

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 28 P 2:16

1. Minutes, City Council Meeting, May 18, 2015.
2. Communication from the Mayor re: Youth Service Awards.
3. Communication from the Mayor re: transfer request in the amount of \$34,000.00 which moves funds from Open Space Stabilization to fund the purchase of the parcel at 11 New St.
4. Communication from the Mayor re: receiving \$50,000.00 as part of its negotiated municipal agreement from Colonial Power to fund energy efficient improvements.
5. Communication from the Mayor re: Ezra Cutting Trust grant in the amount of \$6,000.00 to support the City's partnership with the Rivers Edge Arts Alliance to support performances that are part of the "Family Fun Festivals".
6. Communication from the Mayor re: Proposed Changes to Polling Locations.
7. Communication from the Mayor re: Appointment of Patricia Pope as the Executive Director of the Council on Aging.
8. Communication from Assistant City Solicitor Panagore-Griffin re: Application for Special Permit from NGP Management LLC for two drive-through windows at 525 Maple St. in proper legal form, Order No. 15-1006070D.
9. Communication from Assistant City Solicitor Panagore-Griffin re: Order of Taking and Plans-Farm Road Reconstruction, Order No. 15-1006181.
10. Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Order of Amendment to § 650-26 A.(1)(a) of the Zoning Ordinance, Order No. 15-1006130.
11. Communication from Attorney M^cCay re: NGP Management, Special Permit Conditions, Order No. 15-1006070D.
12. Communication from Attorney Gadbois on behalf of Ferris Development 325 DJL Boulevard LLC re: Withdrawal without Prejudice for Amendment to Zoning Ordinance, Order No. 15-1006185A.
13. Communication from Attorney Gadbois on behalf of Ferris Development 325 DJL Boulevard LLC re: Withdrawal without Prejudice for Special Permit for drive-thru and mixed use development, Order No. 15-1006200.
14. Communication from the Planning Board re: Proposed Order of Amendment to § 650-26 A.(1)(a) of the Zoning Ordinance, Order No. 15-1006130.
15. Application for Livery License, Onald Isidore, Genesis Transportation Services, 40 Mechanic St., Suite 107.
16. Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Rd.
17. Communication from Mosquito Control Project re: Investigating resident's complaints about mosquitos on the following dates: May 28, & June 3, 10, 17 & 24.
18. Minutes, Traffic Commission, March 31 and April 29, 2015.
19. CLAIMS:
 - a. Richard Anzalone, 11 Casella Dr., residential mailbox claim 2(a).
 - b. David Ritter, 22 Stow Rd., other property damage.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

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.

From Public Services Committee

20. **Order No.15-1006199 - Communication from Civil Engineer DiPersio re: Approval of Extension to the City's sewer system for Al Brodeur's South Street Auto, 412 South Street.**

Motion made by Councilor Clancy, seconded by Councilor Irish, to recommend the approval of the sewer extension permit to Mr. Brodeur and South Street Auto at 412 South Street in conformance with the signed plans dated 10/20/2014 including the requirement to connect the sewer service from 492 South Street to the new sewer main and the abandonment of the portions of the 492 South Street sewer service within South Street and Mill Street North using flowable fill. Prior to any excavation on private property or within the public layout, the applicant shall secure a street opening and trench permit from the Marlborough Engineering Division. In order to secure this permit, the applicant shall provide a bond in the format acceptable to the City equal to value of one-hundred percent of the work to be completed within the public layout and which is consistent with the latest version of the Rules and Regulations for Licensure and Street Openings.

The motion carries 3-0.

From Urban Affairs Committee

21. **Order No. 15-1006070D - Application for Special Permit from Attorney Bergeron on behalf of NGP Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street.**

The Urban Affairs Committee met with the applicant's representatives over the course of several meetings for discussions on traffic, building aesthetics, lighting, signage and other issues for the building and site. At the meeting held on May 5, 2015, Chairman Delano read through the twenty-eight conditions that comprise the Decision on a Special Permit, City Council Order No. 15-1006070 (Draft decision for review May 5, 2015). The committee agreed upon the conditions with minor changes for clarity.

Motion made by Councilor Clancy, seconded by Chair, to recommend approval of the Special Permit from Attorney Bergeron on behalf of NGP Management LLC, as amended, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street. Carries 5-0.

Motion made by Councilor Clancy, seconded by Chair, to request a suspension of the rules at the May 18, 2015 regular City Council meeting to refer to the City Solicitor for placement of the Special Permit Decision in proper legal form on the June 1, 2015 agenda. Carries 5-0.

From Finance Committee

22. **Order No.15-1006197A - Mayor Fiscal Year 2016 Operating Budget for \$143,287,762.00: The Finance Committee reviewed the Mayor's letter dated April 30, 2015 requesting the approval of the Fiscal Year 2016 (FY16) operating budget for \$143,287,762.00.**

Attachment 1 contains the projected tax implications based on the Mayor's FY16 budget. The Mayor's FY16 budget results in a 3.52% estimated increase in the property tax levy or an increase of approximately \$140.73 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2015.

Attachment 2 contains the projections for the state and local revenues for FY16 that were used in developing the tax implications.

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

- **Reserve for Salaries Account 1990-57820 - \$250,000.00**
- **Electricity Account 1920-52120 - \$250,000.00**

The Finance Committee voted 5 - 0 to approve a \$500,000.00 reduction to the Mayor's FY16 budget of \$143,287,762.00. The Finance Committee voted 5 -0 to approved a FY16 budget of \$142,787,762.00. This represents a 4.16% increase from the FY15 budget or an increase of \$5,701,239.00.

From Personnel Committee

23. **Order No. 15-1006129 - The Appointment of Richard Cygan, to the Council on Aging for a four year term to expire from date of approval. Recommendation of the Personnel Committee is to approve the Appointment of Richard Cygan to the Council on Aging for a four year term to expire from date of approval. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. The motion carried 3-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
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Marlborough, MA 01752
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MAY 18, 2015

Regular meeting of the City Council held on Monday, MAY 18, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 8:54 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 27, 2015, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting MAY 4, 2015, **FILE**; adopted.

MOTION made Councilor Ossing to move Item 16 before the Public Hearings – Carries.

Mayor Vigeant was allowed to address the City Council pertinent to the promotions.

ORDERED: That the Fire Department promotions of Lieutenant Brian Gould to Captain and Firefighter Frederick Johannes to Lieutenant, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of Comcast to construct a line for such telecommunications on Newton St. starting at the utility pole opposite the intersection of Weed St., excavate and place 3" schedule 40 PVC conduit system continuing in an easterly direction toward Weed St., continue within Weed St. and turn in a northerly direction towards Main St. within the paved foot path between 194 & 200 Main St., turning in a Easterly direction to the rear of 178-194 Main St., Order No. 15-1006186, all were heard who wish to be heard, hearing recessed at 8:05 PM.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

ORDERED: That the **PUBLIC HEARING** On the Proposed Zoning Change Limited Industrial District as submitted by Attorney Gadbois, Order No. 15-1006185, all were heard who wish to be heard, hearing recessed at 8:21 PM.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

ORDERED: That the **PUBLIC HEARING** On the Proposed FY16 budget as submitted by Mayor Vigeant in the amount of \$143,287,762.00 for review and appropriation in which this spending plan reflects an increase of 4.52% over the approved Fiscal Year 2015 budget, Order No. 15-1006197, all were heard who wish to be heard, hearing recessed at 8:35 PM.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

President Pope read the following statement into the record prior to the start of the Public Hearing:

The City of Marlborough has not accepted Section 2 of Chapter 329 of the Acts of 1987, a local acceptance statute which would allow the City Council to increase the budget recommended by the Mayor.

Instead, the City operates under section 32 of chapter 44 of the Mass. General Laws which does not authorize the School Committee to by-pass the Mayor by going directly to the City Council with a budget proposal, whether original or supplemental.

Consequently, the Mayor’s budget may include a lower amount for the School Department than requested by the School Committee.

ORDERED: That the Snow and Ice transfer request in the amount of \$1,760,000.00 which moves funds from Undesignated to various Snow & Ice accounts as noted on the attached spreadsheet to fund the FY15 deficit, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		DPW				FISCAL YEAR:		2015	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Balance
\$3,253,241.69	\$1,760,000.00	10000	35900	Undesignated Fund	\$414,740.00	14001203	51390	Overtime-Snow & Ice	-\$414,733.3
	Reason:	To fund the snow & ice deficit for FY15							
					\$800,380.00	14001206	52960	Snow Removal	-\$800,367.7
	Reason:								
					\$544,880.00	14001206	57040	Operating Expenses	-\$544,835.6
	\$1,760,000.00	Total			\$1,760,000.00	Total			

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2016, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$500,000.00 which moves funds from Undesignated to Undesignated Stabilization which coincides with the increase in the total budget, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$3,253,241.69	\$500,000.00	10000	35900	Undesignated Fund	\$500,000.00	83600	32925	Undesignated Stabilization	\$7,288,114.4	
	Reason:	To increase undesignated stabilization funds								
	\$500,000.00	Total			\$500,000.00	Total				

ORDERED: That the various Year-end Intra-Departmental transfer requests as noted on the attached spreadsheets which include the monetary amounts and purpose, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Police					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$9,614.18	\$9,614.18	11990006	51500	Fringes	\$108,352.00	12100003	51920	Sick Leave Buy Back	\$0.0	
		Retirement payout for 2 employees								
\$437,344.50	\$38,737.82	12100001	50420	Police Officers	\$3,374.45	12100001	50510	Police Lieutenants	\$67,468.6	
		Funds available due to injuries & retirements								
\$62,738.82	\$13,738.82	12100003	51213	Public Safety Dispatchers						
		Funds available due to grant								
\$137,307.19	\$49,635.63	12100003	51440	Educational Incentive						
		Funds available								
	\$111,726.45	Total			\$111,726.45	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		FIRE			FISCAL YEAR:		15		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$5,000.00	\$5,000.00	1220003	51412	HAZMAT PAY	\$5,000.00	1220003	51328	CALL FIRE OVERTIME	\$5,784.00
	Reason:	FEWER THAN EXPECTED RECEIVED HAZMAT CERTIFICATION PRIOR TO DEPARTMENT PAYOUT AND UNFILLED POSITION				BALANCE MAY NOT BE SUFFICIENT TO COMPLETE FY15			
\$19,924.90	\$5,000.00	1220003	51430	LONGEVITY	\$5,000.00	1220003	51328	CALL FIRE OVERTIME	\$5,784.00
	Reason:	SURPLUS DUE TO RETIREMENTS				BALANCE MAY NOT BE SUFFICIENT TO COMPLETE FY15			
	\$10,000.00	Total			\$10,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Department of Public Works			FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$24,644	\$17,470	14001002	50062	Finance Assistant	\$2,130	14001001	50600	DPW Commissioner	\$13,000
	Reason:	Money available due to vacancy				Anticipated cost to cover remaining FY 15			
					\$15,340	14001305	55310	Highway Constr. Mater	\$19,720
						Anticipated cost to cover remaining FY 15			
\$14,443	\$1,880	14001101	50640	City Engineer	\$1,875	14001305	55310	Highway Constr. Mater	\$19,720
	Reason:	Money available due to step increases				Anticipated cost to cover remaining FY 15			
					\$5	14001101	50705	Assistant Civil Engineer	\$10,410
						Anticipated cost to cover remainder of FY15			
\$31,834	\$4,350	14001101	50710	Junior Civil Engineer	\$4,350	14001305	55310	Highway Constr. Mater	\$19,720
	Reason:	Anticipated Surplus				Anticipated cost to cover remaining FY 15			
\$48,577	\$10,200	14001301	50690	Foreman	\$8,500	14001305	55310	Highway Constr. Mater	\$19,720
	Reason:	Money available due to vacancy				Anticipated cost to cover remaining FY 15			
					\$1,700	14001303	51990	Meal Allowance	\$11,000
						Anticipated cost to cover remainder of FY15			
\$4,400	\$4,000	14001103	51440	Educational Incentive	\$4,000	14001305	55310	Highway Constr. Mater	\$19,720
	Reason:	Contractual				Anticipated cost to cover remaining FY 15			
	\$37,900	Total			\$37,900	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$135,210	\$40,950	14001303	50740	Equipment Operators	\$13,000	14001303	51310	Overtime-Regular	\$1,08	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15			
					\$4,800	14001303	51240	Temporary Part-time	\$2,80	
						Anticipated cost to cover remainder of FY15				
					\$23,150	14001304	53140	Contract Services	\$7,02	
						Anticipated cost to cover remainder of FY15				
\$116,019	\$105,000	14001406	54830	Fuel & Lubricants	\$15,000	14001006	52450	Radio Repairs	\$	
	Reason:	Money Available due to W.C.					Contract & voice lines			
					\$15,000	14001304	53140	Contract Services	\$7,02	
						Anticipated cost to cover remainder of FY15				
					\$15,000	14001406	54810	Rep/Maint Supplies	\$34	
						Anticipated cost to cover remainder of FY15				
					\$35,000	14001305	55310	Highway Constr. Mater	\$1,28	
						Anticipated cost to cover remaining FY 15				
					\$25,000	11920006	52200	Natural Gas	\$7,02	
						Increase costs due to senior center				
	\$145,950	Total			\$145,950	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Department of Public Works				FISCAL YEAR:		2015			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:			
\$56,274	\$16,000	14001501	50690	Foreman	\$16,000	14001306	55400	Sidewalk Maint.		\$248	
	Reason:	Money Available due to W.C.					Emergency response as well as weekend burials				
\$152,992	\$8,700	14001503	50740	Equipment Operator	\$6,700	14001304	53140	Contract Service		\$7,025	
	Reason:	Money Available due to W.C.					Anticipated cost to cover remainder of FY15				
					\$2,000	14001503	51310	Overtime-Regular (FPC)		\$2,047	
								Emergency response as well as weekend burials			
\$152,992	\$64,000	14001503	50740	Equipment Operator	\$1,000	14001506	54240	License & Inspection		\$15	
	Reason:	Money Available due to W.C.					Anticipated cost to cover remainder of FY15				
					\$1,000	14001506	54420	Misc Hand/Power Tool		\$7	
								Anticipated cost to cover remainder of FY15			
					\$3,000	14001506	52500	Rep/Maint Equipment		\$1	
								Anticipated cost to cover remainder of FY15			
					\$32,000	14001304	53140	Contract Services		\$7,025	
								Anticipated cost to cover remaining FY 15			
					\$27,000	14001305	55310	Highway Constr. Mater		\$19,721	
								Anticipated cost to cover remaining FY 15			
	\$64,000	Total			\$64,000	Total					

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: Department of Public Works					FISCAL YEAR: 2015				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$7,926	\$976	60080001	50580	Assistant Chemist	\$976	61090003	51310	Overtime-Regular	3,502.97
		Reason: Money available due to vacancy				Anticipated cost to cover remainder of FY15			
\$4,000	\$4,000	60080003	51440	Educational Incentive	\$4,000	61090003	51310	Overtime-Regular	3,502.97
		Reason: Contractual				Anticipated cost to cover remainder of FY15			
\$49,080	\$6,287	60081001	50850	Sewage Tr Plant Opers	\$6,287	61090003	51310	Overtime-Regular	3,502.97
		Reason: Money available due to vacancy				Anticipated cost to cover remainder of FY15			
\$14,566	\$3,140	60081001	50910	Head Tr Plant Oper	\$3,140	61090003	51310	Overtime-Regular	3,502.97
		Reason: Anticipated surplus				Anticipated cost to cover remainder of FY15			
\$40,685	\$1,600	60081006	55950	East WWTP	\$1,600	60081003	51310	Overtime - Regular	\$1,746
		Reason: Anticipated surplus				Anticipated cost to cover remainder of FY15			
\$41,673	\$7,257	60085001	50850	Sewage Tr Plant Opers	\$7,257	61090003	51310	Overtime-Regular	3,502.97
		Reason: Money available due to vacancy				Anticipated cost to cover remainder of FY15			
\$3,501	\$860	60085006	55980	West WW Tr Plant	\$310	60085003	51310	Overtime-Regular	\$2,995
		Reason: Anticipated surplus				Anticipated cost to cover remainder of FY15			
					\$550	60085003	51470	Interim Foreman	\$285
						Anticipated cost to cover remainder of FY15			
	\$19,144	Total			\$19,144	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: Department of Public Works					FISCAL YEAR: 2015				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$30,918	\$11,700	61090001	50690	Foreman	\$11,700	61090006	55710	Water Maintenance	\$949
		Reason: Money available due to vacancy				Anticipated cost to cover remainder of FY15			
\$105,577	\$21,200	61090001	50740	Equip Ops	\$21,200	61090006	55710	Water Maintenance	\$949
		Reason: Money available due to vacancy				Anticipated cost to cover remainder of FY15			
\$5,351	\$5,351	61090003	51920	Sick Leave Buy Back	\$5,351	61090003	51310	Overtime-Regular	3,502.97
		Reason: Money available due to vacancy				Anticipated cost to cover remainder of FY15			
	\$38,251	Total			\$38,251	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		PUBLIC FACILITES				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$ 29,264	\$11,000	11920001	50690	Foreman	\$10,000	1192001	50292	Building Mt. Craftsman		\$11,714
Reason:		Suprius due to vacancy				Under funded				
					\$1,000	11920001	50300	Assistant Director		\$3,546
						Under funded				
	\$11,000.00	Total			\$11,000.00	Total				

ORDERED: That the transfer request in the amount of \$433,148.18 which moves funds from Sligo Hill Antennae to Parks and Recreation Revolving Fund, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available	Encumbered									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$433,148.18	\$433,148.18	26219201	52415	Sligo Hill antennae lease	\$433,148.18	26244401	52415	Parks & Recreation Revolving		\$599,276.39
Reason:		To transfer balances to the Parks & Recreation revolving account								
	\$433,148.18	Total			\$433,148.18	Total				

Councilor Oram recused.

