

REGULAR MEETING
AUGUST 24, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 AUG 20 P 12: 50

1. Minutes, City Council Meeting, July 27, 2015.
2. PUBLIC HEARING On the Application for Sign Ordinance Permit from Alan Micale, Ayoub Engineering, Inc., on behalf of Nouria/Shell Station, 413 Lakeside Ave., Order No. 15-1006262.
3. PUBLIC HEARING On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, Order No. 15-1006282.
4. Communication from the Mayor re: Applications for 43D Priority Development Sites.
5. Communication from the Mayor re: Summer Youth Jobs Grant Acceptance in the amount of \$1,350.00 from Attorney Healey's Summer Youth Jobs Program.
6. Communication from City Solicitor Rider re: LFB's TIF, constructing a pharmaceutical upstream commercial clarification facility, in proper legal form, Order No. 15-1006254A.
7. Communication from Anthony Andronico, LSP re: Notice of Release Notification Form and Permanent Solution Statement for 1 D'Angelo Dr.
8. Communication from Brian Lawlor, PE on behalf of Atlantic- Marlborough Realty, LLC re: submission of plans for an open space trail system within the Marlborough Hills mixed-use development. See City Clerk's Office for hard copies of maps or you may click the following link:
http://info.smma.com/files/Marlborough_Hills_Trail_City_Council_Approval.pdf (X14-10005963B)
9. Minutes, Conservation Commission, June 18, 2015.
10. Minutes, Planning Board, July 13, 2015.
11. Minutes, Fort Meadow Commission, September 18, 2014 & May 21 2015.
12. CLAIMS:
 - a. Christine Coody, 195 East Main St., Apt 84, other property damage.
 - b. Maureen King, 11 Ellis Ave., other property damage
 - c. Mikeoll Echeverria, 26 Centre St., Roxbury, pothole or other road defect.
 - d. Waseem Naqvi, 54 Butler Circle, residential mailbox claim 2(a)
 - e. Paul Butcher, 143 Chestnut St., other property damage

REPORTS OF COMMITTEES:

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

- 13A. Order No.15-1006260A-That pursuant to Section 14 of Chapter 40 of General Laws of Massachusetts, the City does hereby accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds.

Councilor Delano moved to accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds. The motion was seconded and carried 3-0.

- 13B. Order No.15-1006260B-That the City Council of the City of Marlborough, by a two-thirds vote pursuant to MGL C.40, s15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management and control of a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the city of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, pursuant to MGL C40, s8C.

Councilor Clancy moved the City Council transfer the property located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, to the Conservation Commission. The motion was seconded and carried 3-0. (requires 2/3 vote).

From Personnel Committee

14. **Order No. 15-1006256 - The Reappointment of Ron Saloman to the Board of Registrars for a term to expire three years from date of City Council approval.** Recommendation of the Personnel Committee is to approve the reappointment of Ron Saloman to the Board of Registrars. **Motion made by Councilor Elder, seconded by Councilor Irish to approve the reappointment. The motion carried 3-0.**
15. **Order No. 15-1006257 - The Reappointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms to expire three years from effective date of August 24, 2015.** Recommendation of the Personnel Committee is to approve the reappointments of Kim Beauchemin, Sandra Pirie-St. Amour, and James David Elmore to the Marlborough Cultural Council. **Motion made by Councilor Elder, seconded by Councilor Irish to approve the reappointments. The motion carried 3-0.**



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

JULY 27, 2015

Regular meeting of the City Council held on Monday, JULY 27, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Absent: Oram & Page. Meeting adjourned at 9:16 PM.

ORDERED: That the Minutes of the City Council meeting JULY 13, 2015, **FILE**; adopted.

ORDERED: That the MAPC Presentation of Draft Hazard Mitigation Plan to City Council, **FILE**; adopted.

President Clancy requested a recess at 8:18 PM and returned to open meeting at 8:21 PM; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, Order No. 15-1006264, all were heard who wish to be heard, hearing recessed at 8:25 PM.

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

Absent: Oram & Page

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures, Order No. 15-1006263, all were heard who wish to be heard, hearing recessed at 8:40 PM.

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

Absent: Oram & Page

ORDERED: That Board of Health transfer request in the amount of \$30,483.00 which moves funds from Reserve for Salaries & Benefits to Nurse and Sick Leave Buy Back accounts to fund a retiring staff member’s sick leave buy back and unused vacation payout, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Board of Health				FISCAL YEAR:		2016	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$806,000.00	\$30,483.00	11990006	57820	Res for Salaries & Benefits	\$10,750.00	15120001	50390	Nurse	\$52,643.89
				Vacation and sick leave buy back				Retirement	
				\$19,733.00	15120003	51920	Sick Leave Buy Back		\$2,470.00
								Retirement	

ORDERED: That the Reappointment of Brian Doheny as Comptroller/Treasurer for a term of three years, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of David Morticelli to the Community Development Authority for a term of two years to expire from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Complete Streets Policy Proposal, refer to **PLANNING BOARD & LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 24, 2015** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Application for Site Plan Permit from Attorney Gadbois on behalf of Mammoth Development Company, LLC, to purchase property at 70 Simarano Dr. to construct and use the site as a day care center, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Application for Livery License, Jose Heredia, d/b/a Alex Transportation, 110 Boston Post Rd. East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Mosquito Control Project re: investigating resident’s complaints about mosquitos on following dates: August 5, 12, 19, 26 and September 2, 2015, **FILE**; adopted.

