of electronic devices, either laptops or tablets, by members of City Council during meetings to access agendas and other relevant documents. They agreed some members may continue to receive paper copies of all documentation however for those opting to reduce their paper usage they would be allowed to use a personal laptop or tablet for viewing meeting documents.

City Council Rule 3 would be amended (italicized text) as follows:

3. Electronic devices, including laptops, cell phones, pagers, and PDA's must be turned off or put on silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the Chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes. *City Councilors may use a laptop or a tablet, but not a cell phone, for the purpose of viewing City Council or other pertinent documents. The purpose of this rule is to reduce the use of paper. Councilors shall not text, email, or otherwise use electronic devices to communicate during regular meetings or committee meetings.*

Motion made by Councilor Ossing, seconded by the Chair, to amend the rules regarding electronic devices and their use by City Council members during meetings. The motion carried 3-0.

Motion made by Councilor Delano, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 4:00 PM.

Suspension of the Rules requested – granted**ORDERED:**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent drainage easement in an approximately 4,799 S.F. portion of land located on the easterly side of Elm Street at Millham Brook, including the culvert, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled “Plan of Land In Marlborough, Massachusetts, Prepared For: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Prepared By Bruce Saluk & Associates, Inc., Civil Engineering & Land Surveying, 576 Boston Post Road East, Marlborough, MA 01752; Date: August 4, 2015; Scale: 1” = 20’; said Plan to be recorded at the Middlesex County South Registry of Deeds;

Title to the permanent drainage easement as shown on said plan has been granted to the City of Marlborough in a Grant of Permanent Easement from Bell Fund V Marlborough, LLC, said Grant of Permanent Easement to be recorded in the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The permanent drainage easement in an approximately 4,799 S.F. portion of land located on the easterly side of Elm Street at Millham Brook be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

President Clancy called a recess at 9:43 PM and returned to open session at 9:45 PM.

Suspension of the Rules requested – granted

ORDERED: That the Petition of Comcast to evacuate and place 1-3" Schedule 40 PVC conduit across the alley-way that connects Main St. and Weed St. between buildings #200 Main St. and #194 Main St. Starting at the existing Comcast hand hole, excavate and place conduit in a westerly direction toward the rear of #200 Main St. for a distance of 21"+/-, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The contractor performing the work should confirm with this department whether a street opening/trench permit is required, based on the depth of the proposed excavation.
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-owned or private property unless permission is granted in writing by the property owner(s).
3. The contractor is to ensure pedestrians along the work site are able to safely access parking areas and building entrances, and that construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
4. The excavation is to be paved, or completely backfilled and compacted at the end of each work day, and should never to be left unattended.
5. Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
6. The alley-way is owned by the Marlborough Redevelopment Authority. Comcast shall coordinate with them to obtain any easements as necessary prior to work commencing.

Suspension of the Rules requested – granted

ORDERED: That the City Council Rule 3 would be amended (italicized text) as follows:

3. Electronic devices, including laptops, cell phones, pagers, and PDA's must be turned off or put on silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the Chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes. *City Councilors may use a laptop or a tablet, but not a cell phone, for the purpose of viewing City Council or other pertinent documents. The purpose of this rule is to reduce the use of paper. Councilors shall not text, email, or otherwise use electronic devices to communicate during regular meetings or committee meetings.*

APPROVED; adopted.

ORDERED: That the Mayor be requested to submit a transfer in the amount of \$100,000.00 to the City Council from the City's Economic Development Fund to the MEDC for a performance center facility study and temporary operational funds through June 30, 2017. The funds will be used to complete a performance center study hopefully leading to outside financial grants, to host a number of performances throughout the community; and to gauge interest from the citizenry and business community regarding the merits of a downtown performance center and its importance to the economic vitality of the downtown and city at large.

The MEDC shall act as financial fiduciary, while the studies, performance organization and management, and outreach will be the responsibility of the Performing Arts ad hoc committee appointed by Mayor Vigeant, refer **URBAN AFFAIRS COMMITTEE**; adopted.

Councilor Elder opposed.

ORDERED: That the Marlborough Economic Development Corporation work with WMCT-TV to record their meetings to be publicly broadcast for the entire city to watch, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

President Clancy orally noted a hand count of nine Councilors who were in favor of the referral and two Councilors (Delano & Clancy) who were opposed.

ORDERED: That the Appointment of Karen Bento to the Library Board of Trustees for a term to expire three years from date of City Council approval, **APPROVED**; 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, **APPROVED**; adopted.

Councilor Doucette recused.

ORDERED:

**DECISION ON AN LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

**LED Sign Special Permit
CareWell Urgent Care
757 Boston Post Road East
Order No. 16-1006579B**

**DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006579B**

The City Council of the City of Marlborough hereby GRANTS the application for an LED Sign Special Permit to CareWell Urgent Care Centers of MA, P.C. (the "Applicant") for the property located at 757 Boston Post Road East in Marlborough Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Fact and Conditions.

PROCEDURAL FINDINGS

1. The owner of the property located at 757 Boston Post Road East in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel 30 (the "Site") is Route 20 Marlboro Properties LLC.
2. On May 12, 2016, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks an LED Sign Special Permit pursuant to Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of Chapter 526 of the City Code of the City of Marlborough (the "Sign Ordinance") to operate a free-standing sign to include a light emitting diode message sign (the "Sign") at the Site.
3. The Sign overall is approximately 14.7 square feet (73" wide by 29" high) with a double-faced color emitting diode message sign located below an internally illuminated sign on a free-standing pylon sign approximately 25' high. The Sign installer is Back Bay Sign, 65 Industrial Way, Unit I, Wilmington, MA 01887.
4. In connection with the Application, the Applicant has submitted schematic design plans of the Site and signage, which plans show the Sign and location of the Sign on the Site.
5. The Marlborough City Council held a public hearing on the Application on Monday, June 20, 2016.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.
7. The Applicant further presented its Application at the Urban Affairs Committee meeting held on July 19, 2016. As a result of that meeting, the Sign's size has been reduced in size to the dimensions referenced in paragraph 3 above, and as per the 2-page plan submitted by Back Bay Sign on July 27, 2016 and referenced in condition 2 below.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for a special permit under the Sign Ordinance.
- B. The City Council finds that the sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.

- C. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under the Sign Ordinance, hereby GRANTS the Applicant an LED Sign Special Permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

CONDITIONS

1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough. The Sign shall conform to the Sign Ordinance of the City of Marlborough without a request, or need, for a variance.
2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the 2-page plan entitled "CareWell Urgent Care, 757 Boston Post Road, Marlborough, MA," prepared by Back Bay Sign, 65 Industrial Way, Unit I, Wilmington, MA, Job# 1224822, dated 1/21/2016, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

Yea: 11 – Nay: 0 –

Yea: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing, & Robey

ORDERED: That the Application by Vrej Askanian to operate an LED illuminated changeable gas pricing sign at Discount Gas Station located at 50 Main Street, **TABLED UNTIL SEPTEMBER 12, 2016;** adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:27 PM.



IN CITY COUNCIL

JULY 25, 2016

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 12, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District., 22 Apex Dr., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 12/11/16 which falls on a Sunday, therefore Monday, 12/22/16 would be considered the 90th day.