ORDERED: That Comptroller’s transfer requests in the amounts of \$15,000.00, \$31,835.43 & \$13,000.00 which moves funds from and to various accounts as noted on the attached spreadsheet to fund Postage and Workers Compensation Insurance respectively, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$40,000.00	\$15,000.00	17520006	59253	Other Interest	\$15,000.00	11330006	53460	Postage	\$6,897.18	
	Reason:	Surplus				Needed to cover mailings				
\$31,835.43	\$31,835.43	61071106	59948	1999 Multi Purpose	\$44,835.43	11960006	51710	Workers Comp Ins	\$400,624.01	
	Reason:	Surplus				Needed to replenish paid claims				
\$13,000.00	\$13,000.00	61075106	58948	1999 Multi Purpose Interest						
	Reason:	Surplus								
	\$59,835.43	Total			\$59,835.43	Total				

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Open Space Stabilization as the City received FY14 Wireless Antennae receipts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$3,253,241.69	\$18,000.00	10000	35900	Undesignated Fund	\$18,000.00	83600	32918	Stabilization-Open Space	\$855,693.19	
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2014 to Open Space Stabilization								
	\$18,000.00	Total			\$18,000.00	Total				

ORDERED: That the Request for Consolidation of Stabilization Accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Mayor				FISCAL YEAR:		2015	
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$26,980.05	\$26,980.05	83600	32700	Stab-Neighborhood Mini Gr	\$1,166,486.38	83600	32925	Undesignated Stabilization	\$7,288,114.47
\$130,064.00	\$130,064.00	83600	32701	Stab-Public Safety Fund				To remove designations	
\$55,000.00	\$55,000.00	83600	32704	Stab-Harvard/Parmenter St					
\$19,800.00	\$19,800.00	83600	32705	Stab-Traffic Studies					
\$15,000.00	\$15,000.00	83600	32706	Stab-Milham Upgrade					
\$19,047.83	\$19,047.83	83600	32707	Stab-Rehab Pumping Station					
\$711,645.67	\$711,645.67	83600	32708	Stab-Cedar Hill St					
\$25,594.23	\$25,594.23	83600	32709	Stab-Signalization					
\$94,384.60	\$94,384.60	83600	32711	Stab-Capacity Study					
\$10,000.00	\$10,000.00	83600	32714	Stab-Robin Hill Cemetery					
\$25,000.00	\$25,000.00	83600	32715	Stab-Southwest Sidewalks					
\$2,720.00	\$2,720.00	83600	32718	Stab-Affordable Housing					
\$25,000.00	\$25,000.00	83600	32719	Stab-Route 20 Pedestrian					
\$6,250.00	\$6,250.00	83600	32720	Stab-Route 20 Beautification					
	\$1,166,486.38	Total			\$1,166,486.38	Total			

ORDERED:

Public Safety Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2016, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than seventy-five thousand dollars shall be expended during Fiscal Year 2016, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

Parks and Recreation Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2016 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than one hundred thousand dollars shall be expended during Fiscal Year 2016, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Councilor Oram recused.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

AMENDED
TAX INCREMENT FINANCING AGREEMENT
BETWEEN
THE CITY OF MARLBOROUGH (Alternatively, the "City"),
HOLOGIC, INC. (Alternatively, the "Company")
AND
445 SIMARANO DRIVE MARLBOROUGH, LLC (Alternatively, the "Property Owner")

THIS AMENDED TAX INCREMENT FINANCING AGREEMENT (the "Amended TIF Agreement") is made this ___ day of May, 2015 by and between the City, the Company, and the Property Owner.

WHEREAS, Cytac Corporation was acquired by the Company October 22, 2007; and

WHEREAS, the Company is a Delaware corporation presently having its principal office at 35 Crosby Drive, Bedford, MA 01730, and is authorized to do business in Massachusetts; and

WHEREAS, the Company intends to relocate its global corporate headquarters to 250 Campus Drive, Marlborough, MA, subject to approval of its Board of Directors; and

WHEREAS, the Property Owner is a Massachusetts Limited Liability Company having its principal office at Metropolis Partners, Inc. 1 Ferry Building, Suite 255, San Francisco 94111, and is authorized to do business in Massachusetts; and

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council having its principal office at Marlborough City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company plans to continue the use of the 176,020 square foot building located at 445 Simarano Drive in Marlborough, Massachusetts, shown on Marlborough's City Assessor's Map 116, Parcel 1 (hereinafter the "Property"), where it intends to relocate some employees from its Bedford property; and

WHEREAS, the Property is located within the boundaries of the Marlborough-Framingham Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "ETA"); and

WHEREAS, the Property is located within the 445 Simarano Drive Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3E, and referred to below as the "EOA"); and

WHEREAS, the Company intends to create 150 permanent new, full-time jobs, which will bring the total company employment to over 600 positions, at the two locations - 445 Simarano Drive and 250 Campus Drive; and

WHEREAS, the parties to the Agreement are desirous of entering into an amendment of the Tax Increment Financing (TIF) Agreement dated October 30, 2006 in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A, Chapter 40, § 59 and Chapter 59, § 5 of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy economy and stronger tax base; and

WHEREAS, the Project will further the economic development goals and criteria established for the ETA and EOA;

NOW THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS

1. The City Council initially approved the provisions of the original TIF Agreement on October 30, 2006 (see attached resolution) and approved the amended language on May ____, 2015. The City Council hereby authorizes the Mayor to execute this Amended TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Property Owner with this Amended TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the EACC.
2. A Tax Increment Financing Exemption (the "Exemption") is hereby granted to the Property Owner and the Company by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Clause Fifty-first of the Massachusetts General Laws. The Exemption shall be for a total period of thirteen (13) years (the "Exemption Period"), commencing on July 1, 2007 (the beginning of fiscal year 2008) and ending on June 30, 2020 (the end of fiscal year 2020), and shall provide an exemption from taxation on the incremental value of the Property, as follows:

Year	Company Space - TIF Exemption Percentage	Pro Rata Share of the Property Actually Leased	Exemption Applicable to the Property (the "Exemption Percentage")
FY2008	95%	0.793	75.3%
FY2009	90%	0.793	71.4%
FY2010	85%	0.793	67.4%
FY2011	75%	1.000	75.0%
FY2012	10%	1.000	10.0%
FY2013	10%	1.000	10.0%
FY2014	5%	1.000	5.0%
FY2015	5%	1.000	5.0%
FY2016	50%	0.827	41.35%
FY2017	50%	0.827	41.35%
FY2018	50%	0.827	41.35%
FY2019	50%	0.827	41.35%
FY2020	50%	0.827	41.35%

The chart above is illustrative. The actual Pro Rata Share in any given year will be determined by dividing the floor area of the Company Space actually leased (in such year) by the total floor area (176,020 s.f.) of the building on the Property. In any year in which the Company leases the entire building, the Pro Rata Share would be 100%. The actual Exemption Percentage in any given year is the product of the Company Space - TIF Exemption Percentage times the Pro Rata Share of the Property Actually Leased.

The Property is currently eligible for exemption and will continue to be eligible on July 1, 2015 following the action of the EACC approving this TIF Agreement amendment, as provided in 760 CMR 22.05(4)(d).

3. The base valuation shall be the assessed value of the Property in the base year. The base year is the fiscal year immediately preceding the fiscal year in which the Property becomes eligible for a Tax Increment Financing Exemption. The base year for this Amended TIF Agreement is fiscal year 2007 and the base valuation for the Property was determined on or about the fall of 2006. The incremental value of the Property is the difference, in any given year, between the assessed value of the Property in such year and the base value (as adjusted by the adjustment factor described below). The incremental value of the Property is the amount eligible for exemption from Chapter 59 property taxation. All exemptions will be enacted upon realization of an increase in the assessed value of the Property that results from new investment by the Company.

4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 and in 760 CMR 22.00. This adjusted base valuation will remain fully taxable (i.e., Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this Amended TIF Agreement. The increased value of "increment" created by improvements to Company Space will be the amount eligible for exemption from taxation (calculated and applied as provided in paragraph 2 of this Section A).

B. THE COMPANY'S AND THE PROPERTY OWNER'S OBLIGATIONS

1. The City is granting the Tax Increment Financing Exemption for the Property in consideration of the Company's commitment to:
- a. Maintain its current employment level of 454 permanent full-time jobs and permanent part-time jobs in the City;
 - b. Capital investment of approximately \$7.5 million, in addition to the \$24 million already invested, in two locations in Marlborough, and pay all municipal permit fees required in connection with such improvements and investments; and in consideration of the commitment of both the Company and the Property Owner to timely pay all of their taxes owed to the City over the term of this Amended TIF Agreement.

The Company agrees to create and, over the term of this Amended TIF Agreement, maintain 150 permanent new full time employee jobs open to qualified residents of Marlborough and the ETA region, "new" being defined as the total jobs that exceed the current employment level of 454 located in the Company's two sites in Marlborough and "permanent full-time employee" being defined in 402 C.M.R. 2.03 ("New Permanent Full-Time Employees"), according to the following schedule:

<u>Fiscal Year</u>	<u>Minimum Total Permanent New Full-Time Job Requirement</u>
2016 (as of 6/30/16)	75
2017 (as of 6/30/17)	150
2018 (as of 6/30/18)	150
2019 (as of 6/30/19)	150
2020 (as of 6/30/20)	150

In meeting its commitment above, and consistent with all federal, state and local laws and regulations, the Company agrees to use reasonable commercial efforts to open new permanent full-time employee jobs at the Company's two sites in Marlborough to qualified residents of Marlborough and then the regional ETA.

2. The Company shall submit annual written reports on job creation, job retention, and new investments at the Property to the City's Mayor (or to the Mayor's designee) and to the Massachusetts Economic Assistance Coordinating Council by the end of September of each year with respect to the immediately preceding fiscal year during which this Amended TIF Agreement is in effect. Reports shall be submitted for the fiscal year beginning on July 1, 2015, and for every fiscal year thereafter falling within the term of this Amended TIF Agreement; the first report, therefore, shall be submitted by the end of September 2015. The annual report shall include: (a) employment levels at the Property at the beginning and end of the reporting period; (b) the specific number of ETA and Marlborough residents employed at the Property at the beginning and at the end of the reporting period; (c) a full accounting of the reasonable commercial efforts made by the Company to open new permanent full-time jobs at the Property to qualified residents of Marlborough and then to the regional ETA; (d) a narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by Company for the purchase of new machinery and equipment at the Property; (e) the Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and (f) a description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period. During the term of this Amended TIF Agreement, the Company will also provide the City with any information related to the Property and/or the Company's improvements thereto which the parties mutually agree upon be provided.
3. The Tax Increment Financing Exemption percentage will automatically be adjusted downward in any particular year that the Company does not meet the minimum total permanent new full-time job requirements described above, "new" being defined as exclusive of those permanent full-time jobs relocated to the Property from Company's facility on Campus Drive in Marlborough. This exemption percentage will be changed for the fiscal year beginning after the job requirement date utilizing the following formula:
$$\text{(Actual Total Permanent New Full-Time Job Level/Minimum Total Permanent New Full-Time Job Requirement)} \times \text{Scheduled Exemption Percentage} = \text{Actual Exemption Percentage}$$

For example, if the actual total new full-time job level at the end of FY 2017 is 100, then the exemption percentage for FY 2018 will be $(100/150) \times 41.35\%$ or 27.57%.

The exemption percentage for later years will revert back to the original schedule above if the Company restores the job level based on the minimum total requirement for that later year. If the Company meets or exceeds its total permanent new full-time job requirements, the exemption schedule will not change.

4. The Company will be in default of its respective obligations under this Amended TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements of Paragraphs 1 or 2 of this Section B or Paragraph 5 or 6 of this Section B below, and the City further determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this Amended TIF Agreement, including but not limited to, a request that EACC decertify the Property for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedule described in Paragraph 3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Increment Financing Exemption benefits described in Paragraph 1 of this Section B, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at 250 Campus Drive, Marlborough, MA 01752. Said notice shall be effective upon receipt.
5. If, at any time prior to the expiration of the term on this Amended TIF Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Property, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Project Area, according to the following schedule:

COMPANY'S PAY-BACK SCHEDULE

FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations at the Property	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2016	90%
2017	80%
2018	70%
2019	60%
2020	50%

The payback amounts shall be paid back by the Company in full within sixty (60) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been made.

If the Company plans to move from the Property, the City shall be given sixty (60) days' written notice prior to any move from the Property. The City shall not, except as required by law, disclose any information provided by the Company regarding any move from the Property.

6. The Company shall use reasonable efforts to solicit qualified Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by Company for the Company's proportionate share of the Property, including but not limited to the improvements to the building on the Property as well as the purchase of new machinery and equipment at the Property.

C. OTHER CONSIDERATIONS

1. Nothing in this Amended TIF Agreement, express or implied, will give or be construed to give to any person or entity other than the Company, the Property Owner and the City, any legal or equitable right, remedy or claim under the terms and provisions hereof, or under any covenant or provision herein contained, all such covenants and provisions being for the sole and exclusive benefit of the parties hereto. The foregoing notwithstanding, any subsequent owner or assignee of the Property shall be entitled to the benefits and burdens of this Agreement, in accordance with applicable law and regulation, so long as the Project has not been decertified by EACC.
2. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.

- 3. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
- 4. The Property Owner shall pass all real estate property tax savings resulting from this Amended TIF Agreement to the Company.
- 5. The effective date of this Amended TIF Agreement shall be June __, 2015, the presumptive date of final approval by the Economic Assistance Coordinating Council.

All notices, reports or other communications required or permitted under this Amended TIF Agreement must be in writing signed by a duly authorized representative of the City, Company, or Owner, or as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
 City Hall
 Attention: Mayor's Office
 140 Main Street
 Marlborough, MA 01752

COMPANY: Hologic, Inc.
 Attention: Chief Operating Officer
 250 Campus Drive
 Marlborough, MA 01752

OWNER: 445 Simarano Drive Marlborough LLC
 Metropolis Partners, Inc.
 1 Ferry Building, Suite 255
 San Francisco 94111

WITNESSETH the execution and delivery of this Amended TIF Agreement by the City of Marlborough, Hologic, Inc., and 445 Simarano Drive Marlborough LLC as an instrument under seal as of the date first above written.

AGREED TO:

HOLOGIC, INC.

By: _____ Dated: _____, 2015
 Name: Eric Compton
 Title: Chief Operating Officer

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2015, before me, the undersigned notary public, personally appeared Eric Compton, as Chief Operating Officer of Hologic, Inc., and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public

Printed Name: _____

My Commission Expires: _____

445 SIMARANO DRIVE MARLBOROUGH LLC

By: _____ Dated: _____, 2015

Name: _____

Title: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2015, before me, the undersigned notary public, personally appeared _____ as _____ of 445 Simarano Drive Marlborough LLC, and proved to me through satisfactory evidence of identification, which was _____, that she/he is the person whose name is signed on the preceding or attached document.

Notary Public

Printed Name: _____

My Commission Expires: _____

CITY OF MARLBOROUGH

By: _____ Dated: _____, 2015

Arthur G. Vigeant
Mayor
City of Marlborough

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2015, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

**CERTIFICATE OF THE SECRETARY
OF
HOLOGIC, INC.**

May __, 2015

The undersigned, _____, hereby certifies as follows:

1. The undersigned is the duly elected Secretary of Hologic, Inc., a Delaware corporation (the "Company").
2. The undersigned hereby certifies that Eric Compton, as Chief Operating Officer of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation the Amended Tax Increment Financing Agreement among the City of Marlborough, the Company, and 445 Simarano Marlborough LLC.

The undersigned has executed this certificate as Secretary of the Company as of the date first written above.

Secretary

APPROVED; adopted.

Yea: 11-Nay: 0

Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

ORDERED: That the Communication from Jeffrey & Karen Kisty re: Purchase of Shoestring Hill, **FILE**; adopted.

ORDERED: That the Communication from Attorney Brewin, on behalf of Richard & Jill Cochrane re: Notice Pursuant to MGL c.61 §8 of Intent to Sell for Use Other than Forest Land, 421 Bolton St., Maps 30-13 and 30-14, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Marlborough High School Council, April 1, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 5, 2015, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, April 28, 2015, **FILE**; adopted.

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

- a. Kristen Mikula, 211 West Hill Rd., residential mailbox claim 2(a).
- b. Kyle Thebado, 36 Crestwood Ln., other property damage.
- c. Audrey Ward, 336 Hosmer St., other property damage.
- d. Lindsey Bordeur, 152 Church St., pothole or other road defect.

Reports of Committees:

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

Meeting Name: City Council Public Services Committee

Date: May 13, 2015

Time: 4:45 PM

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

Convened: 4:50 PM

Adjourned: 5:07 PM

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

Also Present: Thomas DiPersio Jr., Civil Engineer, Thomas DiPersio Jr. & Associates, Inc.; **Al Brodeur, Owner/President**, Al Brodeur's South Street Auto; **Molly Brodeur, Chief Operating Officer**, Al Brodeur's South Street Auto

Order No.15-1006199: Communication from Civil Engineer DiPersio re: Approval of Extension to the City's sewer system for Al Brodeur's South Street Auto, 412 South Street.

The Public Services Committee met to discuss the request from Al Brodeur's South Street Auto to connect their property located at 412 South Street to the City of Marlborough sewer system. The City of Marlborough Engineering Department requested the applicant upgrade the portion of existing sewer main on South Street and Mill Street North from six-inch to an eight-inch pipe for compliance with the Department of Public Works Regulations for a total of 265 feet of new eight-inch main construction. The applicant predicted a discharge of about 300 gallons per day based on DEP published estimates for this type of property and the Engineering Department had no concerns about the additional flow to the municipal system.

Reports of Committees Cont'd:

Motion made by Councilor Clancy, seconded by Councilor Irish, to recommend the approval of the sewer extension permit to Mr. Brodeur and South Street Auto at 412 South Street in conformance with the signed plans dated 10/20/2014 including the requirement to connect the sewer service from 492 South Street to the new sewer main and the abandonment of the portions of the 492 South Street sewer service within South Street and Mill Street North using flowable fill. Prior to any excavation on private property or within the public layout, the applicant shall secure a street opening and trench permit from the Marlborough Engineering Division. In order to secure this permit, the applicant shall provide a bond in the format acceptable to the City equal to value of one-hundred percent of the work to be completed within the public layout and which is consistent with the latest version of the Rules and Regulations for Licensure and Street Openings.

The motion carries 3-0.

Motion made by Councilor Clancy, seconded by Councilor Irish, to adjourn. The motion carries 3-0. The meeting adjourned at 5:07 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: May 5, 2015

Time: 5:30 PM

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

Convened: 5:30 PM

Adjourned: 6:27 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, Tunnera, and Page; Councilor Pope

Also Present: David McCay, Mirick O'Connell; George Delegas, NGP Management; Cynthia Panagore Griffin, Assistant City Solicitor, City of Marlborough

Order No. 15-1006070: Application for Special Permit from Attorney Bergeron on behalf of NGP Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street.

The Urban Affairs Committee met with the applicant's representatives over the course of several meetings for discussions on traffic, building aesthetics, lighting, signage and other issues for the building and site. At the meeting held on May 5, 2015, Chairman Delano read through the twenty-eight conditions that comprise the Decision on a Special Permit, City Council Order No. 15-1006070 (Draft decision for review May 5, 2015). The committee agreed upon the conditions with minor changes for clarity.

Motion made by Councilor Clancy, seconded by Chair, to recommend approval of the Special Permit from Attorney Bergeron on behalf of NGP Management LLC, as amended, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street. Carries 5-0.

Reports of Committees Cont'd:

Motion made by Councilor Clancy, seconded by Chair, to request a suspension of the rules at the May 18, 2015 regular City Council meeting to refer to the City Solicitor for placement of the Special Permit Decision in proper legal form on the June 1, 2015 agenda. Carries 5-0.

Motion made by Councilor Clancy, seconded by Chair, to adjourn. Carries 5-0. The meeting adjourned at 6:27 PM.

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Elder, and Irish. Councilors Pope, Delano, Landers, Clancy, Tunera and Page were also in attendance. The meeting convened at 6:10 PM.

1. Order No.15-1006197 - Mayor Fiscal Year 2016 Operating Budget for \$143,287,762.00: The Finance Committee reviewed the Mayor's letter dated April 30, 2015 requesting the approval of the Fiscal Year 2016 (FY16) operating budget for \$143,287,762.00.