- ORDERED: That the Minutes, Cultural Council, December 8, 2014, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, May 18 & June 29, 2015, **FILE**; adopted.
- ORDERED: That the following **CLAIMS**, refer to the **LEGAL DEPARTMENT**; adopted.
- a. Uranus Colaianni, 3 Lakeshore Dr., pothole or other road defect
 - b. Beth Noyst, 68 Hudodn St., pothole or other road defect
 - c. Kristine Finocchario, 80 Andrews Rd., residential mailbox claim 2(a)
 - d. Julia Carney, 248 Church St., pothole or other road defect
 - e. Lee & Maryann Berte, 30 Boudreau Ave., other property damage

Reports of Committees:

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

Meeting Name: City Council Public Services Committee

Date: July 21, 2015

Time: 5:00 PM

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

Convened: 5:02 PM

Adjourned: 5:28 PM

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

Order No. 15-1006246: Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements. David Terk, contractor for National Grid, appeared before the committee to discuss the petition for the relocation and installation of poles and supports along Farm Road. National Grid is to follow all guidelines and conditions as set forth by the City of Marlborough Engineering Department and City Engineer. **Motion made by Councilor Clancy, seconded by Chair, to approve the petition of National Grid. The motion carried 3-0. Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules to have this voted on at the next regular City Council meeting. The motion carried 3-0.**

Order No. 15-1006187: The Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard. Police Chief Leonard had approved the CORI report for Sherein Khater, General Manager of Best Buy Store, LP #1966 and has no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Khater explained they only accept phones in good working condition for trade-in and she requires the customer to perform a factory reset before acceptance of their device. If a phone is out of date with no value or in poor condition because of a cracked screen, they accept the item for recycling. **Motion made by Councilor Clancy, seconded by Chair, to approve the renewal of the Junk Dealers/Second Hand License for Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard. The motion carried 3-0. Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules to have this voted on at the next regular City Council meeting. The motion carried 3-0.**

Reports of Committees cont'd:

Order No. 15-1006265: Application for Renewal of Junk Dealer's License, Sergey Yeghiyan, CTC Gold and Diamond Refinery, 149 Main Street. Police Chief Leonard had approved the CORI report for Yeghiyan Sergey of CTC Gold and Diamond Refinery and has no objection to the renewal of his Junk Dealers/Second Hand License. CTC Gold and Diamond Refinery had closed for a number of months but is reopening as a gift shop. They wish to keep the junk dealer's license for the convenience of their customers but it will not be a majority of their business. **Motion made by Councilor Clancy, seconded by Chair, to approve the renewal of the Junk Dealer's License for Sergey Yeghiyan of CTC Gold and Diamond Refinery. The motion carried 3-0. Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules to have this voted on at the next regular City Council meeting. The motion carried 3-0.**

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 5:28 PM.

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

City Council Legislative and Legal Affairs Committee
Monday, July 20, 2015 – In Council Chambers
Report

Present: Chairman Katie Robey, Councilor Delano, and Councilor Clancy. Also present were Councilors Irish and City Solicitor Don Rider and Mayor Vigeant. The meeting was called to order at 6:33 PM. The Committee met to discuss three items:

First item was Council Order No.15-1006260A-That pursuant to Section 14 of Chapter 40 of General Laws of Massachusetts, the City does hereby accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds.

The committee was informed that although there had not been a formal 21E study, as it costs too much, there was a letter on file, dated June 21, 2015, from the property owner stating she wasn't aware of any issues on the property which is located in RR zoning and is non-buildable due to wetlands.

Councilor Delano moved to accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds. The motion was seconded and carried 3-0.

Reports of Committees cont'd:

Second item was Council Order No.15-1006260B-That the City Council of the City of Marlborough, by a two-thirds vote pursuant to MGL C.40, s15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management and control of a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the city of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, pursuant to MGL C40, s8C.

Councilor Clancy stated the Conservation Commission was always happy to gain more open space.

Councilor Clancy moved the City Council transfer the property located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, to the Conservation Commission. The motion was seconded and carried 3-0. (requires 2/3 vote)

The third item, Order No.15-1006251, decision for best way to proceed as to the vacated seat caused by the June 5, 2015 resignation of Councilor-at-Large Pope, was discussed and tabled in committee by a vote of 3-0.

Meeting adjourned: 7:10 PM.

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday July 20, 2015
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Elder, Oram and Irish. Councilors Clancy and Landers were also in attendance.

The meeting convened at 7:12 PM.

1. Order #15-1006254 – LFB Corporation Tax Increment Financing (TIF): The FINCOM reviewed the Mayor's letter dated July 9, 2015 requesting the approval of the LFB Corporation Economic Development Incentive Program (EDIP) local incentive only application for a TIF. The FINCOM voted 5 - 0 to approve the following:

- The Economic Development Incentive Program Local Incentive Only application
- The TIF agreement
- The City Council resolution, and

The FINCOM requested the Solicitor place the LFB Corporation TIF in proper format for the August 24, 2015 City Council meeting.

The FINCOM adjourned at 8:13 PM.

Reports of Committees cont'd:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: July 20, 2015

Time: 5:30 PM

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

Convened: 5:32 PM

Adjourned: 6:25 PM

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

Also Present: Mayor Arthur Vigeant

Order No. 15-1006256: The Reappointment of Ron Saloman to the Board of Registrars for a term to expire three years from date of City Council approval. Recommendation of the Personnel Committee is to approve the reappointment of Ron Saloman to the Board of Registrars. **Motion made by Councilor Elder, seconded by Councilor Irish to approve the reappointment. The motion carried 3-0.**

Order No. 15-1006257: The Reappointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms to expire three years from effective date of August 24, 2015. Recommendation of the Personnel Committee is to approve the reappointments of Kim Beauchemin, Sandra Pirie-St. Amour, and James David Elmore to the Marlborough Cultural Council. **Motion made by Councilor Elder, seconded by Councilor Irish to approve the reappointments. The motion carried 3-0.**

Order No. 15-1006258: The Appointment of Stephanie Ferrecchia to the Community

Development Authority (CDA) for a term to expire three years from date of City Council approval. Recommendation of the Personnel Committee is to approve the appointment of Stephanie Ferrecchia to the Community Development Authority (CDA). **Motion made by Councilor Elder, seconded by Chair to approve the appointment. The motion carried 3-0.**

Order No. 15-1006255: The Appointment of Kevin Breen as the new Fire Chief. Recommendation of the Personnel Committee is to approve the appointment of Kevin Breen as the Fire Chief. **Motion made by Councilor Elder, seconded by Chair to approve the appointment. The motion carried 3-0.**

Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:25 PM.