ADOPTED

ORDER NO. 16-1006634



IN CITY COUNCIL

JULY 25, 2016

Marlborough, Mass., _____

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows:

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

BOARDING HOUSE or LODGING HOUSE

A building or a portion thereof in which rooms or suites of rooms are let for fee as places of human habitation, either permanently or transiently, to four or more persons or which requires a license as required by MGL c. 140, § 22 et seq., as amended. The term "boardinghouse or lodging house" shall exclude convalescent homes, nursing homes, assisted living facilities, shelters, hotels and motels which are licensed as such pursuant to applicable state law.

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

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

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

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

4. Adding to Section 650-48.A a new item (16) as follows:

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

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, SEPTEMBER 12, 2016.**

ADOPTED

ORDER NO. 16-1006631



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2016 SEP -8 4:11:57
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

September 8, 2016

Edward Clancy
President
Marlborough City Council

RE: Order No. 16-1006458B
Reporting Obligations After a Devastating Event

Dear President Clancy:

As discussed at the Legislative & Legal Affairs Committee meeting held on March 14, 2016, it was suggested that a new Article III be added to Chapter 485 of the City Code (Property Maintenance) that would delineate steps which property owners would need to take after their building or structure had undergone a devastating event such as a fire.

Accordingly, enclosed is the proposed new Article III, entitled "Reporting Obligations After a Devastating Event." If enacted, it would join Article I, "Antiblight; Nuisances," and Article II, "Registration and Maintenance of Abandoned and/or Foreclosing Residential Properties."

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Arthur Vigeant, Mayor
Douglas Scott, Interim Building Commissioner
Pamela Wilderman, Code Enforcement Officer

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 485, ENTITLED "PROPERTY MAINTENANCE," AS FOLLOWS:

1. Chapter 485, entitled "Property Maintenance," is hereby amended by adding a new Article III, entitled "Reporting Obligations After a Devastating Event," as follows:

ARTICLE III: Reporting Obligations After a Devastating Event

Section 485-16. Definitions.

When used in this article, the following terms shall have the following meanings, unless a contrary intention clearly appears:

BUILDING

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed of a combination of any materials, to form shelter for persons, animals, or property.

CITY

The City of Marlborough.

COMMISSIONER

The Building Commissioner of the City of Marlborough or his/her designee.

DEVASTATING EVENT

A fire, gas explosion, lightning strike, storm, flood, falling tree, earthquake, act of vandalism, plumbing burst or freeze, or other similar event that significantly damages, in the estimation of the Commissioner, a building or structure located, at least in part, within the City.

OWNER

Every person, entity, mortgage lender, service company, property manager or real estate broker, who alone or severally with others:

A. Has legal or equitable title to any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise; or

B. Has care, charge or control of any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

C. Is a mortgagee in possession of any such dwelling, dwelling unit, mobile home unit, building or parcel of land, vacant or otherwise; or

D. Is an officer or trustee of the association of unit owners of a condominium;

F. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or

G. Is a person who operates a rooming house.

STRUCTURE

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

Section 485-17. Reporting Obligations.

A. Within 72 hours after a devastating event, the owner of the building or structure damaged by the devastating event shall report in writing to the Building Commissioner the name, mailing address, and contact information including phone number of the insurance company providing insurance on the building or structure, as well as the name, mailing address, and contact information including phone number of any licensed public insurance adjuster retained by or on behalf of the owner.

B. No later than 30 calendar days after the date of the devastating event, and at no less than 30-calendar-day intervals thereafter, the owner shall report in writing to the Building Commissioner the status of settlement negotiations with the insurer of the damaged building or structure, together with a timetable for repairing, renovating or otherwise disposing of the building or structure. The building or structure will be subject to evaluation by the Building Commissioner or his/her designee every 30 calendar days after the date of the devastating event.

C. Failure of the owner to comply, within the pertinent 30-calendar-day period, with the reporting obligations of this Section 485-17 shall subject the owner to the antiblight provisions set forth in Article I of this Chapter.

D. Nothing contained in this Section 485-17 shall prohibit the City from seeking any relief the City deems appropriate to protect and advance the health, safety, welfare and aesthetic concerns of the public, including but not limited to a demolition order pursuant to M.G.L. c. 139, § 1; an inspection of the building or structure by the Building Commissioner or his/her designee pursuant to M.G.L. c. 143, § 6; or a referral of the matter

to the City's Board of Health to enforce the provisions of the sanitary code including by means of judicial appointment of a receiver pursuant to M.G.L. c. 111, § 127I. All costs incurred by the City pursuant to this section shall constitute a debt due the City pursuant to the provisions of M.G.L. c. 139, § 3A, M.G.L. c. 143, § 9, or M.G.L. c. 111, § 125, as applicable.

2. Since the deferred operation of this ordinance would tend to defeat its purpose, which is to make effective its provisions as soon as possible in order to protect the health and safety of the people or their property, this ordinance shall become effective immediately upon passage.

ADOPTED

In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Lisa Thomas

From: City Council
Sent: Thursday, September 8, 2016 11:08 AM
To: Lisa Thomas
Subject: For Sept 12 agenda - Withdrawal of Special Permit Application- Veterinary Hospital

Sent from my iPhone

Begin forwarded message:

From: Kevin Eriksen <keriksen@raventures.net>
Date: September 8, 2016 at 11:03:05 AM EDT
To: "citycouncil@marlborough-ma.gov" <citycouncil@marlborough-ma.gov>
Cc: "Bergeron, Arthur P." <abergeron@mirickoconnell.com>, "Falk, Brian R." <bfalk@MirickOConnell.com>, "Joseph D. Peznola" <jpeznola@hancockassociates.com>
Subject: **Withdrawal of Special Permit Application- Veterinary Hospital**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 SEP -8 A 11:11

Hi Karen,

I hope all is well. Ryan Development intends to withdraw its Special Permit application for the Veterinary Hospital at Apex Center. I will be sending a formal letter to this effect to your attention hopefully later this afternoon. Thank you in advance.

Sincerely

Kevin

Kevin S. Eriksen
General Counsel
Ryan Development, LLC
4 Lan Drive
Westford, MA 01886
Direct Dial: 978-850-4029
Tel: (978) 692-9450 Ext. 103
Fax: (978) 692-4424



September 8, 2016

Councilor Edward Clancy, President Marlborough City Council
City Hall
Marlborough, MA 01752

**Re: Apex Center- Special Permit Application for Proposed Veterinary Hospital
58 Apex Drive, Marlborough, MA**

Dear Councilor Clancy and Councilors:

Please accept this letter as the Applicant's formal withdrawal without prejudice of the above referenced Special Permit Application for a Proposed Veterinary Hospital at 58 Apex Drive. Kindly process in your usual manner. Thank you for your anticipated consideration and please do not hesitate to contact me directly with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin S. Eriksen", written over a horizontal line.

Kevin S. Eriksen
General Counsel



MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 SEP -8 A 11: 51

Arthur P. Bergeron
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.860.1470
f 508.463.1385

September 8, 2016

HAND DELIVERED

Councilor Edward Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Zoning Amendment

Dear Councilor Clancy:

I represent Cameron Realty Trust, the owner of land located at 28 South Bolton Street. The property is located entirely within the Marlborough Village District.