Attachment 1 contains the projected tax implications based on the Mayor's FY16 budget. The Mayor's FY16 budget results in a 3.52% estimated increase in the property tax levy or an increase of approximately \$140.73 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2015.

Attachment 2 contains the projections for the state and local revenues for FY16 that were used in developing the tax implications.

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

- Reserve for Salaries Account 1990-57820 - \$250,000.00
- Electricity Account 1920-52120 - \$250,000.00

The Finance Committee voted 5 - 0 to approve a \$500,000.00 reduction to the Mayor's FY16 budget of \$143,287,762.00. The Finance Committee voted 5 -0 to approved a FY16 budget of \$142,787,762.00. This represents a 4.16% increase from the FY15 budget or an increase of \$5,701,239.00.

The Finance Committee adjourned at 8:21 PM.

Reports of Committees Cont'd:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: May 13, 2015

Time: 5:15 PM

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

Convened: 5:15 PM

Adjourned: 5:22 PM

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

Also Present: Mayor Arthur Vigeant

Order No. 15-1006129: The Appointment of Richard Cygan, to the Council on Aging for a four year term to expire from date of approval. **Recommendation of the Personnel Committee is to approve the Appointment of Richard Cygan to the Council on Aging for a four year term to expire from date of approval. Motion made by Councilor Elder, seconded by 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 and the meeting adjourned at 5:22 PM.

Suspension of the rules requested – granted

ORDERED: That the Application for a Special Permit by NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street, to June 16, 2015, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR JUNE 1, 2015 CITY COUNCIL AGENDA**; adopted.

Councilor Robey recused.

ORDERED:

TURF FIELD BOND

That the sum of \$3,855,059.00 (three million eight-hundred fifty-five thousand and fifty-nine) dollars be and is hereby appropriated for the construction of a synthetic turf athletic field, new track and concession stand at the Whitcomb Middle School Field and that to meet said appropriations, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,855,059.00.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

APPROVED; adopted.

Yea: 10-Nay: 0-Abstain:1

Yea: Delano, Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

Abstain: Elder

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:54 PM.



City of Marlborough
Office of the Mayor

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

2015 MAY 28 A 11:24
Nicholas Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

May 28, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Youth Service Awards

Honorable President Pope and Councilors:

I am pleased to inform you that 9 of our residents have been awarded Youth Service Awards by the Marlborough Youth Commission.

These nine impressive young people were singled out for their volunteerism, hard work, and dedication to the Marlborough community. Their selfless dedication to community sets a great example to their classmates, neighbors, and to all of us. The Youth Commission is proud to award Youth Service Awards to:

- Julia Dougherty, who was nominated by Darren McLaughlin, for her work creating the Bernadette Program that collected 450 toys and gift cards for Child Life services last year in remembrance of her best friend, Bernadette La Follette.
- Kim Baker, Shayna Fine, Rafaella Alves, and Lauren Chamberlain, of the Touchstone Team, who were nominated by Sue Waudby, for their great volunteering contributions to Touchstone which provides services to residents in need.
- Ryan Vermilyea and Brittany Vermilyea, who were nominated by Janis White Haskins, for their consistent volunteer work with food drives, and the local charity motorcycle ride which raises money for scholarships.
- Brian Roberts and Mitchell Lombardo, who were nominated by Carol Manne, for their volunteer services at the Greater Marlborough Programs, Inc., which consisted of coaching and making a difference in many lives through the Special Olympics alpine ski program.

Please join me in congratulating this year's recipients of the Youth Service Awards.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
2015 MAY 28 A 11:24
Nicholas Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

May 28, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Funds to Purchase the Parcel at 11 New Street

Honorable President Pope and Councilors:

I am pleased to submit for your approval a transfer request in the amount of \$34,000 from the Open Space Stabilization Fund to fund the purchase of the parcel at 11 New Street. Over the past few months, I have been negotiating with the owner to identify a reasonable price for this parcel. The City is currently in receipt of a purchase and sale agreement to purchase the parcel for \$34,000. Upon your approval of this transfer request, I will move forward with the purchase.

This parcel's proximity to the new Marlborough Senior Center makes it an attractive and worthwhile investment for the City.

The 11 New Street parcel, identified as Map 69, Parcel 194 on the Assessors Map of the City of Marlborough, provides a unique opportunity to serve the interests of the City as well as the surrounding residential neighborhood. The property currently houses a small garage-like structure used by a property management company; it also often houses commercial-size garbage collection bin. Over the past few years, the City has received complaints about the upkeep of the parcel.

Purchasing the parcel would give the City various options for use of it moving forward, including storage for landscaping equipment for the Senior Center and Ward Park or additional public parking. As I have noted previously, I believe the best use for this site would be for municipal storage.

Also enclosed, please find a draft order to accompany the transfer request. The draft order requires a two-thirds vote to approve the transfer request allowing the purchase of the parcel.

Thank you for your attention to this transfer request. As always, if you have any questions or concerns about this issue, please feel free to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke at the end.

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

That, pursuant to Mass. Gen. Laws c. 43, § 30 and c. 40, § 5B, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation from Stabilization – Open Space (account # 83600-32918) in the amount of \$34,000.00 as sufficient funds to pay for the proposed purchase of the parcel located at 11 New Street.

ADOPTED
In City Council
Order No. 15-

Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

Office of the Mayor

MAY 28 A 11:24

Nicholas Milano
EXECUTIVE AIDE

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Patricia Bernard
EXECUTIVE SECRETARY

May 28, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Colonial Power

Honorable President Pope and Councilors:

I am pleased to inform you that the City of Marlborough has recently received \$50,000 from Colonial Power as part of its negotiated municipal aggregation agreement with the City to fund energy efficiency improvements for the City of Marlborough and its residents.

As electricity rates remain high and heating costs continue to rise, especially when we have winters like the one we just had, we ought to assist our residents in finding energy efficiencies in their own homes. I look forward to working with you to establish a program to utilize these funds effectively and achieve greater energy savings for the City of Marlborough and its residents.

Additionally, as you may know, National Grid has reduced its electricity rates to nearly 9 cents per kilowatt hour. This rate outperforms the rate that the City has with Colonial Power under the municipal aggregation agreement. Over the first six months of the municipal aggregation agreement, Marlborough residents were able to achieve significant savings due to the low rate we negotiated with Colonial Power. However, these new rates from National Grid mean that Marlborough residents are now paying more than they should for electricity.

I look forward to working closely with you on the best means to inform Marlborough residents of their options under the current municipal aggregation agreement.

As always, please do not hesitate to contact me with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
MAY 28 A 11: 24
Nicholas Milano
EXECUTIVE AIDE

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Patricia Bernard
EXECUTIVE SECRETARY

May 28, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Grant Acceptance – Ezra Cutting Trust

Honorable President Pope and Councilors:

Enclosed, for your acceptance, is a grant from the Ezra M. Cutting Trust to support the city's partnership with the Rivers Edge Arts Alliance (formerly known as the Hudson Area Arts Alliance). In past years, this grant helped fund the "Saturday Morning Discovery Series."

Like last year, these funds will be used to support performances that are part of the "Family Fun Festivals" that will provide quality entertainment for families in the Marlborough-Hudson region.

Thank you in advance for your support.

Sincerely,

Arthur G. Vigeant
Mayor

Philanthropic Solutions
Bank of America, N.A.

March 31, 2015

Mr. Michael C. Berry
Executive Aide to the Mayor
City of Marlborough
City Hall, 140 Main Street
Marlborough, MA 01752

Dear Mr. Berry:

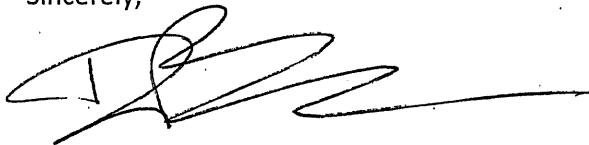
It is our pleasure to advise you that the Trustee for the Ezra M. Cutting Trust has awarded a grant in the amount of \$6,000 to the City of Marlborough. This one year grant was made to support the Family Fun Festivals.

U.S. Trust, Bank of America, N.A., as Trustee of the Ezra M. Cutting Trust, is responsible for the management of the Fund's assets and administration of its grantmaking program. As Trustee, the Bank ensures that the philanthropic intentions of the donor are honored.

A Grant Agreement is enclosed for your signature. Please review the Grant Agreement, sign it, and return. A return envelope is enclosed. **A check in the full payment of this award will be mailed to the address listed above upon receipt of the signed agreement.**

We are proud to have the opportunity to partner with your organization and look forward to learning more about your continuing success. If you have any questions about this grant, or its conditions, please do not hesitate to contact me at 617.434.6454 or Rita Richardson Goldberg, Sr. Philanthropic Administrator, at 617.434.4437 or rita.richardson_goldberg@ustrust.com. Best wishes for much success.

Sincerely,



Dian Parker Quinn
SVP, Senior Philanthropic Relationship Manager
For the Trustee of the Ezra M. Cutting Trust
dian.quinn@ustrust.com

MA1-225-04-02, 225 Franklin Street
Boston, MA 02110
T 888.703.2345 F 617.434.6024

Ezra M. Cutting Trust, Bank of America, N.A., Trustee
GRANT AGREEMENT

On March 30, 2015, the Trustee for the **Ezra M. Cutting Trust** (Grantor) granted to **City of Marlborough** (Grantee) the amount of **\$6,000**, for the **Family Fun Festivals**. The Grantee agrees and consents to the following conditions of the grant:

1. Grantee has provided Grantor with verification of the Grantee's public charity status under Sections 501(c)(3) and 509(a)(1) or 509(a)(2) of the Internal Revenue Code of 1986, as amended (the "Code"), and agrees to notify the Grantor of any change in the Grantee's status.
2. Grantee will use the grant exclusively for the purposes and objectives specified in the accompanying cover letter and in the proposal submitted to the Ezra M. Cutting Trust, and Grantee acknowledges no goods or services or benefits have been or will be provided by Grantee to Grantor.
3. Grantee shall not use any portion of the funds granted herein to carry on lobbying or otherwise to attempt to influence specific legislation, either by direct or grassroots lobbying, nor to carry on directly or indirectly a voter registration drive, nor to make grants to individuals on a non-objective basis, nor to use the funds for any non-charitable purpose.
4. Grantee shall not, under any circumstance, transfer, assign or encumber any portion of the grant. The Grantee agrees that the grant funds will not be expended, transferred, or used for any purpose or in any fashion that is prohibited by an applicable law of the United States or of any domestic or foreign jurisdiction, including without limitation, applicable laws proscribing the support of terrorism or terrorist organizations.
5. Grantee agrees that in all media, such as printed materials, social media, annual reports and any press releases or articles publicizing this grant, the Grantor shall be recognized in the following manner: "Ezra M. Cutting Trust, Bank of America, N.A., Trustee." In instances where a press release is developed for distribution to media outlets, the Grantee agrees to timely forward a draft to U.S Trust Philanthropic Solutions for prior approval.
6. Grantee shall submit a report to Grantor summarizing the program for which the grant was received, specifically addressing whether the goals as set forth in the proposal were met, and if not, why not, and will detail all expenditures made from the granted funds as compared to the request budget. If the grant awarded is for a period longer than one year, Grantee shall submit annual reports until the end of the grant period specified in the award letter.
7. In the event that Grantee does not expend all grant funds and the interest earned thereon, Grantee shall notify Grantor. It shall be within Grantor's sole discretion whether to direct Grantee to retain or return such funds. Should Grantor require the return of the unexpended funds and interest earned thereon, Grantee shall timely return such funds to Grantor.

IN WITNESS WHEREOF, this Grant Agreement is signed this 9 day of April, 2015.

City of Marlborough
(Grantee)

By Arthur G. Vigeant Mayor
(Officer, Director, or Trustee of Grantee) (Title)

Arthur G. Vigeant Print Name



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

2015 MAY 28 A 11: 24

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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

May 28, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Proposed Changes to Polling Locations

Honorable President Pope and Councilors:

Now that the Senior Center has been completed and after meeting with you, City Clerk Lisa Thomas, and DPW Commissioner John Ghiloni, I am proposing the relocation of several polling locations to one central polling location at the new Senior Center located at 40 New Street.

The Senior Center has ample parking, is ADA accessible, and has enough room to house several polling locations.

The polling locations that I propose moving to the Senior Center are as follows:

- Ward 3, Precinct 1, which is currently located in the Masonic Hall at 8 Newton Street
- Ward 4, Precincts 1 and 2, which are currently located in the Boys and Girls Club at 169 Pleasant Street
- Ward 5, Precinct 1, which is currently located in the former Senior Center at 250 Main Street
- Ward 5 Precinct 2, which is currently located in the Masonic Hall at 8 Newton Street

City Council approval is required to relocate each of these polling locations from its current location to the new Senior Center.

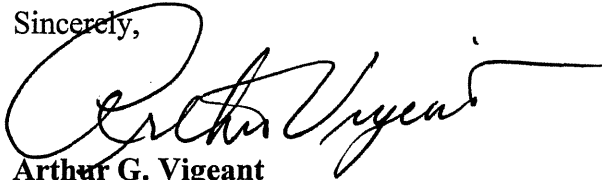
Additionally, since the polling locations for Ward 5, Precinct 2 and Ward 4, Precinct 2 will be moved to a location not adjacent to the precinct, the Massachusetts Legislature will have to approve their relocations. Upon City Council approval of these relocations, I will work with our Legislative Delegation to file the necessary Home Rule Petition through the Legislature.

M.G.L. c. 54, § 24 requires the City to notify by mail all registered voters affected by a polling location change. This requirement, and the requirement to receive Legislative approval, means that the process to relocate polling locations can be time consuming. I have prioritized this issue and I look forward to working closely with you to improve the voting experience of all our residents.

The Senior Center, located centrally in Downtown Marlborough, with its ADA accessibility and ample parking provides an improvement over the current polling locations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Vigeant", with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor



City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
2015 MAY 28 A 11:24
Nicholas Milano
EXECUTIVE AIDE

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www.marlborough-ma.gov

Patricia Bernard

EXECUTIVE SECRETARY

May 28, 2015

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Council on Aging Executive Director Appointment

Honorable Councilors:

I am pleased to submit for your approval the appointment of Patricia Pope as the Executive Director of the Marlborough Council on Aging.

Patricia Pope is a great fit for this position because of her extensive experience working at senior living facilities, her eighteen years of distinguished service on the City Council, and her dedication to countless charitable causes.

As I noted in my letter to you on May 18, 2015, I recommend that the City Council follow M.G.L. c. 268A, § 21A, meaning, the City Council may not confirm the appointment of Ms. Pope to the position of Director of the Council on Aging until thirty (30) days after she resigns from the City Council.

Thank you in advance for your consideration and please do not hesitate to contact me with any questions or to discuss her appointment further.

Sincerely,

Arthur G. Vigeant

Mayor



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
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

2015 MAY 28 A 11:56

May 28, 2015

Patricia Pope, President and Members
Marlborough City Council

RE: Decision On A Special Permit To NGP Management LLC For Two (2) Drive-Through
Windows At 525 Maple Street
Order No. 15-1006070

Dear President Pope and Members:

Please find enclosed the above captioned Decision On A Special Permit. Said decision is
in proper legal form for consideration by the body.

Very Truly Yours,

Cynthia Panagore Griffin

Enclosure

IN CITY COUNCIL

ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
NGP Management LLC
Order No. 15-1006070

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 15-1006070**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to NGP Management LLC (the "Applicant") for two (2) drive-through service windows for a restaurant located at 525 Maple Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is a duly organized and existing Limited Liability Company having a business address of 3 Pluff Avenue, North Reading, Massachusetts 01864.
2. The Applicant is the prospective owner of the property located at 525 Maple Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 104, Parcel 37 (the "Site").
3. The Applicant proposes to raze the existing structure on the Site and construct a new building for a restaurant with two (2) drive-through service windows (the "Project").
4. The Site is located in the CA Commercial Automotive Zoning District as determined by the Zoning Map of the City of Marlborough. The Site is a gateway to the City which is to be enhanced and beautified by the quality and character of the Project.
5. On September 30, 2014, the Zoning Board of Appeals issued a variance decision for the Site (the "ZBA Decision"), granting variances from certain requirements applicable to the Project under the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance").
6. The Applicant's use of the Site as a restaurant with drive-through service windows is allowed by special permit, pursuant to Section 650-14.B(2) and 650-17 of the Zoning Ordinance.
7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit seeking two (2) restaurant drive-through service windows (the "Application").

8. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled "Site Plans Pursuant to City Zoning, Conservation Officer and Wetlands Ordinances for Dunkin Donuts 525 Maple Street (Route 85) in Marlborough Massachusetts (Middlesex County)", prepared by Waterman Design Associates, Inc., dated May 16, 2014, last revised December 22, 2014 (the "Plans").

9. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

11. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, February 23, 2015.

12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic. No individual in attendance at the public hearing spoke in opposition to the project. The direct abutter residing at 168 Mill Street informed the City Council Urban Affairs Committee of her concerns that the operation of the drive-through window could have detrimental impacts on her property.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to operate two (2) drive-through service windows as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site shall be in accordance with all applicable Building Codes and Zoning Regulations in

effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, statutes, and ordinances as they may apply to the construction, maintenance, and operation of the Project.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Signs and Awnings. The locations and design of signage shall be reviewed and approved by the City of Marlborough in accordance with the Sign Ordinance of the City of Marlborough without variance therefrom except as herein provided. No internally lit signs shall be used on the site or on the exterior of the building. External signage which advertises the Applicant's business and which is located on the building or on the site shall be wood of a design harmonious with the building design and aesthetics, shall be externally lit, and may include traditional Dunkin Donuts colors, letters, and logo against a white background. A photographic example of the desired wood exterior site sign is attached as Exhibit A. No internally lit interior signs shall be visible from the outside of the building. No posters, graphics, lettering or any other form of advertising shall be affixed to windows or hanging inside or in front of windows. Awning shall not contain graphics or letters and shall not be orange or pink, but shall be a subdued color, harmonious with the design of the building. Electronic message boards and window signs are prohibited, with the exception of the menu board located inside the restaurant which is exempt from said prohibition.

6. Furniture, Equipment, and Umbrellas At The Patio. Patio furniture, equipment and umbrellas shall not be orange or pink, but shall be a subdued color which is harmonious with the design of the building.

7. No Parking, No Stopping and Loading Zone Signs, and the Loading Zone. The Applicant, its successors and/or assigns will reimburse the City for reasonable expenses for the installation of "No Parking" and "No Stopping" signage along Maple Street and "Loading Zone" signage in the loading zone along Mill Street South. The Applicant, its successors and/or assigns acknowledge that the loading zone at the rear of the proposed building is partially within a public way (Mill Street South). The Applicant, its successors and/or assigns will be responsible for paving, maintaining and plowing the loading zone area.