Reports of Committees cont'd:

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

Meeting Name: City Council Urban Affairs Committee

Date: July 21, 2015

Time: 5:30 PM

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

Convened: 5:30 PM

Adjourned: 6:19 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, and Tunnera; Councilors Elder, Irish, and Robey

Absent: Councilor Page

Also Present: Arthur Bergeron, Attorney, **Mirick O'Connell**

Order No. 15-1006261: Communication from Attorney Bergeron of Mirick O'Connell re: Overlook at Lake Williams: Application for Payment in Lieu of Affordable Housing.

Attorney Arthur Bergeron of Mirick O'Connell appeared before the committee on behalf of his clients, Richard Roper and Duke Pointer, of Crabtree Lake Williams LLC, to request payment to the City in lieu of designating units as affordable housing. The committee agreed with the \$50,000 per unit as an acceptable amount for payment in lieu of affordable housing and the placement of payments from the developer into the economic development fund. The committee amended condition one of the agreement to "1. The payment will be made in three (3) installments of \$150,000 each to the Economic Development account."

Motion made by Councilor Clancy, seconded by Chair, to approve as amended. The motion carried 4-0.

Motion made by Councilor Clancy, seconded by Chair, to request a suspension of the rules at the next regular City Council meeting to act upon it that evening. The motion carried 4-0.

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 4-0. The meeting adjourned at 6:19 PM.

Suspension of the Rules requested-granted

ORDERED: That, by majority vote taken under Section 650-26.A(1)(a) of the affordable housing zoning ordinance, as amended on June 1, 2015 in Order No. 15-1006130B, the City Council for the City of Marlborough does hereby approve an application submitted by Crabtree Lake Williams, LLC (“Crabtree”) for payments in lieu of constructing affordable housing regarding Crabtree’s 60-unit condominium development along Lakeside Avenue, provided that:

1. Crabtree shall make payments in three (3) installments of \$150,000 each to be deposited into the general fund for subsequent appropriation to a downtown economic development fund, a stabilization account to be created by the Mayor and the Council;
2. Crabtree shall make the first installment payment within thirty (30) days of the date of this Council vote approving Crabtree’s application;
3. Crabtree shall make the second installment payment within six (6) months of the date of said Council vote; and
4. Crabtree shall make the third installment payment within twelve (12) months of the date of said Council vote.

APPROVED; adopted

Council Elder requested to be recorded in opposition.

Suspension of the Rules requested-granted

ORDERED: That the LFB TIF, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE AUGUST 24, 2015 CITY COUNCIL MEETING;** adopted.

Suspension of the Rules requested-granted

ORDERED: That Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements, **APPROVED WITH FOLLOWING CONDITIONS:**

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

ADOPTED**Suspension of the Rules requested-granted**

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Blvd, **APPROVED;** adopted.

Suspension of the Rules requested-granted

ORDERED: That the Application for Renewal of Junk Dealer's License, Yeghiyan Sergey, CTC Gold and Diamond Refinery, **APPROVED;** adopted.

Suspension of the Rules requested-granted

ORDERED: That the Appointment of Stephanie Ferrecchia to the Community Development Authority (CDA) for a term to expire three years from date of City Council approval, **APPROVED;** adopted.

Suspension of the Rules requested-granted

ORDERED: That the Appointment of Kevin Breen as the new Fire Chief for a five year term, **APPROVED;** adopted.

Suspension of the Rules requested-granted

ORDERED: To allow the Mayor to speak regarding the Municipal Aggregation Plan, **APPROVED;** adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:16 PM.



IN CITY COUNCIL

Marlborough, Mass., JULY 13, 2015

ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 24, 2015** as **DATE FOR PUBLIC HEARING** On the Application for Sign Ordinance Special Permit, Ayoub Engineering, Inc. on behalf of Nouria/Shell Station, to allow a new red LED price panel at 413 Lakeside Ave., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE.**

Ninety days after public hearing is 11/22/15 which falls on a Sunday, therefore 11/23/2015 would be considered the 90th day.

ADOPTED

ORDER NO. 15-1006262



IN CITY COUNCIL

Marlborough, Mass., JULY 27, 2015

ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 24, 2015** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE.**

Ninety days after public hearing is 08/24/15 which falls on a Sunday, therefore 11/23/2015 would be considered the 90th day.

ADOPTED

ORDER NO. 15-1006282



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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CITY CLERK'S OFFICE
OF MARLBOROUGH
AUG 20 A 11: 22

August 20, 2015

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

Re: Applications for 43D Priority Development Sites

Honorable President Clancy and Councilors:

I have submitted for your approval the enclosed application to the Massachusetts Permit Regulatory Office. This application would designate several Marlborough properties as Priority Development Sites.

Enacted in 2006, Chapter 43D Local Expedited Permitting enables communities to designate applicable properties as Priority Development Sites which offers a maximum of 180 days for the local permitting process. Several locations in Marlborough already enjoy the benefits of being a 43D site, such as access to additional grants and incentives.

I am proposing to include the following additional properties under Chapter 43D Permitting: 25 East Main Street, 17 East Main Street, 15 East Main Street, and 15 Sawin Street. Submitting these locations as a 43D Site will allow us to target this area, through a streamlined local permitting process, specifically for economic development. As you may know, 25 East Main Street is a City-owned parcel.

The Marlborough locations that were previously approved as 43D sites still enjoy this designation, but since we adopted this program in 2007, I believe it prudent to update the inventory.

We anticipate there will be a second application forthcoming with additional properties included. We are currently working with the property owners to complete the application.

Sincerely,

Arthur G. Vigeant
Mayor

INTERAGENCY PERMITTING BOARD

CHAPTER 43D APPLICATION

PART I: MUNICIPAL APPLICANT

Municipality: City of Marlborough, Massachusetts

Date: August 3, 2015

Name of Individual who prepared this application: Tim Cummings

Chapter 43D requires that a single person be designated to serve as the municipal point of contact on Priority Development Sites. The individual must be a municipal employee or an employee of a quasi-municipal agency who will be charged with responding to inquiries about the site, providing and accepting permit applications, communicating decisions to applicants, etc. It is recommended that the designated Point of Contact be a staff member and not an elected official.