Cameron Realty Trust respectfully requests that the City Council consider amending the Zoning Ordinance as specified in the attached Proposed Order. Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Pursuant to City Council Order No. 91-3822A, I am notifying you that Mirick O'Connell is representing Cameron Realty Trust in this matter before the City Council.

Very truly yours,

Arthur P. Bergeron

APB/

PROPOSED CITY COUNCIL ORDER

ORDERED:

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

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

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

NOTES:

1. Note deleted.
2. Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
3. Where abutting a residence district.
4. Except where abutting a residence district, shall be 50 feet.
5. Except for buildings extending through a block or to a railroad siding.
6. For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
7. However, this frontage need not be contiguous.
8. No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.
9. Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
10. Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.

11. Maximum lot coverage for a Large Tract Development Lot shall be 50%.
12. Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. [See Section 650-33(F).]
13. Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
14. Except along ~~Main Street~~ within the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
15. Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



2016 SEP -3 A 11:49

Arthur P. Bergeron
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.860.1470
f 508.463.1385

September 8, 2016

HAND DELIVERED

Councilor Edward Clancy, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Site Plan Application for Marlborough on Main; 163-175 Main Street

Dear Councilor Clancy:

Enclosed please find a Site Plan Review Application package submitted on behalf of my client, Marlborough on Main Development LLC, for a mixed-use project at 163 – 175 Main Street in the Marlborough Village District.

This project consists of a 68,921 square foot, 6-story building with 32 residential condominium units and a ground floor restaurant. The project will incorporate the former bank building at 175 Main Street, and will include 28 on-site parking spaces on the ground floor. Pursuant to Section 650-18(42) of the Zoning Ordinance, the project requires Site Plan Review by the City Council in accordance with Section 270-2 of the City Code.

Pursuant to City Council Order No. 91-3822A, I am notifying you that Mirick O'Connell is representing Marlborough on Main Development LLC in this matter before the City Council.

Very truly yours,

Arthur P. Bergeron

APB/

cc: Kevin Brett
Brian R. Falk, Esq.



City of Marlborough

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

Type of Hearing (check one)

Major Renovation Minor Renovation

Please Print

DATE: 9/8/2016

PROJECT

Name of facility: Marlborough on Main

Address: 163-165, 167-171 and 175 Main Street

Assessor's Map No. 70-77, 70-78, 70-79 Parcel No. _____

APPLICANT

Name: Marlborough on Main Development LLC

Address: 57 Mishawum Road, Woburn, MA 01801

Telephone: (508) 929-1678 (Attorney Brian R. Falk) Fax: (508) 983-6256

Email: bfalk@mirickoconnell.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: SAME

Address: _____

Telephone: _____ Fax: _____

Email: _____

APPLICANT'S ENGINEER (preparing site plan)

Name: Bruce Saluk and Associates, Inc.

Address: 576 Boston Post Road East, Marlborough, MA 01752

Telephone: (508) 485-1662 Fax: _____

Email: bruce@salukassoc.com

APPLICANT'S LANDSCAPE ARCHITECT

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

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.)

This mixed-use project consists of a 68,921 square-foot, 6- story building with 32 residential
condominium units and a ground floor restaurant. The project will incorporate the former
bank building at 175 Main Street. The project will provide 28 on-site parking spaces on the
ground floor.

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) Marlborough Village District

WHAT OTHER PERMITS REQUIRED (check off which applies)

- | | |
|---|---|
| <input type="checkbox"/> City Council for Special Permit | <input type="checkbox"/> Blasting Permit (Fire Dept) |
| <input type="checkbox"/> ZBA Special Permit | <input type="checkbox"/> Title V Approval (Board of Health) |
| <input type="checkbox"/> ZBA Variance | <input type="checkbox"/> Food Permit (Board of Health) |
| <input type="checkbox"/> Wetlands Protection Act | <input checked="" type="checkbox"/> Building Permit (Building Dept) |
| <input type="checkbox"/> Section 404, Clean Water Act (Army Corps) | <input type="checkbox"/> Sign Permit (Building Dept) |
| <input type="checkbox"/> C 91 Waterways Permit | |
| <input type="checkbox"/> Subdivision Control Act (Planning Board) | |
| <input type="checkbox"/> State Curb Cut (MA Highway) | |
| <input type="checkbox"/> Indirect Access Permit (MA Highway) | |
| <input type="checkbox"/> MEPA ENF or EIR (EOEA) | |
| <input type="checkbox"/> Sewer Connection Permit (DPW, City Council, DEP) | |
| <input checked="" type="checkbox"/> Street Opening Permit (DPW, Engineering Dept) | |
| <input type="checkbox"/> Sewer Connection (DPW, City Council, DEP) | |
| <input type="checkbox"/> Other: _____ | |

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? _____

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)

Site Plan: Marlborough on Main Street	9/7/16	Bruce Saluk
Title	Date	Stamped By

Fee

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

$$\begin{array}{r}
68,921 \times \$0.06 = \$4,135.26 \\
+ \$2,000.00 \\
\hline
\$6,135.26
\end{array}$$

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: September 13, 2016

Name of Newspaper: MetroWest Daily News
(Form of notice attached)

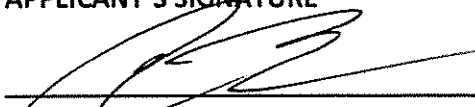
HISTORIC BUILDING NOTICE

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 Brian R. Falk, Esq.
Attorney for the Applicant 9/8/2016
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.

Office Use Only:

Date Received: _____

Site Plan Number: _____

SITE PLAN APPROVAL PUBLIC NOTICE FORM

Applicants for Site Plan Approval under Chap 270-2 of the Marlborough City Code must publish a public notice once in a newspaper of local circulation, using the format below at least once within two weeks of filing an application. A copy of the public notice must be submitted to the Building Dept with the application for Site Plan Approval.

Metrowest Daily News, Framingham 01701
Advertising: Fax: 1-781-453-6650

City of Marlborough Public Notice of Site Plan Submission

A proposed site plan has been submitted for the following project and is available for public inspections during regular business hours at the office of the Building Inspector, City Hall, Second Floor, 140 Main Street, Marlborough, MA 01752

Project Name and Type or Use: Marlborough on Main

Project Street Address: 163-175 Main Street, Marlborough, MA

Applicant's Name: Marlborough on Main Development LLC

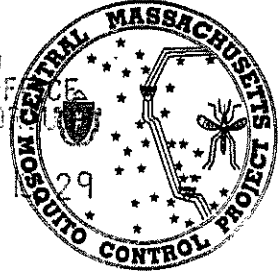
The City will accept public comments in written form until 14 days from the date of this publication. This notice is published in accordance with the City Code, Chapter 270-2 Site Plan Review and Approval.

MEMO

Central Mass. Mosquito Control Project

www.cmmcp.org

RECEIVED
CITY CLERK'S OFFICE
F. HARLOW
2016 AUG 29 A 12:29



DATE: Aug. 25, 2016
SUBJECT: Mosquito Control Update
TO: CMMCP member Boards of Health
FROM: Timothy Deschamps, Executive Director

The standard residential spraying program will cease at the end of August due to reduced mosquito populations and decreasing service requests from residents. As we get closer to the end of summer, cooler night time temperatures tend to predominate. Low temperatures reduce mosquito activity and the effectiveness of the pesticide. Spraying is not allowed until after sunset, and is prohibited at temperatures below 50°F due to label restrictions.