8. Building Design and Aesthetics. The appearance of the building shall be New England colonial style. The exterior materials for the building shall be red brick, or wood clapboards (including HardiePlank or equivalent cementitious clapboard siding) painted or stained in a muted color, or a combination of brick and wood clapboards. Architectural details, including without limitation trims, casings, rakes and fascias, shall be appropriate to the colonial style. Materials designed to imitate brick or stone are not permitted. With the exception of the drive-through windows, windows shall reflect the style of the building in scale and proportion, and shall be divided lite which may be simulated. Should the Applicant require a letter from the City to the Dunkin Donuts corporate office regarding the requirement of a colonial style building and/or muted exterior paint colors, the City will provide said letter. The building design and aesthetics shall be substantially in conformance with the revised Exterior Elevations submitted by the Applicant to the City Council on or about April 27, 2015 and attached as Exhibit B, which comply with the design and aesthetics conditions of this Decision. Photographic examples of other acceptable designs and materials found at other Dunkin Donuts facilities are attached as Exhibit C.

9. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including Exhibits hereto, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

10. Hours of Operation. The hours of operation for the restaurant and drive-through windows shall not exceed Monday through Sunday, 4:00 a.m. to 11:00 p.m. There will be no 24-hour operation.

11. Trenching: All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.

12. Traffic Signage. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough. Traffic and wayfaring signage shall be designed so as to complement the colonial style of the building.

13. Parking Area Rules. Parking areas will be swept and maintained by the Applicant, its successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws c. 90, § 18, the Applicant, its successors and/or assigns shall submit to the Marlborough Traffic Commission a written request and grant of authority to promulgate legally enforceable rules and regulations for the control of on-Site and off-Site traffic and parking. The Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Marlborough Traffic Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

14. No Overnight Parking. There shall be no overnight parking at the Site.

15. Storm Water and Erosion Control Management. During construction, the Applicant, its successors and/or assigns shall be required to hire a site engineer who shall be

competent in stormwater and erosion control management. The credentials of this individual(s) shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan. The Applicant, its successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

16. Easements to City. If deemed necessary by the City Engineer during Site Plan Review, prior to construction of the Project, the Applicant, its successors and/or assigns shall establish and grant to the City utility easements for the construction, maintenance or repair of existing City infrastructure including, but not limited to, water, sewer and drains. Landscaping in the area of such easements shall be coordinated by the Applicant, its successors and/or assigns with the Engineering Division of the City's Department of Public Works in the field so as to avoid conflicts with existing infrastructure.

17. Street Opening. In connection with the installation of improvements within public rights-of-way which require a street opening permit, the Applicant, its successors and/or assigns shall provide the City Engineer with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant, its successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within the public way.

18. Work in Public Ways. Any work performed within the travelled way on Maple Street and Mill Street South shall be done by the Applicant, its successors and/or assigns during off peak hours and, prior to commencement of such work, the Applicant, its successors and/or assigns shall provide a traffic management plan relating to the same for approval by the Engineering Division of the City's Department of Public Works.

19. Drive-Through Speakers. The drive-through window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system, in accordance with the noise ordinance of the City of Marlborough. The drive-through audio speakers will be positioned directionally as shown on the Plans as submitted to the City Council and/or the Urban Affairs Committee. The drive-through audio speakers also shall not produce noise at the property line greater than that which would be allowed in a residential zone pursuant to the Noise Ordinance of the City of Marlborough. The City Council reserves the right to review the noise levels and positioning of the drive-through audio speakers for one year after the operation of the drive-through window commences.

20. Deliveries. In order to mitigate noise concerns for residential abutters, no deliveries to the Site shall occur prior to 7:00 a.m. except for the early morning, daily delivery of donuts and perishable items by a small box truck, van or similar sized vehicle. All possible measures shall be taken to avoid noise and not disturb neighbors. Deliveries by semi-trailers shall not occur prior to 7:00 a.m. or after 7:00 p.m. Delivery trucks making deliveries to the Site may only park on the Site or in the designated loading area along Mill Street South.

21. Lighting. All illuminations of individual parking lot light fixtures shall not exceed 200-incandescent-equivalent watt fixtures. Where ever feasible, such as at walks and at the building entrance, lighting fixtures shall be period or ornamental fixtures selected to complement the architecture. The parking lot light fixtures and light fixtures which are located on the exterior of the building shall be period or ornamental selected to complement the architecture. The design of the parking lot light fixture attached as Exhibit D complies with this paragraph of the Special Permit. The configuration, height, brightness and number of parking lot light fixtures shall be sufficient for safety purposes but shall be limited to the extent possible to avoid causing a nuisance to abutting properties. The final lighting plan shall be reviewed and approved by the Site Plan Review Committee, consistent with this Decision.

22. Landscaping. The Applicant, its successors and/or assigns agrees to plant and maintain in good condition the Project's landscaping substantially in conformance with the Plans as submitted to the City Council and/or the City Council's Urban Affairs Committee, as may be amended during Site Plan Review or by subsequent agreement of the Site Plan Review Committee or City Engineer.

23. Drive-Through Operations at Neighboring Restaurant. On or before the date that the Project first operates the drive-through windows authorized by this Decision, the Applicant, its successors and/or assigns, shall abandon with prejudice the drive-through window use at the restaurant currently operated by the Applicant located at 312 Maple Street in Marlborough. The Applicant, its successors and/or assigns shall cause this Special Permit Decision (once recorded in the Middlesex South Registry of Deeds) to appear in the chain of title for the 312 Maple Street property.

24. Drive-Through Window. The Police Chief or his designee, may, for the purposes of protecting public safety and in the exercise of his professional discretion, order the temporary closure of the drive-through facilities.

25. Trash. Applicant, its successors and/or assigns agrees to screen the Project's trash area by constructing a six foot (6') white vinyl fence screen of a design compatible with the building. Applicant, its successors and/or assigns further agrees that the dumpsters located on the Site will be covered. No trash pickup shall occur before 7:00 AM or after 7:00 PM.

26. Snow Removal. Snow storage and removal is to be maintained and conducted on site by Applicant, its successors and/or assigns in accordance with Condition #2 of the Decision of the City of Marlborough Zoning Board of Appeals dated September 30, 2014, and as hereinafter provided. Applicant, its successors and/or assigns shall remove snow accumulation from the site if accumulation is more than two inches (2") in a 48 hour period.

27. Non-Severability of Conditions: If any of the above conditions is deemed to be invalid by a court of competent jurisdiction, then this Decision shall be null and void.

28. Recording of Decision: In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before a Building Permit is issued. Applicant, its affiliates, successors and/or assigns shall also furnish

proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. 15-1006070

Adopted: _____ 2015

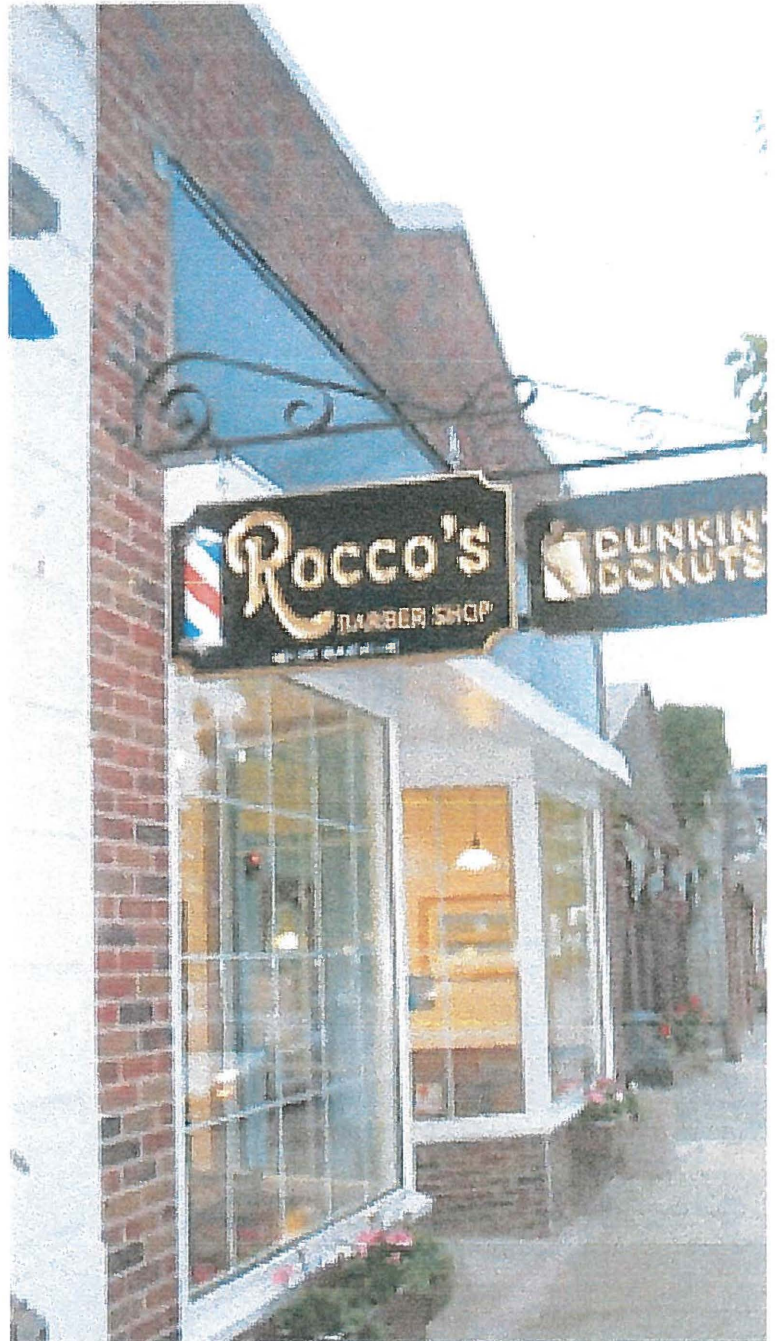
A TRUE COPY

ATTEST: _____ City Clerk

Example of Signage: Wood, Gold Lettering against black background
Scituate Harbor, Massachusetts



EXHIBIT
tabbies
Exhibit A



DUNKIN' DONUTS
Front St. Scituate Harbor. Mass.

EXHIBIT
Exhibit A

**Signage - Dunkin Donuts Restaurant
Norton, Massachusetts**



**Photos to be attached to the Special Permit
Decision, Condition #5, Signs in General, Signs and Awnings**

Sample of Sign and illumination of sign

Groton / Harvard / Ayre Road

EXHIBIT
Exhibit A



301 621
ENTER

EXHIBIT
Exhibit A

Example of favorable building design and materials, gold sign above door, windows





FRONT ELEVATION



PATIO ELEVATION



SIDE ELEVATION



DRIVE-THRU ELEVATION



EXHIBIT

Exhibit C

Example of Desirable Building Materials.



EXHIBIT
Exhibit C

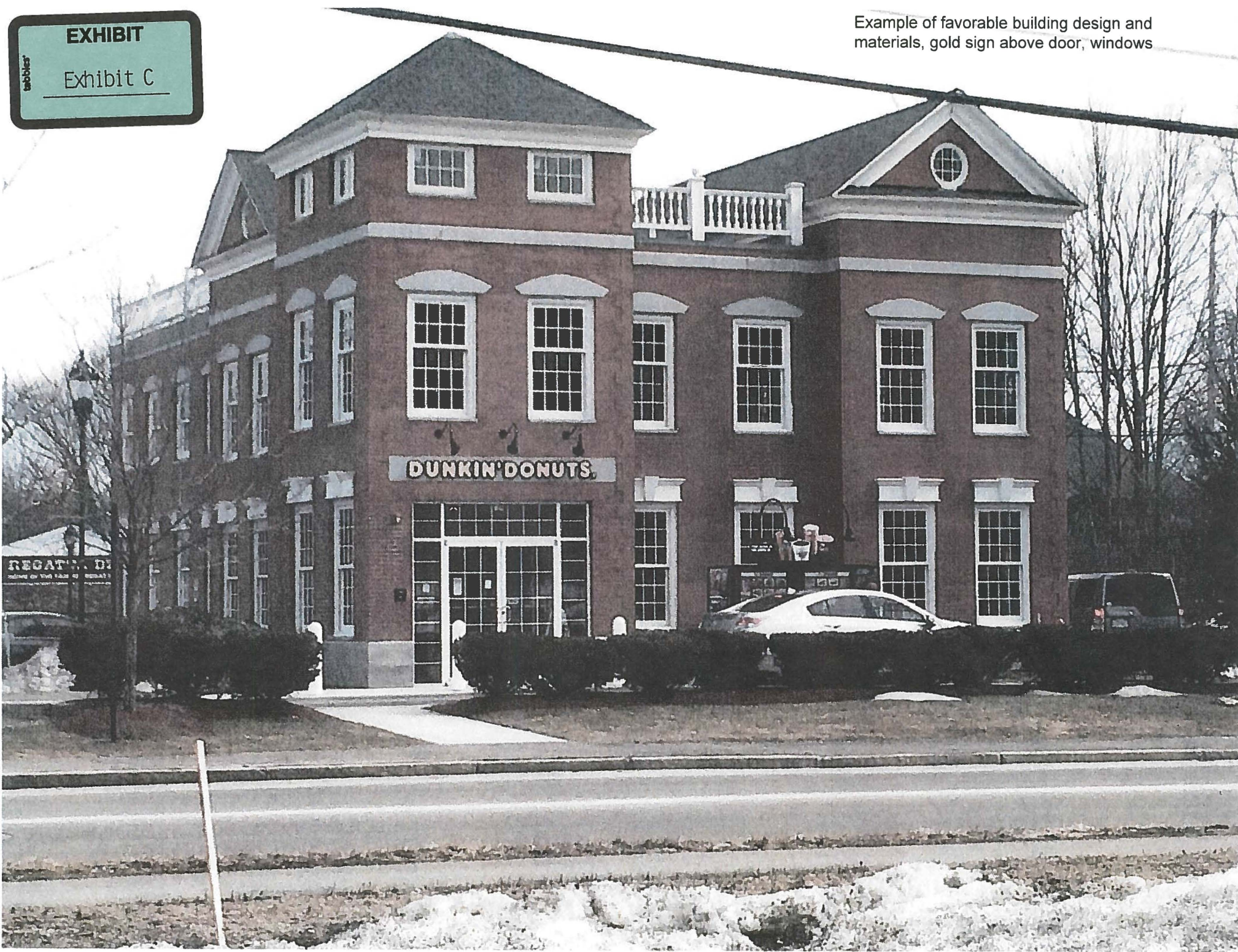
Example of desirable building color, materials
Undesirable building and window signs

Sudbury Stre
Rt 20



EXHIBIT
tabbler
Exhibit C

Example of favorable building design and materials, gold sign above door, windows



Example of desirable building colors and design features: roof, windows, columns, black iron fencing, goose neck lights
Unfavorable barriers and patio colors

EXHIBIT
tabbler
Exhibit C



EXHIBIT

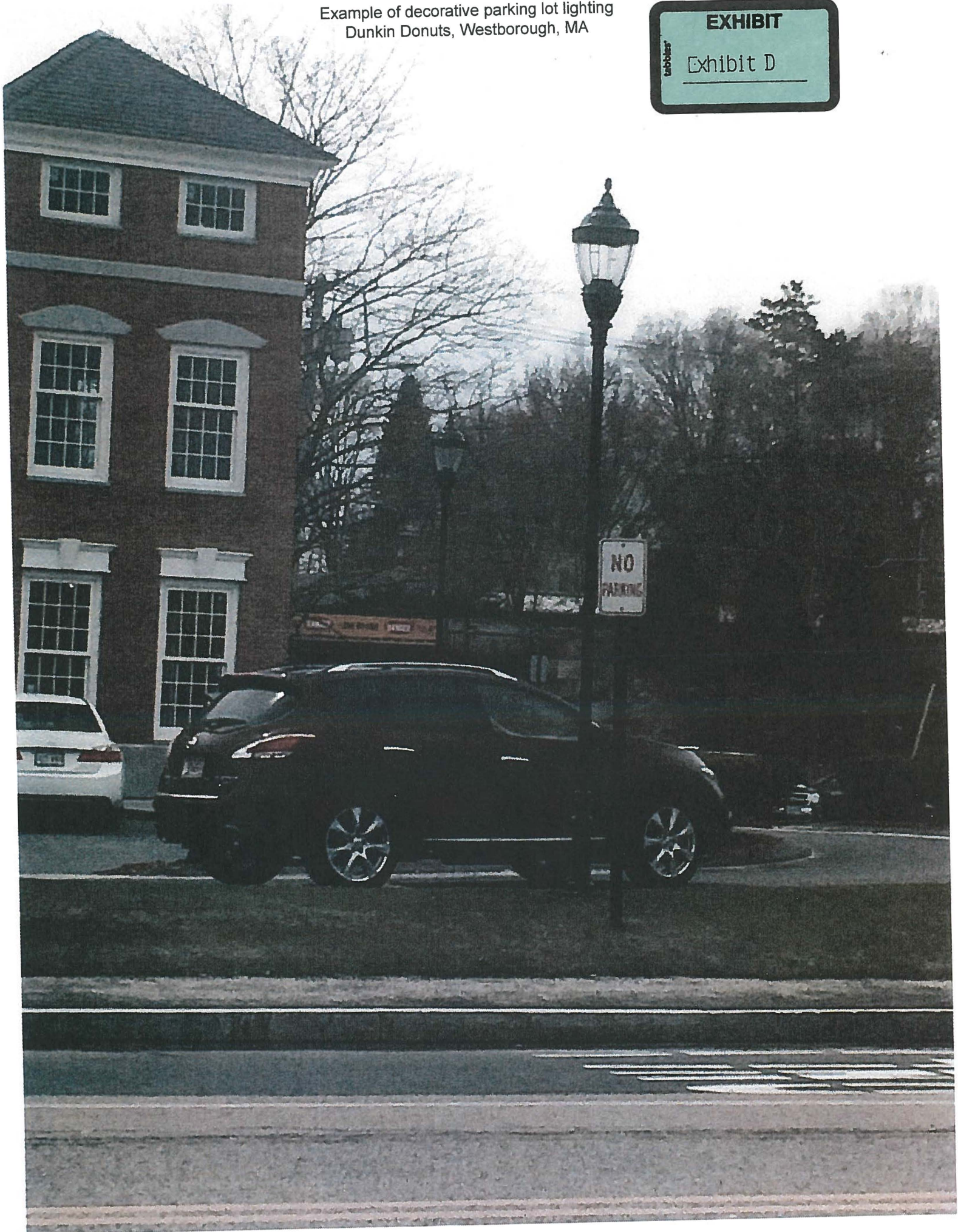
Exhibit C

Example of desirable building materials
brick and clapboard mix



Example of decorative parking lot lighting
Dunkin Donuts, Westborough, MA

EXHIBIT
tabbler
Exhibit D





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

2015 MAY 28 A 11: 56

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 28, 2015

Patricia Pope, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Order No. 15-1006181
Order of Taking and Plans - Farm Road Reconstruction and Improvements Project

Dear President Pope and Members,

Please find proposed Order No. Order No. 15-1006181 including related plans, concerning the above captioned matter.

Said order is in proper form for consideration by the City Council.