Point of Contact, as designated by the governing body:

Name: Tim Cummings

Title: Executive Director, Marlborough Economic Development Corporation

Address: 91 Main Street, Suite 204, Marlborough, MA 01752

Telephone: 508-229-2010 **Fax:** 508-229-1729

Email: tcummings@marlboroughedc.com

Please check the box corresponding to the Technical Resource Providers that assisted you with this program:

- | | |
|--|---|
| <input type="checkbox"/> Regional Planning Agency | <input type="checkbox"/> MassDevelopment |
| <input type="checkbox"/> Mass Office of Business Development | <input type="checkbox"/> Mass Alliance for Economic Development |
| <input type="checkbox"/> Permit Regulatory Office (EOHED) | |

Chapter 43D requires a majority vote of the local governing body for each Priority Development Site being submitted by the municipality. Applications must be accompanied by a true attest certified copy of the municipal vote – stamped by Clerk.

Please identify the body that approved the submission of this application:

- | | |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> City Council | <input type="checkbox"/> Town Meeting |
| <input type="checkbox"/> Town Council | <input type="checkbox"/> Other: |

I hereby certify under the pains and penalties of perjury that the answers submitted in this application and the documentation submitted in support are accurate and complete.

Name: Tim Cummings **Date:** August 3, 2015

Signature:  _____

Title: Executive Director, Marlborough Economic Development Corporation

Signature of Clerk: _____ **Date:** _____

For Internal Use Only

Received by: _____ Date: _____

<input type="checkbox"/> Municipal Contact Information	<input type="checkbox"/> Certified Vote	<input type="checkbox"/> Land Owner Signatures
<input type="checkbox"/> Grant Application	<input type="checkbox"/> Electronic Copy Received	<input type="checkbox"/> Self-Assessment Checklist
<input type="checkbox"/> Required Maps	<input type="checkbox"/> Maps sent to EEA	IPB Meeting:

PART II: PRIORITY DEVELOPMENT SITE (PDS)

Submit a separate Part II for each Priority Development Site.

Site Location (including street address and map and parcel numbers):

Address: 15 Sawin Street

15 East Main Street

17 East Main Street

25 East Main Street

Map-Parcel: 70-373

70-381

70-380

70-379

Please list any abutting communities to PDS: none

Have these communities been notified of your proposal? Yes No

Number of parcels in your proposed site: 2 **Total Acreage of PDS:** 1.62

Ownership: Private Public

Is the site eligible under current zoning for the construction or redevelopment of at least 50,000 sq feet of commercial, housing or industrial space? Yes No

Chapter 43D requires a PDS to be zoned for commercial, industrial, mixed-use development or housing. If PDS represents a combination of zoning, please explain. Please check all of the following boxes that apply to the PDS, including the means by which a proponent may permit on this site (i.e. special permit?).

PDS Zoning:

- By-right Special Permit Site Plan Review
- Commercial Industrial Residential Mixed Use

After reviewing the definitions set forth in 400 CMR 2.00 respond to the following questions:

1. Is the site located within .5 miles of existing development? Yes No

Locations within or adjacent to existing development are preferred such as downtowns or village centers with a diverse mix of civic/cultural, residential, service, business, and other uses; municipal services (school, library, fire, police, city/town hall, parks, etc.); and/or a available labor.

Explanation: Less than 0.5 miles from Downtown Marlborough (including library and City Hall)

2. Is the site served by existing infrastructure? If not, how far must service be extended?

Locations with existing utility service – gas, electric, telecommunications, etc. – as well as water & wastewater systems with sufficient water supply/treatment capacity and pipe condition/capacity adequate to deliver fresh water and remove wastewater are preferred.

Water

Sewer

Utilities

Explanation: Site currently served by all infrastructure needs

3. Is the site located close to appropriate transportation facilities, including transit?

Locations served by adequate transit (within .5 miles of a bus stop, subway, train, or ferry stop), close to existing major transportation and freight routes—e.g. existing highway interchanges, heavily developed commercial corridors, rail lines, etc., and accessible by bike or on foot are preferred.

Transit

Access Roads

Pedestrian/Bike Access

Explanation: Along Route 20, less than 2 miles from I-495

4. Does the site include underutilized buildings or facilities? Yes No

Previously developed brownfield or greyfield sites & buildings - abandoned or underutilized shopping centers, institutions, big-box stores, mills or industrial sites, former military bases, etc. - are preferred locations.

Explanation: Includes abandoned auto parts shop

5. Will sensitive or rare natural resources on or near the site be impacted?

Yes No

Sites that are flat, dry, and otherwise suitable for development (no sensitive natural resources; not identified as a conservation priority for habitat, water supply, agriculture, or other purpose) are preferred.

6. Has the municipality applied for or received other state grants for this site? Does the municipality anticipate applying for additional state funding?

If yes, please identify the program(s), dates applied for and/or received, and describe the project(s):

Total Potential Build-Out of PDS: 130,000 sq.ft.

Is there a project proposal before the town for this site?

Yes No

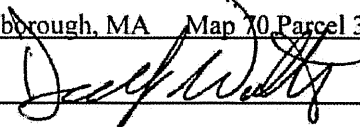
If yes, briefly describe the project below:

PART III: PROPERTY OWNER'S PERMISSION

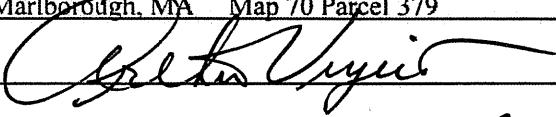
Chapter 43D requires that 100% of property owners endorse this application for PDS designation. Identify every parcel included in the PDS by map and parcel number. Use Attachment A if additional space is required.

I hereby certify under the pains and penalties of perjury that I am the legal owner of the property outlined herein and I approve the inclusion of my property in the proposed Priority Development Site nominated herein.