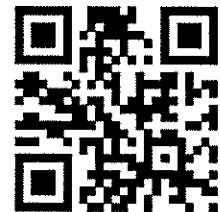
West Nile Virus has been found in scattered areas in Mass. this year, with one human case to date in the Middlesex County region. **We are entering into the highest risk part of the season, a time where spraying interventions may not always be possible.** Our surveillance staff will continue to trap, identify and test mosquitoes until MDPH ends the testing program. Please continue to push the message of exercising caution when outside, using repellents and wearing long sleeved shirts and long pants whenever possible.

If virus is identified in your community, we will coordinate with you to determine the appropriate response. Risk from mosquito-borne disease may be present even after spraying, and may be present until we have several widespread, killing frosts.

On our website we post weekly information from our arbovirus surveillance program: <http://www.cmmcp.org/summary.htm>. Please feel free to contact me if you have any questions, and you can log on to our website at any time at <http://www.cmmcp.org> for additional information.

Thank you

cc: Member City/Town Clerks
Member Police Departments



<https://www.facebook.com/Central.Mass.Mosquito>

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twitter

<https://twitter.com/CMassMosquito>

Marlborough, MA
Zoning Board of Appeals
Minutes
July 26, 2016

RECEIVED
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CITY OF MARLBOROUGH

2016 AUG 25 P 3:38

Members Present: Paul Giunta - Chairman, Theodore Scott and Thomas Golden

Public Hearing:

185 Cullinane Dr. – Shawn McCarthy

Petition: Shawn McCarthy proposes to construct an attached garage which will be at its closest point 7 ft. to the side lot line at one corner and 9 ft. at another corner vs. the 10 ft. minimum required - (structure built prior to 1969). The property in question is located at 185 Cullinan Dr. Being Map 6, Parcel 95 of the Assessor's Maps. (Zoning District A-3).

The hearing was opened with the reading of the legal ad by Thomas Golden.

Paul Giunta, Chairman, informed the audience that the Board only has 3 members present this evening. To hear testimony, a quorum of at least 4 members, of a 5 member Board, must be present. The Board apologized to the audience the inconvenience this may have caused.

A motion was made by Paul Giunta, seconded by Thomas Golden to continue the public hearing to August 24th, 2016 (Wednesday) at 7:00 PM.

The Board voted 3-0 to continue the public hearing to August 24th (Wednesday) at 7:00 PM.

Discussion/Other Business:

- The Board talked about increasing the ZBA filing fees. They requested Susan, Secretary, to do some research on what surrounding cities have as a fee schedule.
- The Board touched basis on the new Zoning Board application forms which member Ted Scott created. This item was moved to the Board's next meeting for additional review.

Adjournment – With no other business, the meeting was adjourned.

Respectfully,


Paul Giunta - Chairman

Marlborough, MA
Zoning Board of Appeals
Minutes
August 24, 2016

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 SEP -7 P 3:09

Members Present: Paul Giunta-Chairman, Theodore Scott, Thomas Golden and Ralph Loftin

Petition: The applicant is proposing to construct an attached 2 car garage (22 ft. x 26 ft.) with a 6.6 ft. breezeway. The proposed garage (corner) is some 2.0 ft. from the corner of the existing house. The proposed garage will be 15 ft. from the front lot line vs. the 20 ft. minimum required. The proposed side lot line setback will be 7 ft. at its' closest point. (built prior to 1969) The applicant is seeking a variance in accordance to Mass General Law Chapter 40A §10.

The property in question is located in Zoning District A-3, being Map 6, Parcel 95 of the Assessor's Maps. The existing street line of the lot is a 90° angle rather than a radius causing the front lot corner to be located into the lot. The topography is very steep extending from the patio area to the shore of Ft. Meadow Reservoir. The lot contains some 14,885 ± sq. ft. It appears that a majority of the abutting lots in the neighborhood are smaller in area. 185 Cullinane is one of the largest lots in the area with #181 Cullinane containing some 17,000 ± sq. ft. All other lots in the area contain 5,000 ± sq. ft.

Submittals:

- The applicant submitted a plan entitled: Certified Plot Plan in Marlborough, MA 185 Cullinane Dr. Prepared by Savello & Associates, 32 Pearl St. Marlborough, MA dated: April 19, 2016 (Rev. June 10, 2016) – in Board's file.
- A statement letter from the applicant, dated July 26, 2016 (in Board's file) which was read by the applicant.
- The applicant submitted to the Board for their file a few photos of lots in the area being built with structures that do not conform to current setbacks. (photos in Board's file)

Present this evening was the applicant Shawn McCarthy and his wife, their representative – Karen Keegan of Guarantee Builders. Also in the audience was Virginia Daluise owner of 181 Cullinane Dr.

Site specifics:

- On the lot is a shed at the rear of the property.
- At the side of the house where the proposed garage will be constructed, is a side egress and a bulk head.
- At the rear of the lot is Ft. Meadow Reservoir.
- This is a pre-existing non-conforming lot.
- Most of the lots in this area are pre-existing non-conforming. (Built prior to 1969)

- The shape of the lot is pie shape, flaring outward and slopes to the rear down to Ft. Meadow Reservoir. Similar lots located on this side of Cullinane Dr. slopes down to Ft. Meadow Reservoir.
- The front lot line is joined to create a 90° angle.
- The existing house is 18.8 ft. to the front lot line.
- The other side of the house has a considerable slope with less area to construct

The stated **hardship** by the applicant are as follows:

- The topography of the lot – having a steep drop at the rear of the lot, leaves less level land to construct any structure.
- The 90° angle as the front lot line, adds to the difficulty of positioning an attached two car garage.
- The location of the existing side egress and the bulk head further adds to their limited options for this garage.
- To locate this proposed 2 car garage in another location on the lot would impede his and his neighbors' view of the lake.
- Environmentally, he felt it would be better to located his proposed two car garage further away from Ft. Meadow Reservoir, thus creating less of an impact to the lake.
- He could remove the existing shed at the back, and move the proposed garage toward that location, but the back wall of the garage may have to be 10 ft. tall due to the slope of the lot.
- Cannot remove the bulk head because of the cellar configuration. The cellar is only under the middle third of the house
- To move the proposed garage closer to the side of the house, would result in having to relocate their side egress and bulk head. They would have to reconfigure the kitchen (which will be costly).

Appearing in **favor** of the petition:

- Virginia Daluise – 181 Cullinane Dr. She was in favor of the proposed petition. She commended the applicant for locating the proposed 2 car garage in an area of the lot which will not block the neighbors' view of the lake.

No one appeared in opposition.

The Board determined the following:

- The proposed attached two car garage could be a one car garage, thus not needing a variance for side yard setback.
- It could be a detached garage.
- Eliminate the proposed breezeway and move the side egress and bulkhead, so a variance for side setback is not needed.
- Some Board members felt that the front yard setback was legitimate criteria for a variance.
- Lacking insufficient lot area, being an inconvenience, or being financially feasible to the applicant, does not constitute a hardship.

- The applicant's testimony did not meet the criteria for a variance as quoted in Mass. General Law Chapter 40A §10.