Very truly yours,

Cynthia Panagore Griffin
Assistant City Solicitor

Enclosures

cc: Evan Pilachowski, City Engineer

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain portions of land located on Farm Road and located on land at the intersections of Farm Road with Phelps Street, Helen Drive, and Broadmeadow Street (hereinafter, "Farm Road"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Farm Road, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the easement interests or fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. Street address: 500 Farm Road, Marlborough, MA 01752

Temporary easement for hay bale placement purposes: Being a 471 S.F portion of the property located on Farm Road, Marlborough, MA, known and numbered as Map 84, Parcel 105 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-23 on Sheet 5 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: Alexander Akers & Augustine Onoja
500 Farm Road
Marlborough, MA

2. Street Address: 747 Farm Road, Marlborough, MA

Temporary easement for the purposes of grading, driveway reconstruction, and access to communications box services box (on utility pole): Being a 611 S.F. portion of the property located at 747 Farm Road, Marlborough, MA, known and numbered as Map 73, Parcel 46 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-64 on Sheet 11 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: David B. Richard & Patricia A. Richard
747 Farm Road
Marlborough, MA 01752

3. Street Address: 184 Helen Drive, Marlborough, MA 01752

Temporary easement for hay bale placement purposes: Being a 975 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-40 on Sheet 7 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 937 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-42 on Sheet 7 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

Permanent easement for culvert replacement and maintenance purposes: Being a 2,263 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-10 on Sheet 7 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: William P. Shea
184 Helen Drive
Marlborough, MA 01752

4. Street Address: 233 Phelps Street, Marlborough, MA 01752

Temporary easement for grading and sidewalk purposes: Being a 100 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 3 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

Permanent easement for sidewalk construction and maintenance purposes: Being a 56 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-2 on Sheet 3 of 12 of a set of plans, dated May 1, 2015, entitled Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNERS: Duarte Domingues & Maria Domingues
233 Phelps Street
Marlborough, MA 01752

5. Street Address: 10 Broadmeadow Street, Marlborough, MA 01752

Fee interest acquisition for sidewalk construction purposes: Being a 173 S.F. portion of the property located at 10 Broadmeadow Street, Marlborough, MA, known and numbered as Map 85, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel 1-C on Sheet 8 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: Charles P. Trombetta, Trustee
10 Broadmeadow Street Realty Trust
655 Farm Road
Marlborough, MA

6. Street Address: 479 Farm Road, Marlborough, MA 01752

Permanent easement for installation and maintenance of new utility support pole: Being a 68 S.F., more or less, portion of the property located at 479 Farm Road, known and numbered as Map 84, Parcel 96 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-28 on Sheet 5 of 12 of a set of plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNERS: Marcos Flores & Lucy Montoya
 479 Farm Road
 Marlborough, MA 01752

Said plans, dated May 1, 2015, entitled "Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc." to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA (LABEL ON PLAN)</u>	<u>AWARD</u>
Alexander Akers & Augustine Onoja 500 Farm Road Marlborough, MA	84-105	471 S.F. (TE-23)	\$468.00
David B. Richard & Patricia A. Richard 747 Farm Road Marlborough, MA 01752	73-46	611 S.F. (TE-64)	\$189.00
William P. Shea 184 Helen Drive Marlborough, MA 01752	85-6	975 S.F. (TE-40) 937 S.F. (TE-42) 2,263 S.F. (E-10)	\$8,901.00
Duarte Domingues & Maria Domingues 233 Phelps Street Marlborough, MA 01752	84-139	100 S.F. (TE-13) 56 S.F. (E-2)	\$404.00
Charles P. Trombetta, Trustee 10 Broadmeadow Street Realty Trust 655 Farm Road Marlborough, MA	85-10	173 S.F. (1- C)	\$87.00
Marcos Flores & Lucy Montoya 479 Farm Road Marlborough, MA 01752	84-96	68 S.F. (PUE-28)	\$272.00

ADOPTED
In City Council
Order No. 15-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST

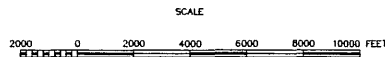
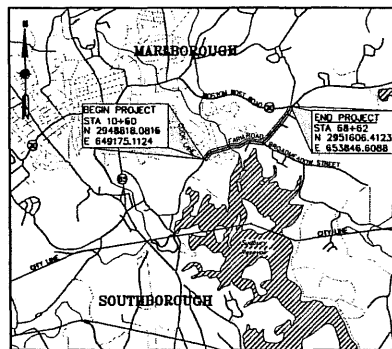
RESERVED FOR REGISTRY USE ONLY

RIGHT-OF-WAY PLANS
 FARM ROAD
 IN THE CITY OF
 MARLBOROUGH
 MIDDLESEX COUNTY

CITY OF MARLBOROUGH BID NUMBER: ED 2015-20

INDEX

1	TITLE & INDEX SHEET
2-12	PROPERTY PLANS



LEGEND

C-#	TAKEN IN FEE IN BEHALF OF THE CITY
E-#	PERMANENT EASEMENT (PORTION OF RIGHT-OF-WAY)
PUE-#	PERMANENT UTILITY EASEMENT
TE-#	TEMPORARY EASEMENT FOR VARIOUS PURPOSES

LENGTH OF PROJECT: 5802.00 FEET = 1.099 MILES

MAY 1, 2015

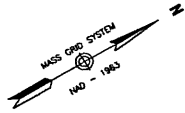
Certification

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED PROFESSIONALS OF MASSACHUSETTS.

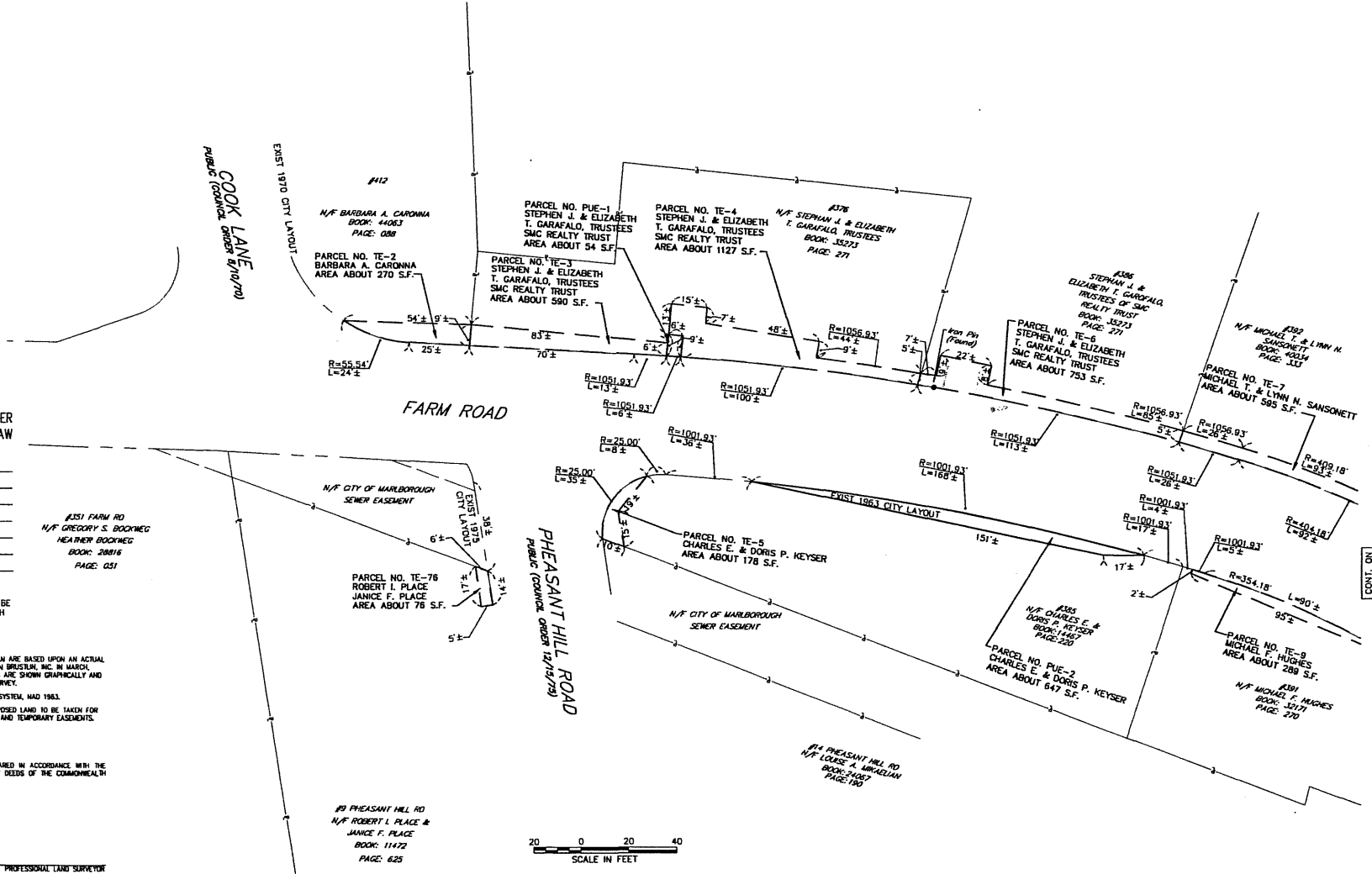
DATE: _____ PROFESSIONAL LAND SURVEYOR

VHB Vanover Hansen Bruce & Co., Inc. Environmental Services 2 Washington Sq, Union Station, Suite 218 Worcester, MA 01604 508 752 1001 FAX 508 752 1276		
DESIGNED BY RD	DRAWN BY RD	CHECKED BY JMC
DATE 10/14/2014	PROJECT NO. 09696.00	SHEET OF 1 OF 12

PROJECT ENGINEER
 STRUCTURAL REVIEW
 TRAFFIC SIGNAL REVIEW
 HIGHWAY DEPT. AUTHORIZATION
 CONSTRUCTION REVIEW



RESERVED FOR REGISTRY USE ONLY



APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

DATE: _____

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

General Notes

- 1) THE RIGHT-OF-WAY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY WASSHE HANCOCK BRISTOL, INC. IN MARCH, 2006 AND PLANS OF RECORD, PROPERTY LINES ARE SHOWN GRAPHICALLY AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
- 2) HORIZONTAL DATUM IS BASED ON MASS. PROJ SYSTEM, 1940-1963.
- 3) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED LAND TO BE TAKEN FOR ROADWAY PURPOSES, ALONG WITH PERMANENT AND TEMPORARY EASEMENTS.

Certification

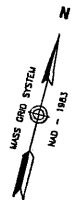
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: _____ PROFESSIONAL LAND SURVEYOR

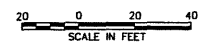
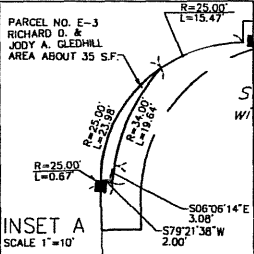
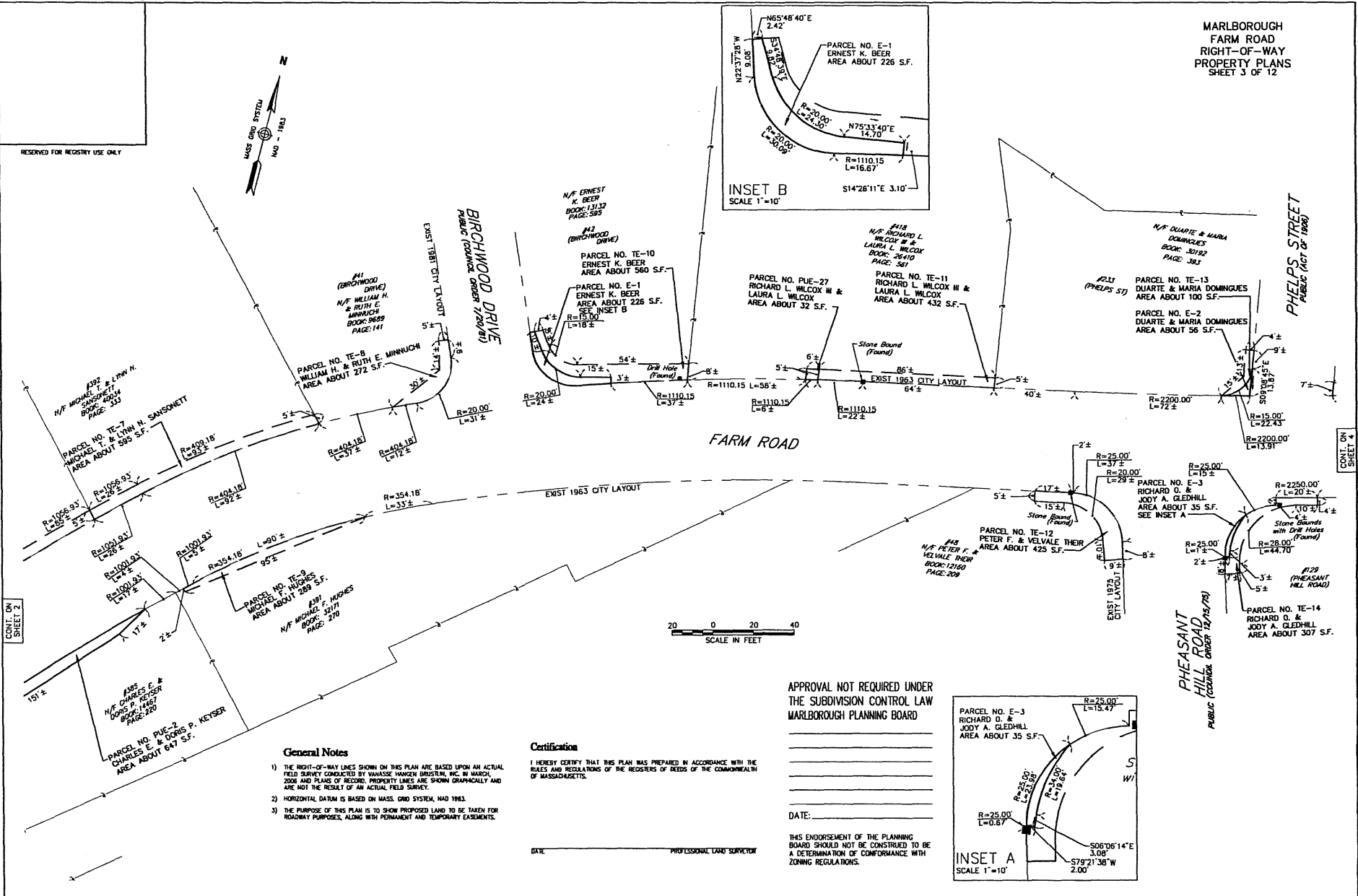


CONT. ON SHEET 1

MARLBOROUGH
FARM ROAD
RIGHT-OF-WAY
PROPERTY PLANS
SHEET 3 OF 12



RESERVED FOR REGISTRY USE ONLY



- General Notes**
- 1) THE RIGHT-OF-WAY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY VANASSE HANGEN BRISTOL, INC. IN MARCH, 2006 AND PLANS OF RECORD. PROPERTY LINES ARE SHOWN GRAPHICALLY AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
 - 2) HORIZONTAL DATUM IS BASED ON MASS. GRID SYSTEM, MAG 1983.
 - 3) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED LAND TO BE TAKEN FOR ROADWAY PURPOSES, ALONG WITH PERMANENT AND TEMPORARY EASEMENTS.

Certification

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ PROFESSIONAL LAND SURVEYOR

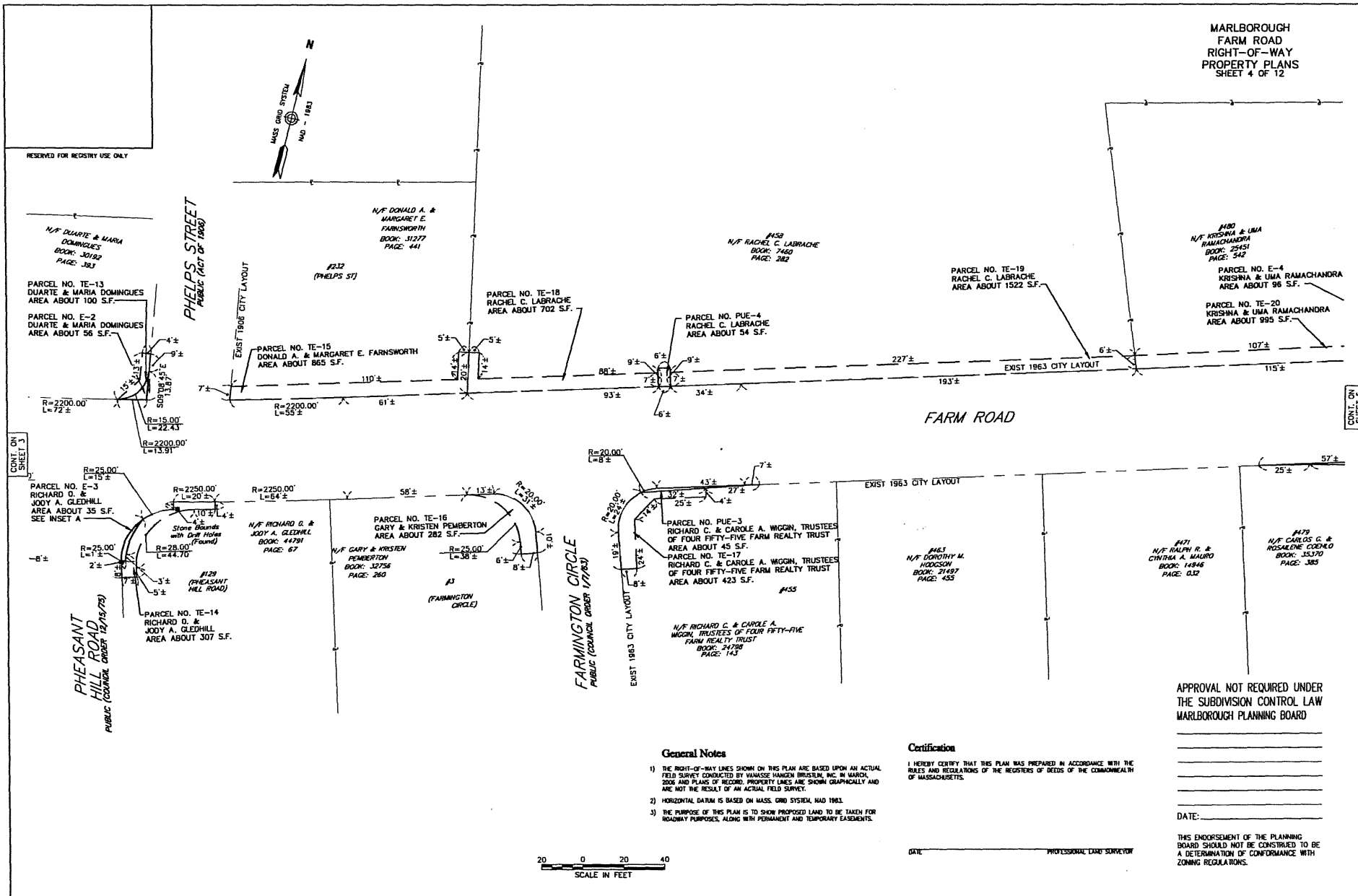
APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW MARLBOROUGH PLANNING BOARD