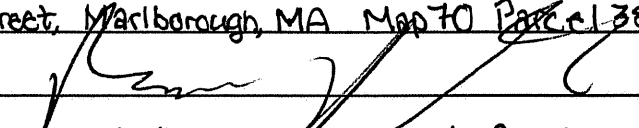
Parcel: 15 Sawin Street, Marlborough, MA Map 70 Parcel 373

Signature of legal owner: 


Parcel: 25 East Main Street, Marlborough, MA Map 70 Parcel 379

Signature of legal owner: 

Parcel: 17 East Main Street, Marlborough, MA Map 70 Parcel 380

Signature of legal owner: 

Parcel: 15 East Main Street, Marlborough, MA Map 70 Parcel 381

Signature of legal owner: 

Parcel: _____

Signature of legal owner: _____

Parcel: _____

Signature of legal owner: _____

Parcel: _____

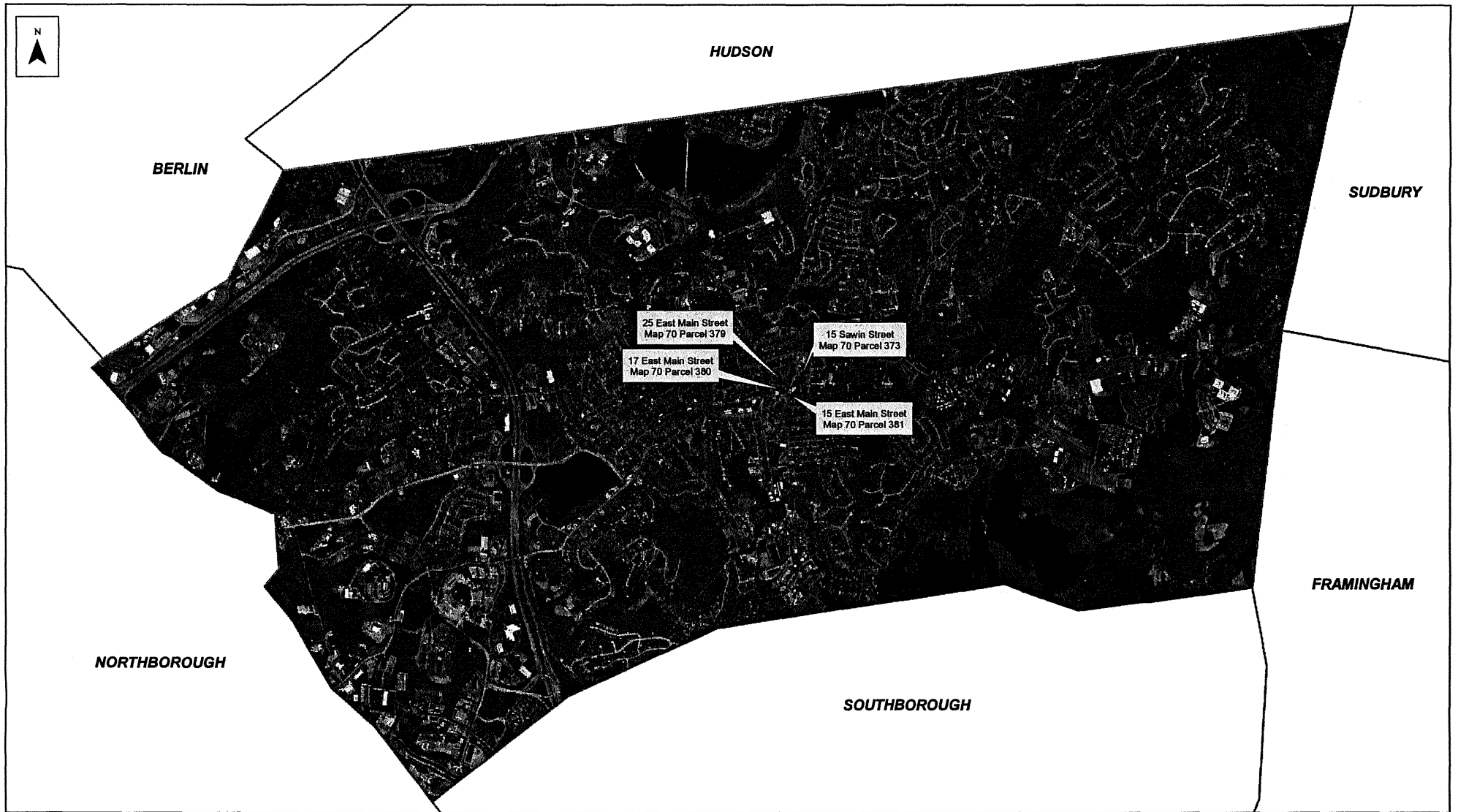
Signature of legal owner: _____

Parcel: _____

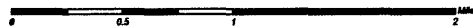
Signature of legal owner: _____

Parcel: _____

Signature of legal owner: _____



Potential 43-D Development Sites



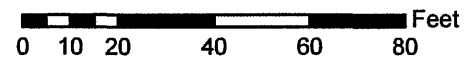
15 East Main Street



Legend

1 inch = 40 feet

August 18, 2015



City of Marlborough

All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-making.