The Board gave the applicant the option to Withdraw Without Prejudice, so he can go back to drawing board to see if he can come up with a better plan. The Board explained to the applicant that there are 4 members present, and in order to receive a variance he must get 4 affirmative votes. If he received a denial, he can't come back to the Board with the same plan for 2 years.

After much discussion and hoping the Board would recognize his good intentions to improve his lot and not to impede his neighbors' view of the lake, the applicant requested to "Withdrawn Without Prejudice".

On a motion by Theodore Scott and seconded by Paul Giunta, and with a vote of 4-0, granted the applicant to Withdraw Without Prejudice.

With no other testimony taken or given, the public hearing was closed.

Respectfully submitted,


Susan Brown
Secretary

CITY OF MARLBOROUGH MEETING MINUTES

Meeting: Marlborough Cultural Council
Date: November 2, 2015
Time 7:00pm
Location: Mayors Conference Room, 4th Floor
City Hall, 140 Main Street
Marlborough, MA 01752

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CITY OF MARLBOROUGH

2016 AUG 26 P 12:05

Attendance: J. David Elmore, Mark Bartlett, Melissa Vera, Renee Perdicaro, Sandra Pirie-St.Amour

The Meeting was called to order by Chair, J. David Elmore at 7:15pm

- 1. Reviewed and approved minutes of December 8, 2014 voting meeting
2. Reviewed Correspondence
3. Nomination/Voting for Approval of Officers (remain the same)
J. David Elmore, Chair
Mark Barlett, Treasurer
Sandra Pirie-St.Amour, Secretary
4. Reviewed Approval Guidelines. (No changes)
5. Reviewed Finances/Spreadsheet. (\$10,937 to be awarded)
6. Reviewed Grant Applications for compliane with MCC guidelines. Agreed that 4 applications would be denied and 16 approved. Allocated value of awards based on benefit to community and funds available.
7. Voted as follows for FY 2016 grant applications
DENIED (criteria for denial) APPROVED \$ ALLOCATED
Blue Hill Adventure (c, i, b) Hudson Arts Alliance \$1,587
Metrowest Symphony Orchestra (c) Ghost Light Players \$1,500
The Marlble Collection (d) Assabet Valley Master Singers \$700
The Audio Journal (c, d) Richer Elementary School \$1,750
Northboro Area Community Chorus \$300
The Discovery Museum \$250
Ruth Horcovitz \$250
Friends of Marlboro Public Library Yacyshyn Concert \$350
Friends of Marlboro Public Library Special Programs \$350
Friends of Marlboro Public Library McConnell Series \$350
Jaworeck Elementary School \$1,750
Marlboro High Tri-M Music Honor Society \$500
Chamber Music Metrowest \$350
Symphony Pro Musica \$250
Handel & Hayden Society \$350
New Reperatory Theatre \$350
8. Meeting was adjourned at 8:15pm

Respectfully submitted by Sandra Pirie-St.Amour, Secretary, Marlborough Culturll Council November 4, 2015

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
License Board
140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

2016 AUG 26 P 2:47

Minutes of the License Board Regular Meeting Held Wednesday, July 20, 2016
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Dave Bouvier, Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

- **Loyal Order of Moose (8)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved
- **ITAM (5)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

2. Change of Premise Application – Firefly’s

Chris Flood, Esq.

Attorney Flood presented the application requesting removal of a portion of the premises from the basement on the side of the building facing Concord Street, a 8' x 3' area with a locked gate, that will no longer be part of the Liquor Licensed premise but used exclusively for the catering business.

Public Meeting opened at 7:33

Requests for other positive comments/questions returned none

Requests for negative comments returned none

Public Meeting Closed at 7:37

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

3. Change of Manager – Firefly’s

Chris Flood, Esq./Steve Urliss

Chris Flood, Esq. presented the application that places Steve Uliss as the manager of the establishment

Member Bouvier motioned for approval, Member Mitrakas seconded; Board vote: 3-0 approved

4. Class II Car Dealership Application – Amando Lamas

Application was not complete – no location.

5. Reports from Chairman

- Correspondence re: ITAM from Ms. Tayler
- Agreed that a letter would be sent to Ms. Taylor acknowledging receipt and while recognizing the parking issues it is legal and not the purview of this board. While not discounting that the public drunkenness may have been observed by the complainant, the music, noise and drinking were not deemed in excess by a Board member who attended the event for several hours in the late afternoon.
- Member Mitrakas motioned to have the letter drafted by the clerk and the letter from the complainant placed in file, Member Bouvier seconded. Board vote 3-0 to draft letter and place complainant letter on file.

6. Misc. Correspondence

- There was no correspondence to review

7. Review of Minutes

June 29, 2016, Regular meeting

Member Bouvier motioned to accept and place on file the minutes of the June 29, 2016 regular meeting Member Mitrakas seconded. Board Vote 3- 0 to approve June 29, 2016 minutes of regular meeting and place on file.

Next meeting will be Wednesday. August 24, 2016 at 7:30

Motion made to adjourn: 8:30 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

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CITY OF MARLBOROUGH

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2016 AUG 30 P 4: 28
July 25, 2016

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay, Shawn McCarthy & Brian DuPont. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio Philip Hodge & Edward Coveney were absent

1. Meeting Minutes:

A. Regular Meeting June 20, 2016

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

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

Mr. DuPont noted that he and Mr. Gibbs are working towards getting this issue ironed out, so there can be a new calendar page for the Board to utilize.

Chairperson Fenby also noted that she is still working on meeting with the Mayor to discuss the reappointment of sitting members.

3. Approval Not Required:

A. 143 Brigham Street (Thompson-Liston Assoc.)

Mr. Andrew Liston was in attendance to present the ANR plan to the Board.

Ms. Hughes read the request into the record. .

Ms. Hughes also read the favorable response from the Engineering Department into the record.

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

Chairperson Fenby noted to Mr. Liston that the procedure is to have the Board refer the ANR Plan to the Engineering Department for Review NOT The reverse which seems to have happened in this case. However, as the Board is on its summer schedule and does not have a scheduled meeting in the 21-day allotted time period for determination this reversal of procedure will be allowed in this instance.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to endorse the ANR.

Titled: Plan of Land in Marlborough, Massachusetts

Owned By: Alison L. Grice, 143 Brigham St, Marlborough

Prepared By: Thompson-Liston Associates, Inc., 51 Main St, Boylston, MA 01505

Dated: June 21, 2016 Revision Date: July 11, 2016

Motion carried.

B. Correspondence from City Engineer to Mauro Farms Re: Open Space Parcels

Ms. Hughes read the correspondence from City Engineer DiPersio to the developer of the Mauro Farms Subdivision.

On a motion made by Mr. Fay, seconded by Mr. DuPont to accept the correspondence and place it on file. Motion carried.

C. Mauro Farms Bond Reduction & Maintenance Period Activation Request(s)

Ms. Hughes read the correspondence from the developer of the Mauro Farms subdivision to the Planning Board requesting a reduction to the held bond as well as activation of the 1year maintenance period.

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

On a motion made by Ms. Hughes seconded by Mr. Fay it was voted to refer the requests to the Engineering Department for review and recommendation to be reported out at the next regularly scheduled Planning Board meeting on August 29, 2016. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to extend the completion deadline for the Mauro Farms Subdivision until August 30, 2016. Motion carried.