DATE: _____

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

CONT. ON SHEET 2

CONT. ON SHEET 4



CONT. ON SHEET 3

ONLY ON SHEET 5

General Notes

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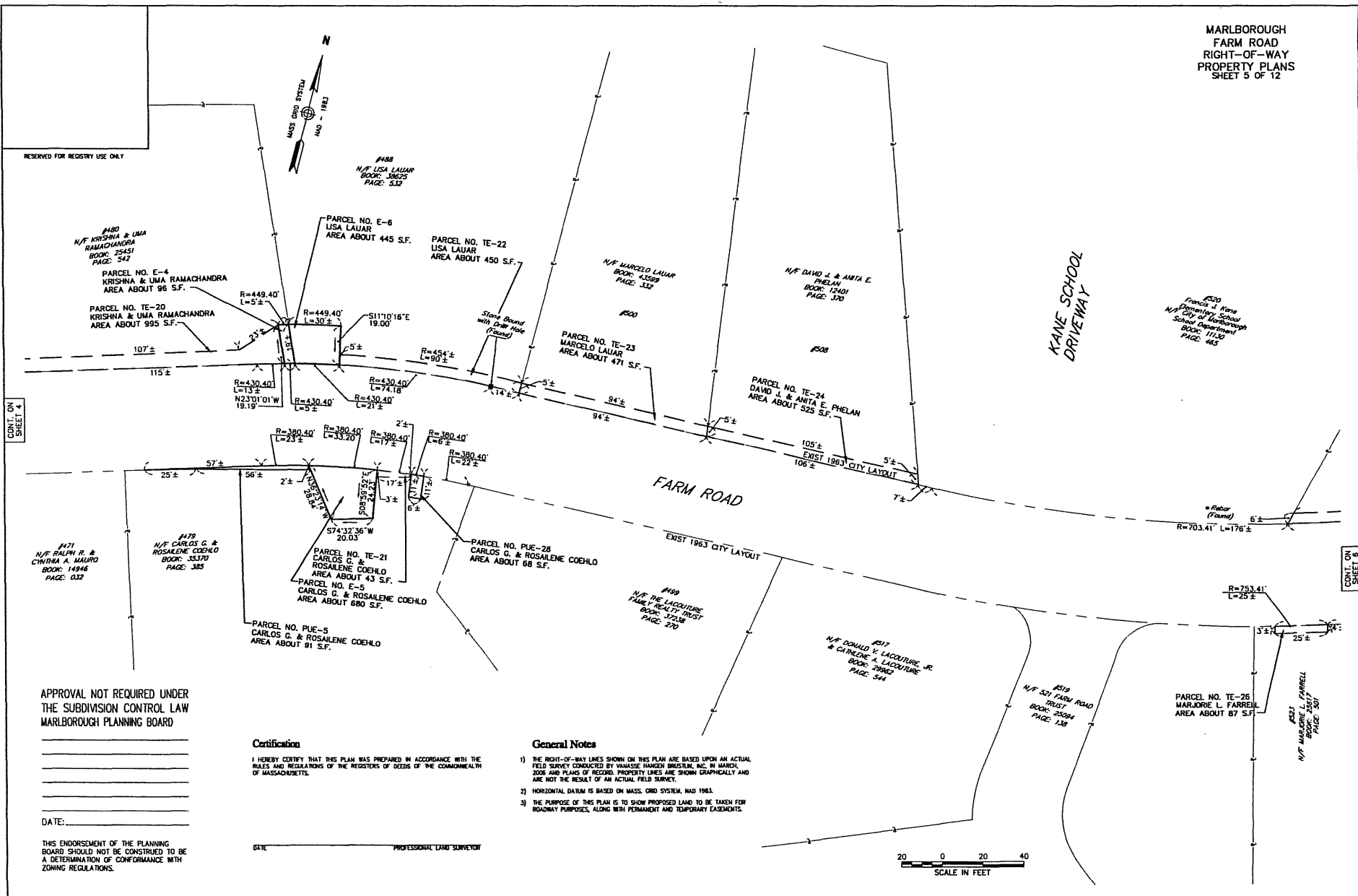
APPROVAL NOT REQUIRED UNDER
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DATE _____ PROFESSIONAL LAND SURVEYOR





RESERVED FOR REGISTRY USE ONLY

CONT. ON SHEET 4

CONT. ON SHEET 6

APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

DATE: _____

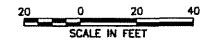
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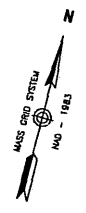
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DATE _____ PROFESSIONAL LAND SURVEYOR

General Notes

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- 3) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED LAND TO BE TAKEN FOR ROADWAY PURPOSES, ALONG WITH PERMANENT AND TEMPORARY EASEMENTS.





RESERVED FOR REGISTRY USE ONLY

#520
Francis J. Kane
Elementary School
City of Marlborough
School Department
BOOK: 1130
PAGE: 445

#532
N/F BEVERLY KELLY
BOOK: 13567
PAGE: 484

PARCEL NO. TE-28
BRUCE F. IRELAND &
KATHLEEN GRIFFIN-IRELAND
AREA ABOUT 1230 S.F.

#540
N/F BRUCE F. IRELAND &
KATHLEEN GRIFFIN-IRELAND
BOOK: 19921
PAGE: 394

PARCEL NO. TE-29
TERENCE A. & SOLEDAD J. MCCABE
AREA ABOUT 1003 S.F.

#552
N/F TERENCE A. &
SOLEDAD J. MCCABE
BOOK: 33167
PAGE: 361

N/F RALPH P. &
DIANE L. CHERELLA
BOOK: 13753
PAGE: 344

#53
(CLARKE DRIVE)

PARCEL NO. TE-30
RALPH P. & DIANE L.
CHERELLA
AREA ABOUT 722 S.F.

CLARKE DRIVE
(COUNCIL ORDER 1/17/83)

#555
N/F WILLIAM E. &
JOHAN SMITH
BOOK: 20622
PAGE: 350

#547
N/F JOHN F. & MARY M.
DOWHAN
BOOK: 18655
PAGE: 109

#535
N/F MW REALTY TRUST
BOOK: 26893
PAGE: 011

PARCEL NO. TE-26
MARJORIE L. FARRELL
AREA ABOUT 87 S.F.

#521
N/F MARJORIE L. FARRELL
BOOK: 11301
PAGE: 301

FARM ROAD

EXIST 1963 CITY LAYOUT

Stoneboard
with Drill Hole
(Found)

General Notes

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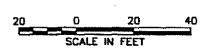
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ PROFESSIONAL LAND SURVEYOR

APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

DATE: _____

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.



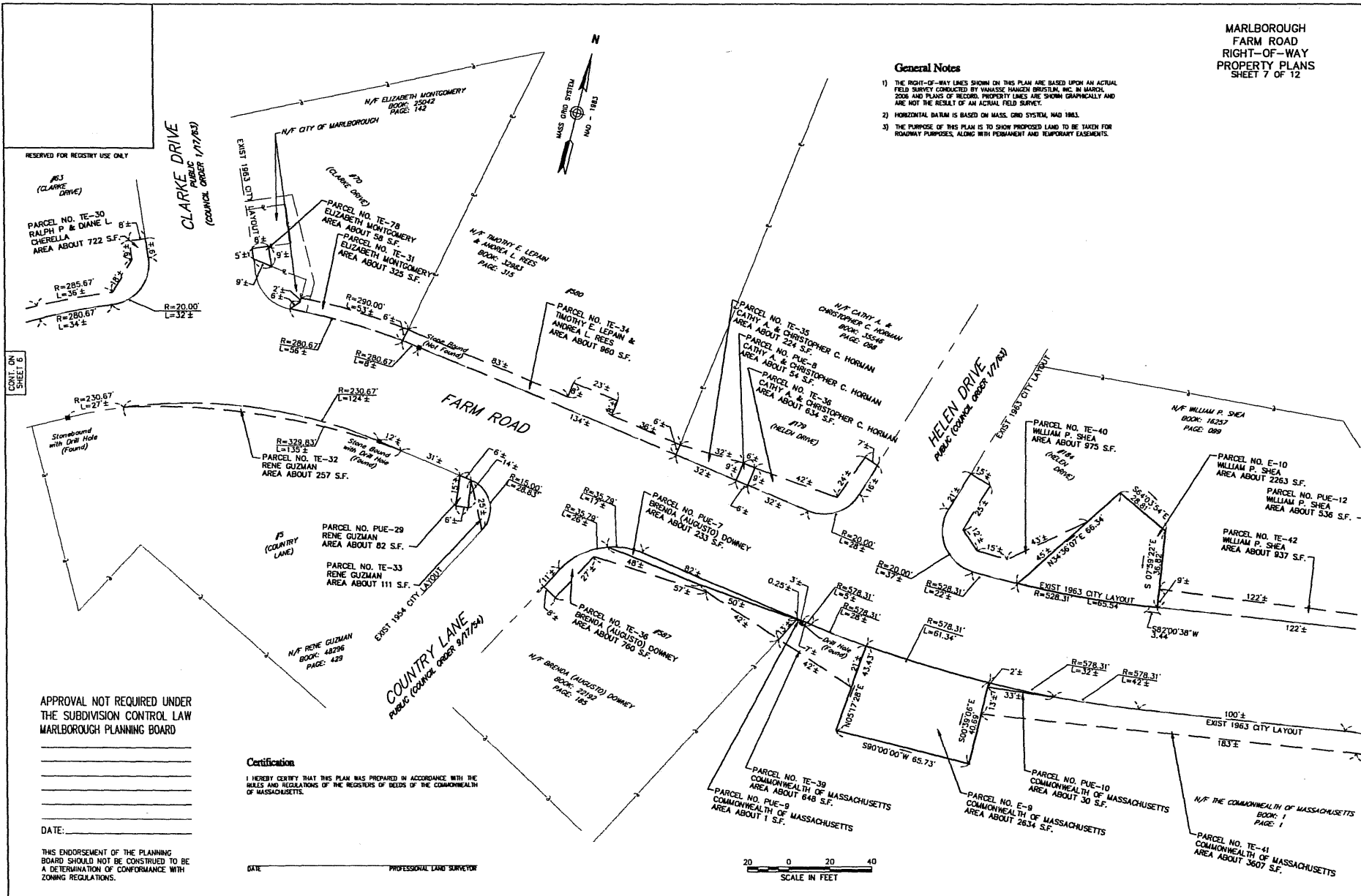
CONT. ON
SHEET 5

CONT. ON
SHEET 7

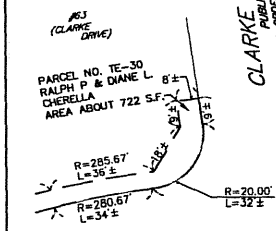
MARLBOROUGH
FARM ROAD
RIGHT-OF-WAY
PROPERTY PLANS
SHEET 7 OF 12

General Notes

- 1) THE RIGHT-OF-WAY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY WALTERS WARDEN BOSTON, INC. IN MARCH, 2006 AND PLANS OF RECORD. PROPERTY LINES ARE SHOWN GRAPHICALLY AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
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- 3) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED LAND TO BE TAKEN FOR ROADWAY PURPOSES, ALONG WITH PERMANENT AND TEMPORARY EASEMENTS.



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CONT. ON SHEET 6

APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW MARLBOROUGH PLANNING BOARD

Certification

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: _____

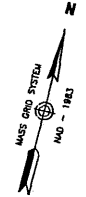
THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

DATE: _____ PROFESSIONAL LAND SURVEYOR

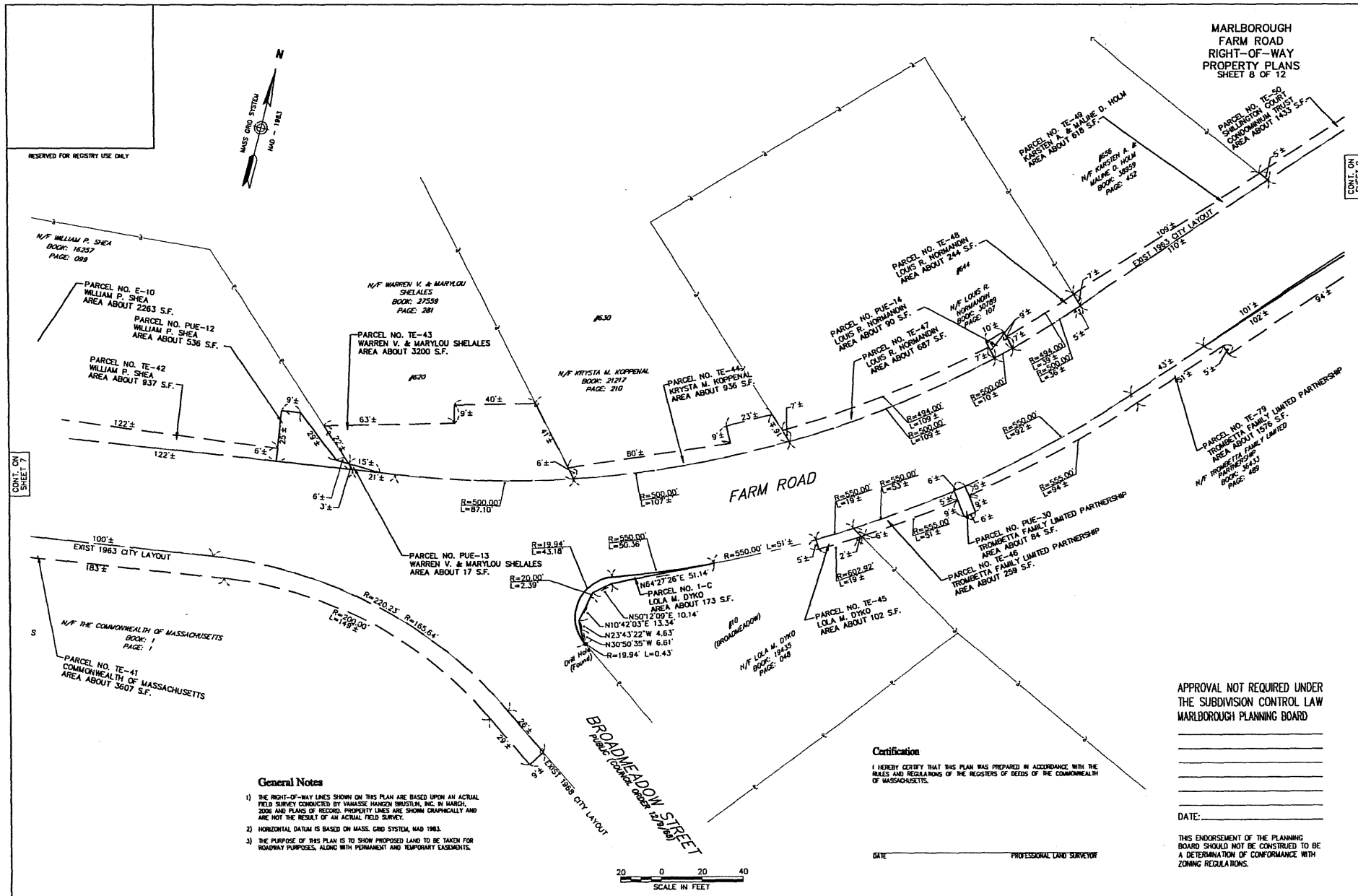


CONT. ON SHEET 8

MARLBOROUGH
FARM ROAD
RIGHT-OF-WAY
PROPERTY PLANS
SHEET 8 OF 12



RESERVED FOR REGISTRY USE ONLY



CONT. ON
SHEET 7

CONT. ON
SHEET 9

General Notes

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Certification

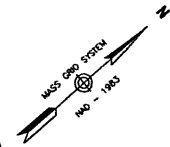
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DATE _____ PROFESSIONAL LAND SURVEYOR _____

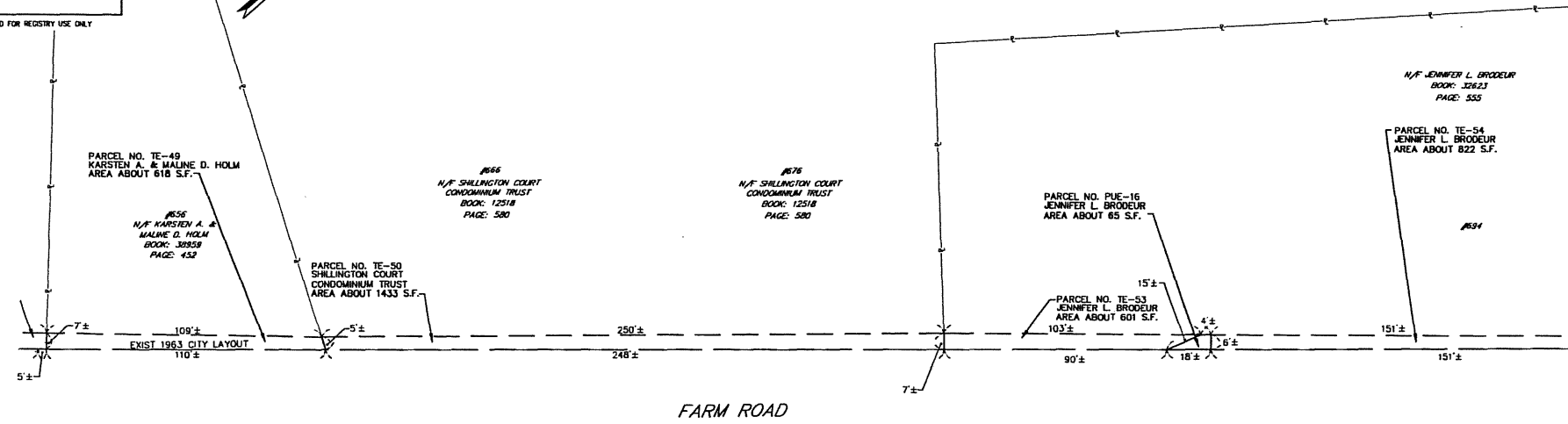
APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

DATE: _____

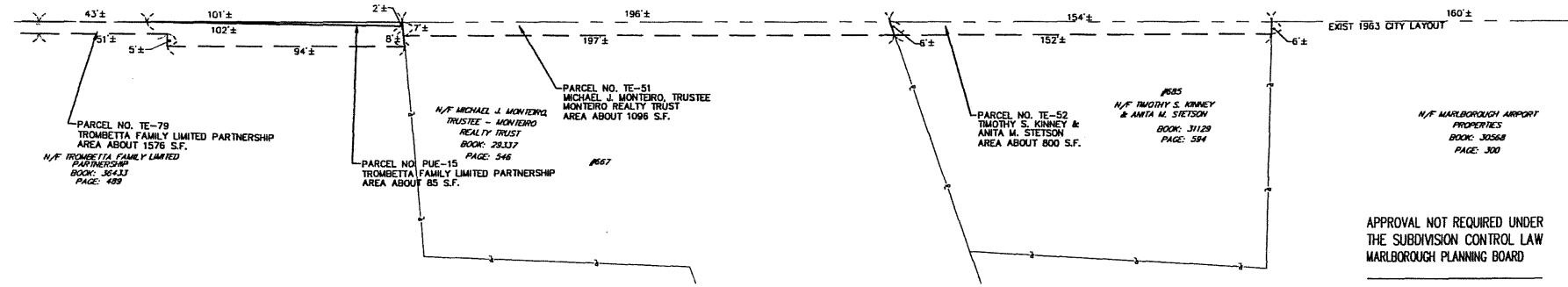
THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.