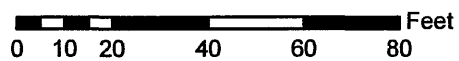


17 East Main Street



Legend

1 inch = 40 feet



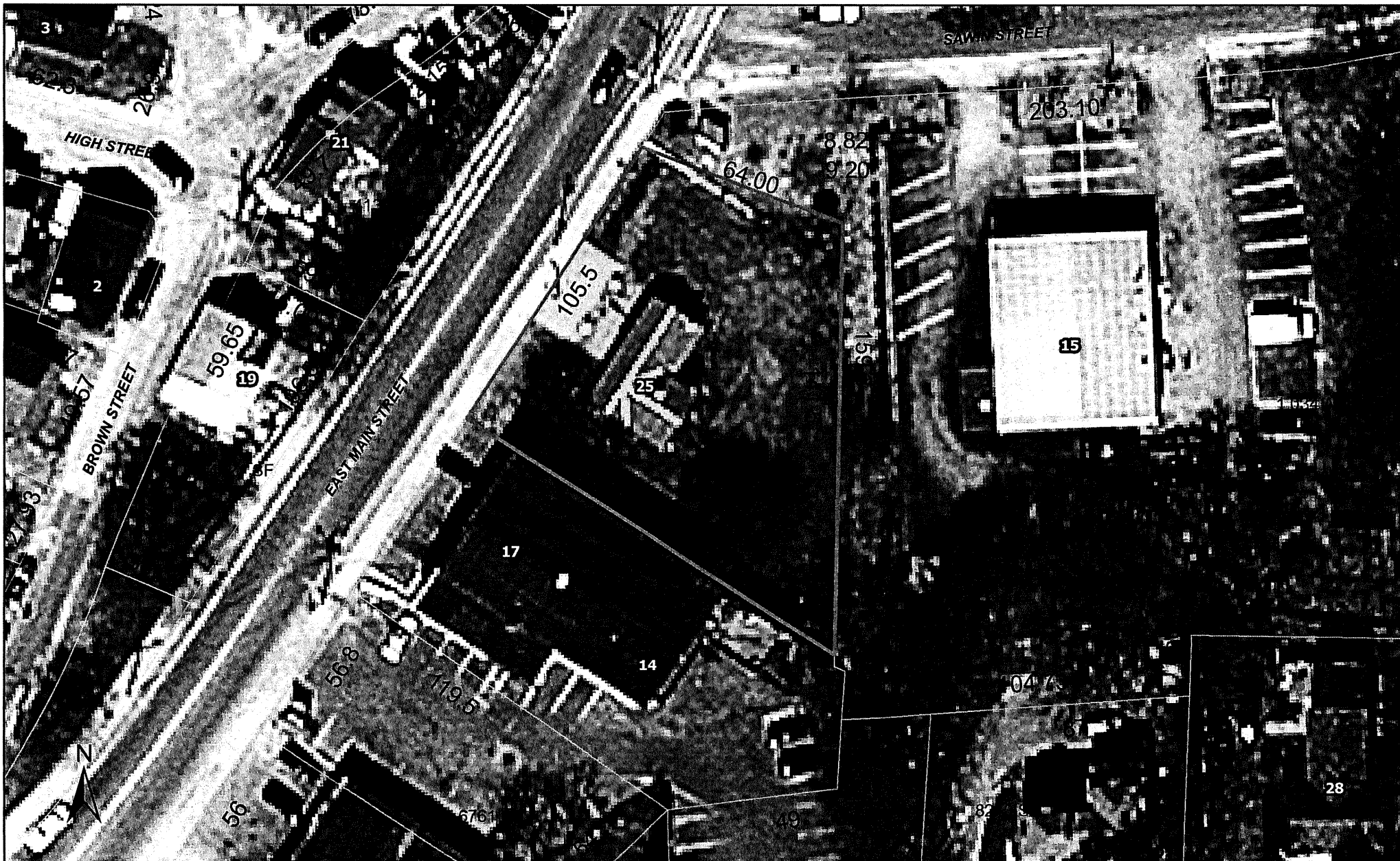
August 18, 2015

City of Marlborough



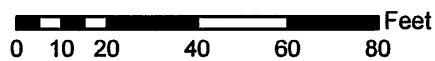
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25 East Main Street



Legend

1 inch = 42 feet



August 18, 2015

City of Marlborough

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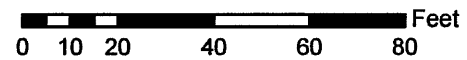


15 Sawin Street



Legend

1 inch = 40 feet



August 18, 2015

City of Marlborough



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City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

August 20, 2015

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

Re: Summer Youth Jobs Grant Acceptance

Honorable President Clancy and Councilors:

Enclosed for your acceptance is a grant in the amount of \$1,350.00 from Attorney General Maura Healey's Summer Youth Jobs program.

I am proud of our two youth employment initiatives – the Public Service Internship for college students and the Youth Employment Program for high school students. During their internships, students not only are able to earn some money, but they also gain valuable work experience that will help them be successful in their professional lives.

Attorney General Maura Healey is also dedicated to youth employment and created a summer jobs grant program for the summer of 2015. My office applied for and was awarded a grant through this Summer Youth Jobs program. I am grateful to her leadership on this issue and for the opportunity to partner with her to provide another youth job in the City of Marlborough.

Participants in Marlborough's Youth Employment Program are paid \$9/hour to work a maximum of 25 hours a week for 6 weeks during the summer. Through the City's partnership with Partnership for a Skilled Workforce, we were able to provide 21 youth jobs this summer: 10 at City Hall and 11 with private employers.

My office will continue to track and apply for grants like this and I look forward to next year's group of summer interns. The grant cover sheet and notification are included with this correspondence.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 AUG 20 A 11:22

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 8/18/2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Nicholas Milano

NAME OF GRANT: Attorney General's Summer Youth Job's Program

GRANTOR: Massachusetts Attorney General's Office

GRANT AMOUNT: \$1,350.00

GRANT PERIOD: Summer 2015

SCOPE OF GRANT/
ITEMS FUNDED The grant enabled the City to offer an additional internship as part of the
Marlborough Youth Employment Program

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? No

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
N/A

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

N/A

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL:
No

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**

Mayor

From: Callahan, Morgan (AGO) <morgan.callahan@state.ma.us>
Sent: Wednesday, June 24, 2015 11:06 AM
To: Mayor
Subject: Congratulations! Summer Youth Jobs.

RE: Notice of Award, Attorney General's Summer Youth Jobs program

Dear City of Marlborough:

Congratulations! I am pleased to notify you that the Attorney General's Office has selected City of Marlborough as a grantee for the 2015 Summer Youth Jobs program, with an award of \$1350.

The Attorney General's Office is committed to benefiting youth from low socio-economic status communities, which is why it created the Summer Youth Jobs program, to provide opportunities for employment, health, and wellness. Thank you for working with us to increase summer employment opportunities for youth.