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

7. Definitive Subdivision Submission:

A. Goodale Estates, Goodale Street, Valre Realty Trust (October 23, 2016)

Ms. Hughes read the correspondence from Attorney Austin submitting for formal review the definitive subdivision plan for the Goodale Estates Subdivision.

City Engineer DiPersio noted for the record that he had worked on this project prior to becoming the City Engineer and made note that all work has been concluded on the project and he no longer has a professional relationship with the developer.

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

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to set the Public Hearing for September 12, 2016 and refer the plan to the Engineering Department to start its review.

8. Signs: None

9. Unfinished Business:

A. Discussion Mauro Farms (July 26, 2016)

This item was taken up earlier in the agenda.

B. Blackhorse Farms

City Engineer DiPersio noted that The developer is on track with the completion schedule as determined by the Planning Board.

Ms. Hughes, Mr. McCarthy and Mr. Fay all noted that while the project may be on track to meet the benchmarks put in place the condition of the subdivision has deteriorated noticeably since the

determination of the City Solicitor.

This item is to be placed on the next regularly scheduled meeting agenda (August 29, 2016) for continued discuss with Mr. May in attendance.

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

- A. Town of Framingham, Planning Board Notices (10)**
- B. Town of Southborough, Planning Board Notice**
- C. Town of Framingham, Zoning Board of Appeals Notice**

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to adjourn at 8:02pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai



Marlborough Public Schools

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CITY OF MARLBOROUGH

17 Washington Street, Marlborough, MA 01752

School Committee

2016 AUG 31 A 11:39

Phone (508) 460-3509

• Fax (508) 460-3586

Call to Order

August 15, 2016

1. Chairman Vigeant called the Special Meeting of the Marlborough School Committee to order at 7:00 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger & Mrs. Matthews.

Absent were Mr. Geary & Mr. Walter.

Also present was Clerk Melissa Peltier.

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

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

3. Action Items/Reports

A. Whitcomb School STEAM Update

Mr. Daniels, Principal of the Whitcomb School, gave a presentation reviewing the status of the school wide changes for the upcoming school year.

An electronic version of the presentation is available.

4. Acceptance of Minutes

A. Minutes of the June 28, 2016 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the June 28, 2016 School Committee meeting as presented. Motion passed 4-0-1.

B. Minutes of the July 11, 2016 Special School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the July 11, 2016 Special School Committee meeting as presented. Motion passed 4-0-1.

5. Action Items/Reports

A. Personnel Update

Mr. Bergeron presented the Personnel status update to the Committee.

B. Policy Review/First Read

1. Policy 6.140 Resignation

2. Policy 7.190 Athletic Transportation Fee

3. Policy 7.190A Implementation

4. Policy 8.0125 Substance Use Prevention and Abuse Education

5. Policy 9.500 Public Relations/Communications

The First reading of the Policies was completed and these policies will stay on the table until the next regularly scheduled school committee meeting (August 30, 2016).

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

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Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

C. Approval of new Communications Liaison Job Description

Mrs. Greulich presented the updated & expanded job description complete with job title change.

Motion made by Mrs. Bodin-Hettinger seconded by Chairman Vigeant to approve the job description. Motion passed 4-0-1.

D. Discussion of School Committee Secretary

Mrs. Bodin-Hettinger brought this item forward again. There is funding in the budget for the position. The Committee needs a support person and needs the position to be more than a mere clerk.

Mrs. Bodin-Hettinger has asked for input from Committee members regarding qualifications for the position as well as potential job description verbiage.

Mrs. Bodin-Hettinger will coordinate all incoming material and will report out to the full committee at the next regularly scheduled meeting.

E. MHS Football Pre-Season Overnight

Mrs. Greulich presented the request from the Athletic Director for the approval of the traditional pre-season overnight trip for the football team.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the trip as requested. Motion carried 4-0-1.

F. Acceptance of Donations/Gifts

Partnership for a Skilled Workforce has donated the amount of \$27,815.00 to the STEM program.

Motion made by Mrs. Bodin-Hettinger seconded by Chairman Vigeant to accept the donation of \$27,815.00 to the STEM Program with gratitude. Motion carried 4-0-1.

6. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:04pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/map

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www.mps-edu.org*

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**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

**June 30, 2016 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 SEP -6 P 3:44

Present: Edward Clancy – Chairman, John Skarin, Allan White, Karin Paquin, and Dennis Demers. Also present was Priscilla Ryder - Conservation officer

Absent: David Williams and Lawrence Roy

Public Hearings:

Formally Amend Order of Conditions (DEP 212-1144)

Lot 13 – Donald Lynch Blvd. – Quad Rink Limited Partnership

Robert Truax of GLM was present and explained that the addition to the rink will only impact the filled slope of the previously approved earth moving work. They would like to amend the previous Order of Conditions in order to allow for the installation of the outlet pipe from the underground infiltration/detention system. The existing slope has been stabilized with vegetation and the site is almost stabled. The work falls within the riverfront area and a small portion of the buffer zone. The soil is nice gravel. The likelihood of a discharge from the detention area is minimal, but is required as part of the design. After further discussion about the larger project including the addition of a skating rink and additional parking, the Commission closed the hearing. The Commission voted unanimously 5-0 to amend the existing Order of Conditions to include the installation of the discharge pipe as presented.

Request for Determination of Applicability

99 Lakeshore Dr. - James Buszkiewicz

Mr. Buszkiewicz was present and explained that he proposes to add a deck next to Ft. Meadow Reservoir. The area where the new deck will go is currently lawn and is 56' away from the waters' edge. No trees will need to be removed. The only excavation will be for the posts. Any excess material will be removed from the site. After some discussion, the Commission closed the hearing and voted unanimously 5-0 to issue a Negative Determination of Applicability with standard conditions.

Notice of Intent (Continuation)

Boston Post Rd. – Apex Center - Ryan Development LLC

Joe Peznola of Handcock Associates, Matt Heil from Sanborn Head were present. Mr. Peznola reviewed the revised plans showing changes to the sewer alignment and walls based on comments from the last meeting. The plans are dated last revised 6/30/16. Phases for the project are also provided in the plan set which he reviewed. He reviewed the plans showing 2 alternatives to the sewer construction methods along the narrow section where the farmers path crosses the outlet to the wetland area. At this time both alternatives are being evaluated as to cost and impact. Alternative 1- proposes to excavate the trench area, using a trench box. Access will be from either side of the narrow opening. Alternative 2 - proposes to jack the pipe into place using two pits at either end. The method to jack and remove soil was described. From their current analysis it looks like alternative 1 open excavation is the economically viable option. The area is 30' where the pinch point is the tightest. An anti-seepage collar

- identified as a “rippy collar” is proposed every 20' sections to prevent groundwater from travelling along the sewer line.

Ms. Ryder and Ms. Paquin noted that they had checked the wetland flags in the field prior to the meeting.