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FARM ROAD



CONT. ON
SHEET 8

SHEET 10

General Notes

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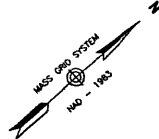


APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

DATE: _____

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

MARLBOROUGH
FARM ROAD
RIGHT-OF-WAY
PROPERTY PLANS
SHEET 10 OF 12



#710
Princeton Green Apartments

N/F PRINCETON GREEN LIMITED PARTNERSHIP
BOOK: 2364
PAGE: 481

PARCEL NO. TE-51
PRINCETON GREEN LIMITED PARTNERSHIP
AREA ABOUT 4115 S.F.

RESERVED FOR REGISTRY USE ONLY

N/F JENNIFER L. BRODEUR
BOOK: 32623
PAGE: 555

PARCEL NO. TE-54
JENNIFER L. BRODEUR
AREA ABOUT 822 S.F.

#714
N/F ROBERT J. VALCHUS &
FREDERICK K. HERM, JR. TRUSTEES
LAUREN ELIZABETH REALTY TRUST
BOOK: 1875
PAGE: 178

N/F MARLBOROUGH AIRPORT
PROPERTIES
BOOK: 30568
PAGE: 300

PARCEL NO. TE-55
MARLBOROUGH AIRPORT PROPERTIES
AREA ABOUT 475 S.F.

PARCEL NO. TE-56
ROBERT J. VALCHUS & FREDERICK K. HERM, JR.
TRUSTEES, LAUREN ELIZABETH REALTY TRUST
AREA ABOUT 2515 S.F.

PARCEL NO. E-12
ROBERT J. VALCHUS & FREDERICK K. HERM, JR.
TRUSTEES, LAUREN ELIZABETH REALTY TRUST
AREA ABOUT 118 S.F.

FARM ROAD

CONT. ON
SHEET 9

CONT. ON
SHEET 11

EXIST 1963 CITY LAYOUT

N/F MARLBOROUGH AIRPORT
PROPERTIES
BOOK: 30568
PAGE: 300

PARCEL NO. TE-57
DORIS D. FELCH
AREA ABOUT 313 S.F.

N/F DORIS D. FELCH
BOOK: 9895
PAGE: 087

N/F DORIS D. FELCH
BOOK: 9895
PAGE: 087

PARCEL NO. TE-59
RICHARD & CAROLYN A. DIMATTIO
AREA ABOUT 765 S.F.

#721
N/F RICHARD &
CAROLYN A. DIMATTIO
BOOK: 10632
PAGE: 454

PARCEL NO. TE-60
CAROLYN A. DIMATTIO, TRUSTEE OF
729 FARM ROAD TRUST
AREA ABOUT 854 S.F.

N/F CAROLYN A. DIMATTIO,
TRUSTEE OF 729 FARM ROAD TRUST
BOOK: 19562
PAGE: 425

PARCEL NO. TE-58
DORIS D. FELCH
AREA ABOUT 88 S.F.

N/F DORIS D. FELCH
BOOK: 9895
PAGE: 087

APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

General Notes

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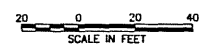
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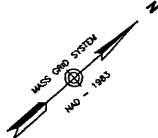
DATE: _____

DATE _____ PROFESSIONAL LAND SURVEYOR

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MARLBOROUGH
 FARM ROAD
 RIGHT-OF-WAY
 PROPERTY PLANS
 SHEET 11 OF 12



RESERVED FOR REGISTRY USE ONLY

#740
 Princeton Green Apartments

N/F PRINCETON GREEN LIMITED PARTNERSHIP
 BOOK: 25964
 PAGE: 481

PARCEL NO. TE-61
 PRINCETON GREEN
 LIMITED PARTNERSHIP
 AREA ABOUT 4115 S.F.

#740
 Princeton Green Apartments

N/F PRINCETON GREEN LIMITED PARTNERSHIP
 BOOK: 25964
 PAGE: 481

PARCEL NO. E-13
 PRINCETON GREEN
 LIMITED PARTNERSHIP
 AREA ABOUT 69 S.F.

#740
 Princeton Green Apartments
 N/F PRINCETON GREEN LIMITED PARTNERSHIP
 BOOK: 25964
 PAGE: 481

PARCEL NO. TE-62
 PRINCETON GREEN
 LIMITED PARTNERSHIP
 AREA ABOUT 561 S.F.

645±

R=2050.00'
 L=43±

R=2050.00'
 L=10.00'

R=2050.00'
 L=107±

R=2050.00'
 L=30±

R=2000.00'
 L=184±

R=2470.00'
 L=141±

FARM ROAD

EXIST 1963 CITY LAYOUT

CONT. ON
 SHEET 10

CONT. ON
 SHEET 12

PARCEL NO. TE-63
 RALPH A. O'CONNOR &
 AREA ABOUT 215 S.F.

PARCEL NO. PUE-18
 RALPH A. O'CONNOR
 AREA ABOUT 296 S.F.

PARCEL NO. PUE-17
 RALPH A. O'CONNOR &
 AREA ABOUT 86 S.F.

#743

N/F RALPH A. O'CONNOR, JR.
 BOOK: 33563
 PAGE: 558

PARCEL NO. TE-64
 DAVID B. & PATRICIA A. RICHARD
 AREA ABOUT 611 S.F.

#747

N/F DAVID B. & PATRICIA A.
 RICHARD
 BOOK: 25186
 PAGE: 534

PARCEL NO. TE-66
 PATRICK THOMPSON
 AREA ABOUT 225 S.F.

#755

PARCEL NO. PUE-20
 PATRICK THOMPSON
 AREA ABOUT 244 S.F.

N/F PATRICK THOMPSON
 BOOK: 35682
 PAGE: 267

PARCEL NO. TE-21
 JUDITH W. BUDIA
 AREA ABOUT 111 S.F.

#788

PARCEL NO. PUE-22
 ANTHONY VALCHRUS
 AREA ABOUT 1084 S.F.

N/F JOHANNA &
 WILLIAM J. FLOJIA
 BOOK: 26557
 PAGE: 295

General Notes

- 1) THE RIGHT-OF-WAY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY MASSACE HANSEN BRISTLER, INC. IN MARCH, 2008 AND PLANS OF RECORD, PROPERTY LINES ARE SHOWN GRAPHICALLY AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
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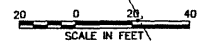
Certification

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APPROVAL NOT REQUIRED UNDER
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 MARLBOROUGH PLANNING BOARD

DATE: _____

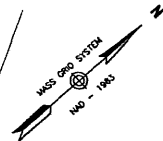
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PROFESSIONAL LAND SURVEYOR

BOSTON POST ROAD
(ROUTE 20)

RESERVED FOR REGISTRY USE ONLY



#740
Princeton Green Apartments
N/F PRINCETON GREEN LIMITED PARTNERSHIP
BOOK: 2596#
PAGE: 481

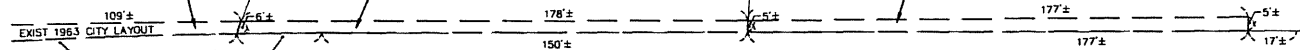
#788
N/F FARM POST LLC
BOOK: 44233
PAGE: 437

#529
(BOSTON POST ROAD EAST)
N/F FARM POST LLC
BOOK: 44233
PAGE: 434

PARCEL NO. TE-62
PRINCETON GREEN
LIMITED PARTNERSHIP
AREA ABOUT 561 S.F.

PARCEL NO. TE-70
FARM POST LLC
AREA ABOUT 738 S.F.

PARCEL NO. TE-75
FARM POST LLC
AREA ABOUT 794 S.F.



FARM ROAD

CONT. ON
SHEET 11

R=2000.00'
L=118'±

PARCEL NO. TE-77
ANTHONY VALCHUIS
AREA ABOUT 213 S.F.

N/F ANTHONY VALCHUIS
BOOK: 11776
PAGE: 458

PARCEL NO. PUE-23
JAMES E. TOLAN
AREA ABOUT 37 S.F.

N/F HENRY G. VALCHUIS
BOOK: 41716
PAGE: 446

PARCEL NO. PUE-24
HENRY G. VALCHUIS
AREA ABOUT 458 S.F.

PARCEL NO. TE-71
HENRY G. VALCHUIS
AREA ABOUT 650 S.F.

#793

PARCEL NO. TE-73
ANN D. BARBERO, TRUSTEE
FARMINGTON REALTY TRUST
AREA ABOUT 388 S.F.

PARCEL NO. TE-72
ANN D. BARBERO, TRUSTEE
FARMINGTON REALTY TRUST
AREA ABOUT 122 S.F.

N/F ANN D. BARBERO
TRUSTEE - FARMINGTON REALTY TRUST
BOOK: 11965
PAGE: 911

PARCEL NO. PUE-25
ANN D. BARBERO, TRUSTEE
FARMINGTON REALTY TRUST
AREA ABOUT 66 S.F.

N/F ANN D. BARBERO
TRUSTEE - FARMINGTON REALTY TRUST
BOOK: 11903
PAGE: 690

PARCEL NO. TE-74
GOULET FAMILY TRUST
AREA ABOUT 145 S.F.

N/F GOULET FAMILY TRUST
BOOK: 26274
PAGE: 520

PARCEL NO. PUE-26
ANN D. BARBERO, TRUSTEE
FARMINGTON REALTY TRUST
AREA ABOUT 328 S.F.

#815

General Notes

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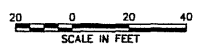
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DATE: _____ PROFESSIONAL LAND SURVEYOR

APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

DATE: _____

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.





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

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

2015 MAY 28 A 11: 56
May 28, 2015

Patricia Pope, President and Members
Marlborough City Council

RE: Proposed Order Of Amendment To § 650-26 A.(1)(a) Of The Zoning Ordinance
Order No. 15-1006130

Dear President Pope and Members:

Please find the enclosed proposed order of amendment to § 650-26 A.(1)(a) of the Zoning Ordinance. Said order is in proper legal form for consideration by the body.

Very Truly Yours,


Cynthia Panagore Griffin

Enclosure

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH NOW ORDAINS THAT §650-26 OF THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

By deleting the terms of §650-26 A.(1)(a) in their entirety and inserting in place thereof the following new terms:

§650-26 A.(1)

(a) Number of affordable units. The development shall (i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters, or (ii) if authorized by a majority of the City Council, provide a sum equal to not less than \$50,000 per affordable dwelling unit that would have been required in (i) hereunder to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or another fund designated by the City Council.

ADOPTED

In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 28 P 12:00

David K. McCay
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
dmccay@mirickoconnell.com
t 508.860.1460
f 508.983.6273

May 28, 2015

VIA EMAIL AND FIRST CLASS MAIL

Patricia A. Pope
City Council President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: NGP Management LLC Application for Special Permit, 525 Maple Street

Dear President Pope:

As you are aware, NGP Management LLC ("NGP") applied for a special permit for two drive-through windows for a proposed Dunkin Donuts at 525 Maple Street. The proposed project would redevelop the long-blighted Registry of Motor Vehicles building near the City/Town line with Southborough and would result in the closure of the existing Dunkin Donuts at 312 Main Street.

NGP made significant concessions to the Urban Affairs Committee to win approval of the project, including redesigning elements of the façade, changing the color of the building, roof and awnings, conducting a traffic study, and installing costly decorative exterior lighting. In exchange for those concessions, NGP asked that it be permitted to have internally-lit signage consistent with the City's Sign Ordinance and used by dozens of other businesses along Maple Street. The Urban Affairs Committee declined NGP's request and voted unanimously to approve a special permit with conditions prohibiting internally-lit signs (which are otherwise allowed under the Marlborough Sign Ordinance) and allowing the temporary closure of the proposed drive-thru windows by the Police Chief.

Those conditions (contained paragraphs 5 and 24) are not acceptable to NGP as drafted. NGP respectfully suggests that the sign condition in paragraph 5 is outside the authority of the City Council to impose on a special permit application under Massachusetts General Laws, chapter 40A because the condition is not related to the operation of the drive-through window and is already regulated under the Sign Ordinance. NGP objects to the condition in paragraph 24 because it is ambiguous and fails to describe with the necessary clarity the circumstances under which the Police Chief would order closure of the drive-through windows.

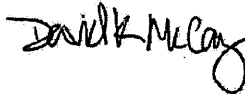
MIRICK O'CONNELL

Patricia A. Pope
May 28, 2015
Page 2

NGP would welcome the opportunity to proceed with the project if these objectionable conditions are removed. However, if the full City Council refuses to remove these two conditions, then NGP respectfully requests to withdraw without prejudice its pending Application for a Special Permit, pursuant to Massachusetts General Laws, chapter 40A, § 16.

Thank you for the opportunity to work with the City of Marlborough on this project. Please do not hesitate to contact me if you have any questions.

Very truly yours,



David K. McCay

DKM/ljg

cc: Mayor Arthur Vigeant
Councilor Joseph Delano, Chair, Urban Affairs Committee
Arthur P. Bergeron, Esq.
Gus Scrivanos, NGP Management, LLC
Robert Harb, Esq.
Rod St. Pierre, Esq., Owner's Counsel
Robert Arcieri, Trustee, Gwenliz Realty Trust, Owner

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 28 A 10:41

DAVID P. GADBOIS
Attorney-at-Law
PO Box 773
Marlborough, MA 01752

Voice: 508 481-0101

E-mail: david@attygadbois.com

Fax: 508 484-9435

May 28, 2015

Patricia Pope, Chairman
City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

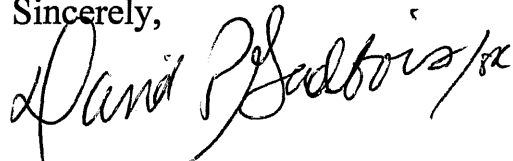
Re: Withdrawal without Prejudice of Petition for Amendment to Zoning Ordinance

Dear Councilor Pope:

On behalf of my client, Ferris Development 325 DJL Boulevard LLC, I respectfully withdraw, without prejudice, the petition of Ferris Development 325 DJL Boulevard LLC filed on April 23, 2015 to amend the zoning ordinance of the City of Marlborough to allow for Mixed Use and Special Permit Drive Thru windows in the Limited Industrial Zone.

Should you have any questions regarding this matter, please contact my office or Attorney Sandra Austin, who is assisting me in this matter.

Sincerely,



David P. Gadbois

Cc: Planning Board

DAVID P. GADBOIS
Attorney-at-Law
PO Box 773
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 MAY 28 A 10:41

Voice: 508 481-0101

E-mail: david@attygadbois.com

Fax: 508 484-9435

May 28, 2015

Patricia Pope, Chairman
City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Petition for special permit drive thru and mixed use development—
Ferris Development

Dear Councilor Pope:

On behalf of my client, Ferris Development, LLC, I respectfully withdraw, without prejudice, the application of Ferris Development, LLC seeking a Special Permit Drive Thru window and a mixed use development at its location at 325 Donald Lynch Blvd.

Should you have any questions regarding this matter, please contact my office or Attorney Sandra Austin, who is assisting me in this matter.

Sincerely,



David P. Gadbois

City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
Commonwealth of Massachusetts

2015 MAY 26 P 1:21



PLANNING BOARD

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

Melissa Irish - Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: MIrish@marlborough-ma.gov

May 26, 2015

Trish Pope, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Zoning Amendment
Affordable Housing

Dear President Pope and Members:

At the most recent meeting of the Planning Board of the City of Marlborough a discussion took place regarding the proposed amendment. The Planning Board looked at the issue in steps:

1. The first consideration was how the Board felt about the entire concept of "cash in lieu of..." After considerable discussion it was apparent that the Board was split on their opinions of the entire concept. The Board was split three members to two **NOT** to support the concept.
2. However, cognizant of the fact that a majority of the Council may support such a change in the regulations, the Board was unanimous in their opinion that if such monies were to be paid they should go directly to affordable housing instead of a general fund under the MEDC control.
3. The Board was again unanimous in their opinion that the proposed sum (\$50,000.00 per unit) is an insufficient amount to insure affordable housing.
4. Lastly, in an effort to insure that the funding is consistently maintained as a stable function of affordable housing they suggest that the fund should be under the direction of the Housing Office of the Community Development Authority.

The Planning Board also make two further recommendations should the Council feel that this legislation is appropriate:

1. That all requirements for "affordability" be tied to the regulations promulgated by the Massachusetts Department of Housing and Community Development to insure future compliance with the City's affordable housing requirement and
2. That the Council consider that while it appears we currently meet the requirement of the affordable housing act, it is highly probable that over the next few years we will lose a large number of those units as they were not designed "in perpetuity" but instead had end dates that are rapidly approaching. Given that this is the largest city between Worcester and Boston and given the extreme gravity of the housing situation throughout Massachusetts, it is incumbent upon us as community leaders to consider that while 10% may be a target to aim for, it is certainly not a solution to the problem.

As always, please feel free to contact this office if you have any questions or if we can be of any further assistance you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara L. Fenby". To the right of the signature is a circled handwritten mark that looks like "ALW".

Barbara L. Fenby

Chairperson

Marlborough Planning Board

cc: Marlborough Planning Board
City Clerk
File

pd \$100 - 5/20/15
ck #156



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

**Lisa M. Thomas
City Clerk**

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

I. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: Onald Isidore
- B. Address: 36 Royal Crest drive ^{APT. 1} Marlborough, MA 01752
- C. Telephone Number: 774-249-4574
- D. Business Name: Genesis Transportation Services
- E. Business Address: 40 Mechanic Street, Suite 107 Marlborough MA 01752
- F. Business Number: 774-249-4574

3. NUMBER OF VEHICLES: 2

APPLICANT'S SIGNATURE _____

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

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

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

EVERSOURCE
ENERGY

2015 MAY 21 A 11: 35 157 Cordaville Road
Southborough, MA 01772

May 15, 2015

Ms. Lisa M. Thomas
City Clerk
City Hall
140 Main Street
Marlborough, MA 01752

Marlborough City Council:

Please approve for Grant purposes the following plan:

To install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road.

Corey Road – 160' from the intersection with Hildreth Street southerly to #7 Corey Road

Respectfully,



Christopher Howard
Supervisor Planning and Scheduling
Eversource Gas



7 Corey Road

From: Evan Pilachowski
To: Jayne M. Bedigian
Cc: Christopher LaFreniere

04/29/2015 03:38 PM

From: Evan Pilachowski <epilachowski@marlborough-ma.gov>
To: Jayne M. Bedigian/NUS@NU,
Cc: Christopher LaFreniere <clafreniere@marlborough-ma.gov>

History: This message has been replied to.