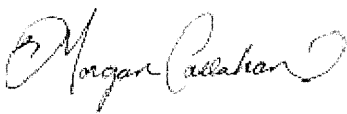
Your grant award is subject to the terms and conditions enclosed in the Scope of Services. Please find further instructions below my email signature. Feel free to contact me via the information provided if you have any questions or concerns.

Instructions

Please email the following paperwork (detailed below my signature) to Morgan Callahan (morgan.callahan@state.ma.us) by Wednesday July 1st, 2015. In your email, please also include any upcoming events your organization is hosting where Attorney General Maura Healey could attend, such as: camp talent shows, graduations, sports tournaments and performances.

After e-mailing, please mail paper copies with original ink signatures to the address provided in my signature.

Best regards,



Morgan Callahan, MBA
Office of Massachusetts Attorney General Maura Healey
Program Manager, Community Engagement Division
One Ashburton Place, Boston MA 02108
Direct Dial: (617) 963-2024 | Mobile: (617) 895-9720
morgan.callahan@state.ma.us | www.mass.gov/ago

Fill out and sign the following.

- Standard Contract Form.** This will be sent via email attachment by June 25th. Fill out the portions highlighted in yellow. Save as "[Name of Organization] SYJ15 SCF".
- Scope of Services document.** This will be sent via email attachment by June 25th. Fill out the portions highlighted in yellow. Save as "[Name of Organization] SYJ15 SOS".
- Commonwealth Terms and Conditions** Save as "[Name of Organization] SYJ15 CTC".

- d. **Contractor Authorized Signatory Listing** Save as “[Name of Organization] SYJ15 CASL”.
- e. **Electronic Transfer Funds form** Save as “[Name of Organization] SYJ15 ETF”.
- f. **Form W-9** Save as “[Name of Organization] SYJ15 W9”.



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 AUG 11
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

August 10, 2015

Edward Clancy
President
Marlborough City Council

RE: LFB USA, Inc.'s TIF Proposal
Order No. 15-1006254A

Dear President Clancy and Members:

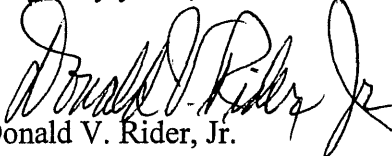
The Finance Committee has completed its review and has reported its favorable recommendation concerning the Tax Increment Financing ("TIF") proposal from LFB USA, Inc. Pursuant to the Council's subsequent referral to Legal, I find the following documents to be in proper legal form:

1. the proposed Council resolution;
2. the proposed EDIP application (attached to the resolution as Exhibit 1); and
3. the proposed TIF agreement (attached to the resolution as Exhibit 2); and

You may collectively approve all 3 documents by taking a single vote; simple majority suffices.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures
cc: Arthur G. Vigeant, Mayor

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for a portion of Map 15, Parcel 22 on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve LFB USA, Inc.'s local incentive-only application for an EDIP Certified Project (attached hereto as Exhibit 1); and further, that:
 - a. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - b. The project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of Marlborough; and
 - c. The City Council approves LFB USA, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for seven (7) years.
2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing and the submission of the tax increment financing agreement to the Massachusetts Economic Assistance Coordinating Council (attached hereto as Exhibit 2).

ADOPTED
In City Council
Order No 15-1006254B
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH AND LFB USA, INC.**

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made this _____ day of _____, 2015 by and between the City of Marlborough (the "**City**") and LFB USA, Inc. (the "**Company**").

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

WHEREAS, the Company is a for-profit corporation organized under the laws of Delaware, has its principal United States Headquarters located at 175 Crossing Blvd, Framingham, MA 01702, and is authorized to do business in Massachusetts; and

WHEREAS, First Colony Crowley Drive One, LLC ("the Owner") is the current fee owner of a 11.38 acre parcel of vacant land on Crowley Drive, Marlborough, Massachusetts 01752, as further depicted on Marlborough City Assessor's Map 15, Parcel 22 (the "**Property**"); and

WHEREAS, the Company intends to purchase approximately 8.5 acres of commercially buildable land from the Owner to be subdivided out of the Property's 11.38 acres, and plans to invest approximately \$50 million dollars over two separate phases with a private investment of approximately \$37 million to occur in the first phase for the construction of approximately 65,000 square feet building to be an upstream commercial clarification facility located at Crowley Drive, Marlborough, together with parking facilities and other improvements located thereon (hereinafter, the subdivided space is defined as the "**Project Area**"); and

WHEREAS, the Project Area is to be located within the boundaries of the Framingham-Marlborough Regional Economic Target Area (ETA) as designated by the Massachusetts Economic Assistance Coordinating Council pursuant to Massachusetts General Laws Chapter 23A, Section 3D; and

WHEREAS, through this certified project the Company commits to creating and retaining fifty (50) new permanent full-time jobs over a period of seven (7) years at the Project Area (once improvements are completed) open to qualified residents of Marlborough and the ETA; and

WHEREAS, the improvements to the Project Area are estimated to result in an initial capital investment by the Company of approximately \$37 million in combined soft, construction, real property and personal property costs (the "**Project**"); and

WHEREAS, the Owner shall make additional improvements to the Project Area in accordance with the terms of the purchase and sale agreement; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area and not to any other portion of the Property, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the Company intends to apply for “Certified Project” status under the Massachusetts Economic Development Incentive Program as outlined in their Letter of Intent to the City of Marlborough on June 18, 2015; 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 robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the Framingham-Marlborough ETA; and

WHEREAS, by a letter dated July 9, 2015, the Mayor recommended the TIF Agreement to the Marlborough City Council;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY’S OBLIGATIONS:

1. The City Council approved the provisions of this TIF Agreement on _____, 2015 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company with this 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 Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of seven (7) years (the "Exemption Term"), commencing on July 1, 2016 (the beginning of fiscal year 2017) and ending on June 30, 2023 (the end of fiscal year 2023). The Exemption shall pertain to real property taxes for the Project Area, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

REAL PROPERTY EXEMPTION	
Fiscal Year	Exemption Percentage
2017	100%
2018	100%
2019	75%
2020	65%
2021	55%
2022	35%
2023	25%

3. The base valuation for the Project Area shall be the assessed valuation of the Project Area in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. As provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Agreement, which is expected to be September 23, 2015. Therefore, the exemption is expected to commence on July 1, 2016, which is the beginning of fiscal year 2017. Accordingly, the base year for this TIF Agreement is fiscal year 2016, and the base valuation for the real property pertinent to the Project Area will be determined as of January 1, 2015.