Mr. Matt Heil – the LSP for the developer was present. He provided an over view of the Impacted Soil Plan for the site. He described the site and that the first 12" of soil on the site are impacted with the past pesticide applications when it was an apple orchard. The risk assessment done for the plan indicates no significant risk of contamination on the site, however precautions are noted in the report. In his opinion the report goes way above and beyond what is needed. They plan to keep all soil on site. The 0-12 inch layer will be reused on site and blended into the existing soil. It will be buried under at least 12" of soil when the project is done. The risk to the public is twofold during construction: 1) skin contact and 2) airborne dust. There will be at least three air/dust monitoring stations to measure dust before it leaves the site. An emergency protocol will be put in place. The monitors can provide immediate alerts to cell phones to be sure the dust problem is addressed A.S.A.P. Dust is measured in real time and several people are alerted by phone when this occur. Mr. Heil explained that a long term restriction will be provided, similar to Ames St. for this project. He acknowledged that although the MCP isn't triggered for this project the Impacted Soil Plan addresses the very same items.

Stephen Sakakeeny who has been hired by the city to oversee the LSP activities provided Ms. Ryder with a peer review memo. Mr. Heil said he agreed with everything except 4.7. They would rather stick to the 12" cover rather than the 18" cover suggested by Mr. Sakakeeny; 4.10 discussed stockpile height and determined that a maximum stockpile height of 15' would be required. It was agreed that the soil dust air monitors would be in place the first day any soil is disturbed, including installation of erosion controls. The stumps will need to be shaken and removed from the site since there will be too much contaminated soil on them to be able to grind them.

Joe Peznola explained that the geotech engineer would be in charge of determining how the soil will be mixed to be sure it meets the structural fill requirements. The site is a net import site. Before they do the blasting, they will remove the top soil first as well. Republic will be the general contractor for the site. At the request of the Commission, the emergency contact number will be put on the trailer. The Commission discussed the temporary detention basins and the skimmers that are proposed to help discharge only clean water. The Commission noted that the soils are very silty and stay suspended for long periods of time. Some type of treatment trail will be needed. This was agreed.

An abutter Peter Nuccio of 116 Glen St. asked what the airborne dust threshold is. Mr. Heil said 150 mg/cm is the EPA ambient air quality standard. Mr. Nuccio stated that there is always an afternoon breeze through the gully that developer should be aware. Mr. Heil explained that the system takes samples continuously, if it reaches the critical levels the machine sends a phone call to him and others on site. The response will be to get the water truck to wet down the surface and evaluate what is the cause and correct it.

Marcel Bouffard of 170 Glen St. asked how compaction of the soil will be done. He has already had issues with the Ames St. project shaking his house. He wanted some assurance that there was some way to evaluate how the vibrations were affecting his property. Mr. Walker indicated that he will check what type of machines and issues have occurred on Ames St. with the Fairfield development and see if he can address the issues going forward. He was made aware.

After some additional discussion, the Commission closed the hearing. The Commission reviewed a draft Order of Conditions for Phase 1 Earth Moving, wall construction and sewer main installation for the project. Chairman Clancy made it clear to the developer that they are “put on notice that wetland violations will NOT be tolerated”, the stream running through the project is the city water supply and it is the developer’s responsibility to keep it clean and protected. Any violation will be met with a fine and any action necessary to remedy the problem quickly. The Commission voted unanimously 5-0 to issue the Order of conditions as drafted and amended

Certificate of Compliance:

- DEP 212-1047 251 Locke Dr. – David Cowel of Hancock Associates was present and explained that this past week they installed the hoods that were missing, added the guardrail and adjusted the hoods that had been mistakenly placed. Ms. Ryder has done an inspection and reported everything was in order. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance with ongoing conditions.
- DEP 212-1127 64 Westernview Dr. - This project is finally completed. Ms. Ryder confirmed compliance based on her site visit. A full Certificate of Compliance. Commission voted unanimously 5-0 to issue
- DEP 212-998 714 Farm Rd. – subdivision Order of Conditions – this was continued to the next meeting.

Draft Orders of Conditions:

- 74 Boivin Dr. and 176 Farm Rd. (now known as 84 Boivin Dr.) - Abutters were not properly notified – will re-open hearing on July 21, 2016.

Discussion:


- 329 Maple St. – Violation Notice - Mr. Bergeron has indicated to Ms. Ryder that they will attend the July 21st meeting.

Meetings – Next Conservation meetings – July 21st and August 4th, 2016 (Thursdays)

Adjournment

There being no further discussion the meeting was adjourned at 9:15 PM.

Respectfully submitted,


Priscilla Ryder *RB*
Conservation Officer

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

August 4, 2016 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

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2016 SEP -6 P 3:44

Present: Edward Clancy – Chairman, John Skarin, Allan White, Lawrence Roy, David Williams, Dennis Demers and Karin Paquin.

Absent: Priscilla Ryder – Conservation Officer

Minutes: The minutes of the May 19, 2016 meeting were reviewed and approved with the following revision: Notice of Intent – 90 Slocumb Lane - the vote on the draft Order of Conditions for 90 Slocumb Lane was 4 – yes (Clancy, Williams, Skarin and Roy) and 3 opposed (Demers, White and Paquin).

Discussion: 135 Neil Street – DEP 212-1158 – Minor change to DPW site modification.

Ted Scott, Assistant Commissioner, Operations for the City of Marlborough was present to give an overview of the current conditions at the site. He mentioned that erosion controls, water line crossing and an access road had been put in. The revisions to the Proposed Site Plan for DPW Site Modifications, dated May 2015 include a change in size and location of the salt shed – the footprint of the shed will be reduced and will be relocated slightly northwest, but no closer to the brook than in the original proposal. The salt shed construction consists of metal framework with fabric covering and requires a foundation and will have a 9-foot-high concrete block walls. A bituminous concrete berm will be located between the salt shed and the brook – at the edge of the pavement. The whole embankment in this area will be rip-rapped. Mr. Scott described movement of some catch basins due to the new location of shed as well as elimination of the two proposed new outfalls to the brook – a temporary sediment basin will be located to the south of the salt shed and drain lines will be reconfigured so all discharge will go to this basin. The City hopes to get the salt shed in for this next winter season and Mr. Scott mentioned this would be a tight schedule. The temporary snow dump will be located east of the temporary sediment basin in the area where the permanent detention basin – to be built in Phase 2 - will be located. This snow dump location is further from the brook than the former one. Mr. Clancy asked about the floor construction of the shed and expressed concern that the proposed bituminous floor would not hold up as well as a concrete floor. Mr. Skarin asked if this proposal represented a temporary or permanent solution (permanent) and whether the capacity has been analyzed and found to be sufficient (Yes). The old beehive storage structure (for salt storage) will remain on the site. Several members of the commission mentioned that the site is currently a mess and Mr. Scott said that the DPW is working to get it cleaned up. Mr. Demers commented that the proposed catch basin southwest of the salt shed near the loading dock will be easily overwhelmed due to loading activities and should be moved. Mr. Scott replied that he will ask engineering to review and relocate if necessary. The Commission closed the hearing and voted unanimously 7-0 to approve the minor changes to the DPW site modification plan.