Hi Jayne,

Thank you for sending the gas main extension plan for 7 Corey Rd. I reviewed the plan with Chris and we agree that there appear to be no conflicts with the City's infrastructure. Please go ahead and apply for the main extension with City Council or let me or Chris know if you have any questions.

Thanks,

Evan

Evan Pilachowski, P.E.
City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
(T) 508.624.6910 x7200
(F) 508.624.7699

70
LAMBURN MINNIE TR
LAMBURN LIVING TRUST
40 HILDRETH ST
MARLBOROUGH, MA 01752

70
CLARIDGE WALTER C
N/O BENJAMIN GELB
129 CHURCH ST
MARLBOROUGH, MA 01752

70
HORVATH DIANE V
36 HILDRETH ST
MARLBOROUGH, MA 01752

70
ULISSE CAROL
51 HILDRETH ST
MARLBOROUGH, MA 01752

70
LUPIEN STEPHAN W TR
LUPIEN IRREVOCABLE TRUST
32 HILDRETH ST
MARLBOROUGH, MA 01752

70
LANGELIER PETER A
NANCY E LANGELIER
191 CHURCH ST
MARLBOROUGH, MA 01752

70
HIRSH THOMAS E III
KATHLEEN DUNNE
4 COREY RD
MARLBOROUGH, MA 01752

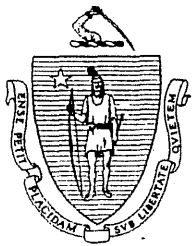
70
MITRAKAS GREGORY TR
7 HILDRETH STREET REALTY TRUST
297 EAST MAIN ST
MARLBOROUGH, MA 01752

70
NOLLETTI ARTHUR E JR
DIANA L NOLLETTI
45 HILDRETH ST
MARLBOROUGH, MA 01752

70
TAYLOR JUDITH A
C/O JUDITH ALLEN
7 COREY RD
MARLBOROUGH, MA 01752

70
PINZINO BERTA M
44 WARREN AVE
MARLBOROUGH, MA 01752

70
DUNE & KAMP MANAGEMENT LLC
88 COVENTRY WOOD RD
BOLTON, MA 01740

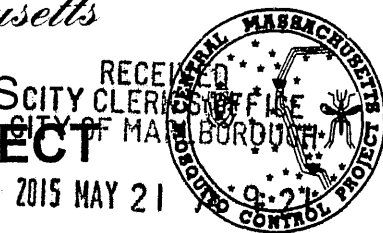


The Commonwealth of Massachusetts

STATE RECLAMATION & MOSQUITO CONTROL BOARD

**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532-2114
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



COMMISSION CHAIRMAN
RICHARD J. DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

May 19, 2015

City of Marlboro
Health Department
Marlboro, MA 01752

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

May 28 and June 3, 10, 17, 24

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

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

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

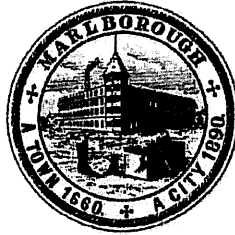
Please list this information in the local newspapers and on the local cable access station. Additional information on CMMCP may be found on the Internet at: <http://www.cmmcp.org>

Sincerely,

Timothy D. Deschamps

Executive Director

cc: City/Town Clerk
Police Department



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 27 A 10:39

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, March 31, 2015 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of February 24, 2015.

MOTION was made, seconded, duly VOTED:
TO APPROVE.

2 - New Business

2a) Towing vehicles from municipal lots for snow removal.

Chief Leonard and Commissioner Ghiloni have already had a brief discussion on this issue. There have been some legitimate concerns on post storm cleanup, including some irate people, with regard to no notice and no signage in some locations. The Chief said that he "could sympathize with some of them". He mentioned two vehicles that were towed within the hours when parking was allowed in order to clean lots.

Chief Leonard said he was not sure as to the best way to notify people. Maybe a "blackboard" message about what area is next or temporary signs stating "Plowing Tonight - No Parking". Commission Ghiloni was in agreement that a better plan is needed and thought the temporary signage was a good idea. Chief Leonard also thought that we need to post additional notices to address long term parking issues, for example - No Parking for more than 72 hours etc. As we head into next year he would like to see a notification plan in place. The Chief also mentioned parking around Senior Housing, where some people aren't driving for many days.

Commission Ghiloni asked that this item remain on the agenda and he will talk with the DPW and come up with a plan.

MOTION was made, seconded, duly VOTED to REFER to Commissioner Ghiloni to work with the DPW on a notification plan for next year.

2b) Request for speed limit signs near 406 Lincoln St., and Mechanic St. at Granger Blvd. traffic concerns.

Part 1 (406 Lincoln Street) - Chief Leonard advised that 406 Lincoln street is the location of "The Lofts". He noted that the Traffic Commission has looked at this area several times. The crosswalks were highlighted and he has had officers there to monitor speed.

Tim Collins advised that there is no special speed zone for Lincoln Street. It is a Business Zone in this section with a speed limit of 30mph. A yellow advisory sign indicating "thickly settled" is all that could be used. Chief Leonard said that this is clearly a thickly settled area and that there is enough signage there already. Tim Collins agreed that too much signage becomes "part of the landscape". He noted that if someone truly wants to cross safely they should go up to the light and cross there. The crosswalk in front of 406 Lincoln Street is there for "convenience only".

MOTION was made, seconded, duly VOTED to ACCEPT AND PLACE ON FILE. It will also be REFERED to the Police Department for continued enforcement.

Part 2 (Mechanic St. @ Granger Blvd.) - Mr. Daly asked if the light at Mechanic and Granger could be changed to include a yellow arrow with a sign that states "Left Turn Yield on Flashing". He said that he has seen this used in other towns. He finds this intersection to be dangerous as "people either try to race to beat other drivers with right of way or are just clueless to right of way procedures".

Tim Collins said that there is no exclusive left turn here and that the "rule of the road" is that whichever vehicle gets there first has the right of way. As long as people use their directionals and follow the rules, this should not a problem. Commissioner Ghiloni said that sometimes you can fit two lanes here but not always as you go further back. Neither Tim Collins nor Chief Leonard have seen a situation like this here and feel that everyone has a chance to make the left and other vehicles can fit and go straight through the intersection.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE.

2c) Communication from Councilor Irish, re: parking concerns and signage requests on Central St.

Three issues were discussed:

1) Vehicles parking at the corner of Central St. and Mechanic Street.

It was discussed that there is no parking allowed within 20 feet of an intersection.

2) Vehicles parking in front of Central Auto Rebuilders (blocking the entrance).

Tim Collins advised that there is a very wide driveway opening here and this should really not be a problem.

3) More signage needed – no parking any time and adding a one way sign.

The Traffic Commission feels this area is very clearly marked. There are currently five signs in place. Parking is allowed between Mechanic Street and the driveway and there is no parking on the entire South Side.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement. Chief Leonard advised that he can highlight this area with his officers and have them ticket cars that are parked illegally.

2d) Request to make Brigham St. one way.

Engineering received a request on this issue. There was a concern related to the width and site distance along Brigham Street. Karen Lambert sent Engineering copies of all police reports for accidents on this street from 2010 to 2015. Tim Collins summarized the accidents as follows: of the 22 accidents noted, 12 involved driver error, 5 were weather related, 2 were unknown and 3 involved vehicles swerving to avoid head on collisions (of these 1 involved an animal in the road).

Engineering's review did not find anything (relative to crashes) that would substantiate the request to make this road one way. Tim Collins also noted that the road is 8,300 feet long and is residential. If the road were one way residents would have to travel for a very long stretch of roadway out of their way to be able to travel in the opposite direction. He noted that vehicles would need to travel 5,000 feet to Clover Hill and circle around. If Brigham Street is ever done over the road would be widened and many trees taken down.

Chief Leonard said that he had meant to check on the center line marking which would help to keep people within their lane. Tim Collins advised that this road may not meet the criteria for a center line. He noted that a single center line is not recognized by the MUTCD. He has not used one in the last 15 years.

MOTION was made, seconded, duly VOTED to REFER to the DPW to check on the criteria for a center line.

2e) Parking concerns on Pleasant St. between West Main St. and Lincoln St.

Chief Leonard received an e-mail on this issue from a local resident. He was specifically concerned about the area in front of Slattery's Funeral Home. He noted that the street parking here essentially creates a one-way street, especially during rush hour, and it can

be very dangerous understanding who has the "right of way" on the normally two way street.

Chief Leonard advised that when the police department is made aware of a large wake they have made this area one way (allowing traffic to go southbound from Lincoln to West Main) to avoid this situation. In these situations an officer is posted at each end to direct traffic. It was further discussed that all the buildings on the west side have parking lots although Slattery's does not have enough parking to accommodate a large wake. Parking is already restricted on the opposite side. The Traffic Commission is not sure what else can be done.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to speak with the local resident and advise him of the Traffic Commissions discussion.

2f) Winter parking ban exemption for 169 Lincoln Street.

The owner of the two family house here is having problems with parking. He noted that when he purchased the house the 2nd floor tenant used the driveway while the 1st floor tenant used the grass area on Short Street. He was advised by the City that he could no longer use the grass area and he was advised by Engineering that he could not extend or widen the driveway. He is now having trouble renting the 1st floor apt. which he feels is mainly due to the parking situation.

Chief Leonard said that there are typically 4 or 5 streets that are exempt from the parking ban, however, all cars still have to be moved in a snow emergency. Tim Collins said that a two family with six bedrooms in total should actually have parking for 8 cars. He said the driveway is wide enough for one car and long enough for three. There is also a dirt area where cars can park which probably has enough room for 3 cars. He noted that parking in the core of Marlborough is a huge issue. Chief Leonard said that this house has been there for a long time, however, we've never had this issue come up before. Chief Leonard questioned where the cars would go when plowing was required.

Chief Leonard will contact the homeowner and advise that the Traffic Commission cannot make the exemption. They have never done this for individuals just for stretches of roadways. Tim Collins also said that other houses have the same issue and would be requesting an exemption as well.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to advise the homeowner.

2g) Crosswalk on Williams St. near courthouse.

Chief Leonard prepared the regulation to add the new crosswalk as presented by Tim Collins at the last meeting. An aerial photo with specifications was also provided.

MOTION was made, seconded, duly VOTED to APPROVE the regulation adding the new crosswalk on Williams Street at Robin Drive. ALL IN FAVOR.

Chief Leonard will forward it to Lisa Thomas for advertisement.

3-Old Business

Update on item previously removed from Agenda.

Parking concerns on Northboro Road West @ Elm Ridge Condominiums.

Tim Collins advised that he received a copy (from the State) of the no parking regulation that can be cited if someone questions a ticket received at this location. He said that "Per MADOT 720 CMR" will be out on the bottom of the No Parking Signs.

3e) Buses on local roads going to NESAC.

Update: Lisa Thomas advised that she still needs to check on the gate conditions (at Embassy Suites). She was going to check through the "Special Permits" to see if there were any specific conditions when the permit was issued. She noted that all of this information is in "docushare" and is readily accessible.

3d) Traffic Commission rules and regulations update.

A brief discussion followed as to where the Traffic Commission left off on this issue. Tim Collins advised that he has gone through all of the streets but needed to get it into a better format. When spring construction is underway he will have more time available. Lisa Thomas mentioned that it was time to recodify the other City Code and that it would be nice to do them both at the same time but it doesn't look like that will happen. Lisa Thomas said she would ask General Code if they could separate the City Code from the Traffic Commission.

MOTION was made, seconded, duly VOTED:
To TABLE.

Commissioner Ghiloni brought up a couple of issues not on the agenda.

Plowing of Moffa Lane:

The City is responsible for plowing Moffa Lane up to the chain across the road at the opposite end. The VanBuskirk family is supposed to take the chain down so trucks can drive all the way through out to Lincoln Street. Moffa Lane is a public way from Tremont to the VanBuskirk's property (a shared driveway with 2 houses). The City is essentially plowing a private driveway. He agrees that it is more convenient for the City when the chain is down but asked why we are doing this? John's issue was that the chain was not always down and trucks would have to back up. Why is it not open all year?

Requests for Speed Bumps on Farm Road:

Commissioner Ghiloni was not exactly sure how to answer the continued request for speed bumps on Farm Road. Chief Leonard said that speed bumps actually create more issues than they solve. This is a very heavily traveled road. The last count he can recall, which was several years ago, was 8,000 cars per day. It would be a major issue if all

these cars had to continue to slow down and then speed up. There is also the question as to where to put speed bumps since they need to be placed on a straight roadway and Farm Road has many curves. Farm Road is also a major response road for emergency vehicles. It is also difficult for plows to maneuver and creates a safety issue for motorcycles. Speed bumps have also been known to create drainage problems. There is also the maintenance issue.

Chief Leonard went on to say that traffic calming measures are a better alternative. For example, visuals created with shoulder lines which cause a roadway to narrow and then open up cause cars to slow in certain areas. Another possibility is doing something on the curve to highlight it or the use of specific striping. He would definitely prefer to stay away from speed bumps.

See Click Fix

There are some issues that have come up on this link that should be addressed by the Police Department, however, Commissioner Ghiloni was not sure who was handling them. Chief Leonard advised that at this point, they can be forwarded to his attention. It appears that the main concerns are speed issues. The requestor can be advised that the issue has been forward to the Police Department. Chief Leonard said that he would normally advise that directed patrols be assigned to problem areas. There will probably be more activity on this site as the weather gets nicer.

3c) Stop signs on Bigelow Street.

MOTION was made, seconded, duly VOTED:
To TABLE.

3a) Municipal off street parking regulation.

MOTION was made, seconded, duly VOTED:
To TABLE.

3b) High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE.

Notice from Chief Leonard regarding next month's meeting.

NOTE: April meeting needs to be rescheduled from Tuesday, April 28th to Wednesday, April 29th. Time will remain the same: 10:00 am.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:03 am.

Respectfully submitted,

Karen L. Lambert

Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, March 31, 2015 (Including City of Marlborough Meeting Posting).
- Draft of minutes from Tuesday, February 24, 2015.
- E-mail from Chief Leonard to Commissioner Ghiloni, dated: 2/27/15, re: Towing cars from municipal lots.
- E-mail from Evan Pilachowski to Chief Leonard, dated 3/9/15, re: Traffic Commission Request (See Click Fix).
- E-mail from Jo Daly to Chief Leonard, dated 3/9/15, re: Traffic Commission Agenda (several items relative to Lincoln St., Mechanic St. and Granger Blvd.)
- E-mail from Councilor Irish to Chief Leonard, dated 3/12/15, re: Central Street parking.
- E-mail from Evan Pilachowski to Chief Leonard, dated 3/24/15, re: Traffic Commission (One way on Brigham Street).
- E-mail from Adam Moreschi to Chief Leonard, dated 3/23/15, Re: New Resident: Street Parking on Pleasant St. between W. Main St. and Lincoln St.
- Letter form William Wyskoczka to Chief Leonard, (undated), re: 169 Lincoln Street Parking.
- Aerial photo of William St. with proposed crosswalk indicated.
- Amended regulation to add the crosswalk on Williams Street to the section labeled "Crosswalk Locations".

Additional Handouts

- Summary of Brigham Street Accident Reports from 2010 to 2015.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 MAY 27 A 10:40

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, April 29, 2015 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni and Fire Chief Geoff Herald. Also present: City Engineer Evan Pilachowski and Assistant City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, March 31, 2015.

Minutes from last meeting not complete. The completed draft will be presented for a vote at the next meeting on May 26, 2015

MOTION was made, seconded, duly VOTED:
TO TABLE.

2 - New Business

2a) Request to consider making Francis St. one way.

Chief Leonard received an e-mail from a resident of Francis Street on this issue. He said that he has spoken with several of his neighbors who are in agreement. He noted multiple accidents, many children living on the street, vehicles using it as a cut-through and many speeding to beat the light at Lincoln Street.

Chief Leonard mentioned a recent cruiser accident here, which may be prompting this request. He noted however, that the cruiser accident involved extenuating circumstances. Fire Chief Herald questioned which direction he is requesting for the one-way travel. He also asked if the city has ever done a traffic study here. He was asked if this would present a problem for emergency vehicles. He noted that it is not a street they would use very often as it is a residential street. He would like to drive the street again though to familiarize himself with the specific area.

Chief Leonard mentioned that there are also a couple of two family homes here. If the street were made one way it would have an effect on response time for police vehicles to loop around. He asked if Engineering had counters available as he does not have a good sense of the volume here.

Tim Collins advised that Francis Street is 21 feet wide (as are many streets in the area). He feels that if this were done it would prompt residents of other similar streets to request the same. He also mentioned that he's probably looking for one way from East Main to Bolton and that the residents on the Bolton Street end are not going to want to go the opposite way. He feels that some would still continue to travel both ways if there were no traffic, i.e. "to zip up to their driveway 2 houses in". He also noted that parking is currently allowed on both sides, however, all homes do have driveways.

It was determined that if the counters were available, it makes sense to do a vehicle count and have accurate information to follow up with the resident.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to do a traffic count.

3-Old Business

3g) Request to make Brigham St. one way.

Tim Collins sent an email to the Traffic commission on 3/31/15 with additional information on centerline markings. This issue was discussed at the Traffic Commission meeting on 3/31/15. He highlighted the following standards:

- 1) A single solid yellow line shall not be used as a centerline marking for a two-way roadway.
- 2) Centerline marking shall be placed on all paved urban arterials and collectors that have a traveled way of 20 feet or more in width and ADT of 6,000 vehicles per day or greater.

He found that "Brigham Street does not meet the first warrant of the Standard and it is highly unlikely that it could meet the second half of the warrant (volume)". As such, there is nothing to be done at this point.

MOTION was made, seconded, duly VOTED:

To REMOVE this item from the Agenda.

3c) Stop signs on Bigelow Street.

Update: Chief Leonard advised that the funding for the second speed sign is unsure at this point. The cost is more than originally anticipated.

MOTION was made, seconded, duly VOTED:

To TABLE.

Update on item not on this month's agenda:

Farm Road Project – Mr. Pilachowski mentioned that Farm Road is due for reconstruction from Cook Lane to Boston Post Road East which includes the signalization of Broadmeadow Road.

3a) Municipal off street parking regulation.

MOTION was made, seconded, duly VOTED:
To TABLE.

3b) High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE.

3d) Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:
To TABLE.

3e) Buses on local roads going to NESC.

MOTION was made, seconded, duly VOTED:
To TABLE.

3f) Towing vehicles from municipal lots for snow removal.

MOTION was made, seconded, duly VOTED:
To TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:19 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Wednesday April 29, 2015 (Including City of Marlborough Meeting Posting).

-E-mail from local resident Mike Bonetti to Chief Leonard, dated 4/15/15, re: Bolton St. and Francis St.

-E-mail from Chief Leonard, dated 4/22/15, re: Traffic Commission agenda and packet for **Wednesday April 29, 2015**. (Meeting date changed to Wednesday rather than usual Tuesday.)

Additional Handouts

-E-mail from Tim Collins to the Traffic Commission, dated 3/31/15, re: Double yellow centerline.