Public Hearings:

Amended Notices of Intent

Slocumb Lane – Slocumb Realty LLC - #s 69, 78, 79 and 90

Peter Lavoie of Guerriere & Halnon, Inc. was present representing Fafard Real Estate Developers to propose modifications to the original Orders of Conditions for #s 69, 78, 79 and 90 Slocumb Lane. The Commission had not been able to review the new plans prior to this meeting and Mr. Clancy expressed his concern saying he was not comfortable making any decisions without additional review. The revised plans show the toe of slope at 40' from the wetland rather than the original extension to the 20' buffer zone. Mr. Lavoie did present Commission members with full size plans with modifications for review at the meeting. Mr. Clancy also expressed concern about the enormous and very high fill piles on site – as high as 50 feet especially the lot at the end of the cul-de-sac and the adjacent lot. Mr. Clancy, Mr. White and Mr. Demers said that it would not be possible to "lose" that volume of fill on site – so why was it all

there? The erosion controls on this site were put in place for the road construction, not the building of these homes. Mr. Clancy visited the site prior to this meeting and said that new silt fencing was being put in. New erosion controls will require permission from the Commission. There was some discussion about whether the grade of the slope would increase in this new plan, but Mr. Lavoie said it would not, but the backyard would be smaller. Mr. Clancy suggested that Mr. Lavoie go back to the original Order of Conditions (O of C) and that both he and all the Commission members should visit the site prior to the next meeting. Mr. Lavoie will discuss these concerns with his client before then. The hearing will be continued at the August 18, 2016 meeting.

Notice of Intent

Boston Post Road – Apex Center – Walker Realty LLC – Phase 2 – Site Construction

This Notice of Intent (NOI) filing is for the second phase of this project and includes buildings, pavement and the stormwater management system and facilities. Mr. Joe Peznola with Hancock Associates was present representing Walker Realty LLC and gave a broad overview of the project to date. Doug Vigneau of VHB was also in attendance. Mr. Peznola stated that all erosion controls have been installed and there has been earth work, but no stumping. The main entrance will be between Wendy's restaurant and the Bank of America, there will be 12 buildings and a main road through this center, Apex Drive, will run east-west. There will be a number of retaining walls on this site. Mr. Peznola presented the pre-development watershed plan and explained that the majority of flow from the east flows to Wetland A while discharge from the western portion of the site flows to a swale just south of Rte. 20 near Ames Street intersection which also picks up 2 discharges from Rte. 20. The post-development watershed plan breaks up these areas into 13 separate systems to control runoff to subsurface systems (plastic arches to concrete chambers). All systems must have a 2 foot offset from the water table. The post-development drainage system has been designed to mimic pre-development water flow and infiltration on this parcel. The site has 300,000 cubic feet of underground storage – designed for the 100-year storm.

There are 3 components to consider for drainage system design:

- 1) Control rate
- 2) Treat according to DEP standards
- 3) Recharge (using infiltration units)

The primary feed for Millham Brook is recharge. Roof drainage is collected into infiltration units and doesn't need to be treated. In addition, the site is protected by walls and runoff that goes into closed systems.

Discharge from the western portion of the site goes into a swale system which picks up 2 discharges from Rte 20. Overflow in the western portion of the site will now be pumped through an 18-inch pipe to a catchment along Rte 20. Mr. Demers and Mr. Clancy asked whether the new 18-inch pipe will result in a higher flow velocity or if it would mimic the current swale. Mr. Peznola will check. Mr. Clancy asked whether sub-catchments would be overwhelmed in the 100-year storm scenario and if so where the water would go especially in parking areas. Mr. Peznola explained that there won't be any catchments near the curbing; they would all be located to the interior, so in the worst case scenario there would be temporary ponding. Mr. Williams asked about snow storage on site. Mr. Peznola explained that is part of the reason for all the fences on the retaining walls to deter pushing of snow into wetlands. They do not yet have a snow storage/removal plan in place since it makes more sense to make a plan when the tenant composition is known. BMP is to designate areas within parking lots to store the snow – or in extreme cases to haul snow from the site. The Commission will most likely be discussing a low salt protocol in the Order of Conditions for this site in the future. Mr. Williams asked whether there would be a phasing plan for the buildings and Mr. Peznola said probably not – and that there would likely be multiple builders on site at one time. Construction is to be completed by September of 2017. Mr. Clancy asked whether there

would be binder roads prior to buildings being erected. Mr. Peznola said best to have stabilized binder and catchments simultaneously, so roads don't need to be ripped up and repaved. Mr. Clancy asked about storage of construction materials – there will be a pad in the areas of buildings 3a-f and 4 where some materials will be stored. In addition, once the foundation and steel frame of the Hyatt, for instance, is in place, materials can be stored there.

Mr. Clancy then opened the meeting to questions from the audience:

- Noreen Bucchino of 88 Glen Street – Ms. Bucchino expressed her concern with the contaminated dust coming from the site into her home. She described clouds of dust coming from the site over the last few days – getting into her home, car and her eyes. She told the Commission that they are stumping on site. Several neighbors said they witnessed stumps being removed. She asked whether the LSP has put their name on the soil management plan and Mr. Peznola explained that the soil management plan was written and signed by the LSP. Mr. Peznola also explained that there are 3 dust monitors on site and that there is a team alerted if contaminant levels rise above a certain threshold. Ms. Bucchino said that she was told that only one monitor is currently on site.
- Mr. Gosselin of 106 Glen Street – described removal of lots of brush and small trees being ripped out by the roots and shaken – and that there were large clouds of dust being stirred up on the site and wafting over to his home. He felt it was unfair that he needed to close his windows to keep the dust out of his home. Most trees have been removed along Glen Street across from his home and he can see directly into the site now – he feels there was no reason to remove so many trees just to have the sewer construction done.
- Neighbor from 170 Glen Street (Carol Bouffard) - Stated that the dust was everywhere and that she had seen a grappler picking up trees and going the length of the property creating large plumes of dust along the way.
- The new owner of 142 Glen Street expressed her concern about contaminated dust since she has a 2-year-old and likes to walk in the neighborhood. There have been two days in a row (8/2 and 8/3) when the dust has been so bad that she needed to close all windows.
- In addition, several neighbors stated that the work on site has begun as early as 6:30 in the morning – Mr. Demers stated that state regulations allow construction between the hours of 7am and 7pm.

A representative from Republic (name Joe?) said that Republic is on site and will address dust issue on 8/5 and that the contact list if problems arise is on the trailer located between Wendy's and Bank of America.

Mr. Clancy asked when sewer line work will begin – that will be week of 8/8 and whether the city engineer has reviewed the drainage plan – not yet, he has been on vacation. The plan will be reviewed prior to 8/18 meeting.

This meeting will be continued on August 18, 2016.

Draft Orders of Conditions:

- 187 Cullinane Dr. – DEP 212-1180 - Continued to next meeting – August 18, 2016.

Certificate of Compliance:

- DEP 212-1124 - Continued to August 18, 2016 meeting.

Discussion:

Other Business/ Correspondence:

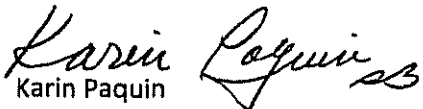
- 329 Maple Street – violation letter.

A letter describing what must be shown on the plan to resolve this violation was sent to Mr. Donnarumma on July 29, 2016 from the agent. There was no one at the meeting representing Mr. Donnarumma. There was some discussion among the Commission members that there are still some cars on site, but with most now removed, you can see how much of this area has been paved and how many trees were removed without a permit from the Conservation Commission.

Meetings: Next Conservation meetings – August 18th and September 1, 2016 (Thursdays)

Adjournment – There being no further business, the meeting was adjourned at 9pm.

Respectfully submitted:


Karin Paquin

Conservation Commission member