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 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the 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 TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

B. THE COMPANY'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that receipt of such TIF benefits is conditioned upon the Company's purchase of the Project Area from the Owner and development of the site into an upstream commercial clarification facility;

 - (b) As part of purchasing the Project Area, the Company agrees that it will make initial capital improvements, which are currently estimated to be approximately \$37 million in combined soft, construction, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvement and investment;

- (c) Upon acquisition of the Project Area, the Company agrees to timely pay all of the taxes owed to the City by the Company over the term of this TIF Agreement; and
- (d) The Company agrees to create and to maintain over the term of the Agreement a minimum cumulative of 50 permanent full-time employees (as "permanent full-time employee" is defined in 402 C.M.R. 2.03), to be employed at the Project Area ("New Permanent Full-Time Employees"). The following schedule details the Company's schedule of job creation at the Project Area:

SCHEDULE OF JOB CREATION

End of Fiscal Year(s)	Permanent Full-Time Employee Retained	Permanent Full-Time Employee New	Minimum Cumulative Total
June 30, 2017	0	0	0
June 30, 2018	0	0	0
June 30, 2019	0	20	20
June 30, 2020	20	15	35
June 30, 2021	35	5	40
June 30, 2022	40	5	45
June 30, 2023	45	5	50

The Company shall work in good faith in accordance with Section B.1(e) below and, during the life of the Agreement, shall maintain the appropriate employment figure of permanent full-time jobs in accordance with the Schedule of Job Creation referenced above.

- (e) In maintaining its minimum cumulative New Permanent Full-Time Employee commitment outlined above, and consistent with all federal, state and local laws and regulations, the Company may use reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA through advertisements in local newspapers and online job sites encouraging such qualified residents to apply for employment with the Company. Determination of whether any individual is qualified for any specific job or position opening shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company participates in a job fair in Marlborough that is sponsored by the Marlborough Economic Development Corporation for staffing open positions at its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2017 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2017, ending on June 30, 2017, shall be submitted by the end of December 2017. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:
- (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are employees at the Project Area as of

the effective date of this Agreement and the number of employees that were employed by the Company in Marlborough and the ETA prior to the effective date of this Agreement;

- (b) The specific number of ETA and Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
- (c) An accounting of the efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA as needed to maintain the minimum cumulative Permanent Full-Time Employee requirement;
- (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 the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses"), if applicable for a particular fiscal year;
- (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 TIF Agreement, the Company shall provide the City with any and all information related to the Project Area, including the Company's improvements to the Project Area, which the parties mutually agree should be provided.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative permanent full-time employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2019 is 10 instead of 20, then the real property tax exemption percentage otherwise applicable for FY 2020 would actually be $(10/20) \times 65\%$, or 32.5%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative permanent full-time employee requirement for that later year. If the Company meets or exceeds its minimum cumulative new permanent full-time employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company materially fails to meet or comply with any of the requirements specified in 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 request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above, and in addition to the City's rights to take actions to collect any amounts owed by the Company under Section B.5. below. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, 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 as provided in Paragraph 5 of Section C below. Said notice shall be effective upon receipt.

5. If, at any time prior to the expiration of the term on this Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations in the Project Area, and the Company's successor or assign, if any, does not agree to assume this TIF agreement, then 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 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 Project Area	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2017	N/A
2018	N/A
2019	75%
2020	50%
2021	30%
2022	15%
2023	5%

Such pay-back 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.

The City shall be given thirty (30) days' written notice prior to any Company announcement to the general public (specifically excluding any communications to the Company's employees) of a proposed move from, vacation of, abandonment of, or other termination of operations at, the Project Area during the term of this Agreement, unless such notice (and/or notice period) would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new owner or tenant, if any; may include information about such prospective new owner or tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of the Company and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company.

6. The Company shall use reasonable efforts to engage local businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to engage local businesses under this Section 6. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 6 shall be in Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. 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, so long as the Project's certification has not been revoked by EACC.
2. 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.
3. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this agreement.
4. The effective date of this Agreement shall be September 23, 2015 the (presumptive) date of the Economic Assistance Coordinating Council's approval of the TIF Agreement.
5. All notices, reports or other communications require or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City and the Company 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 other party 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: LFB USA, Inc.
Attention: William Gavin, President
175 Crossing Blvd
Framingham, MA 01702

cc: Michael Megna, Comptroller
LFB USA, Inc.
175 Crossing Blvd
Framingham, MA 01702

WITNESSETH, the execution and delivery of this Agreement by the Company and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

LFB USA, INC.

By: _____
WILLIAM GAVIN
President
LFB USA Inc.

Dated: _____, 2015

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2015, before me, the undersigned notary public, personally appeared _____, as President of LFB USA, 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: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2015

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 AUTHORIZATION

I, Michael R. Megna, the duly elected Treasurer of LFB USA, Inc. (“the Company”), a Delaware corporation, do hereby certify that William Gavin is President of the Company; that William Gavin, in his capacity as President of the Company, is authorized and empowered to sign, seal, execute, acknowledge and deliver the Tax Increment Financing Agreement between the City of Marlborough and the Company; and that the signature of said William Gavin, in his capacity as President of the Company, shall be and is valid and binding upon the Company, and its successors and assigns, for all purposes.

Signed: _____ Dated: _____, 2015
Michael R. Megna
Treasurer
LFB USA, Inc.

Place of Business: 175 Crossing Blvd, Framingham, MA 01702

AFFIX SEAL



COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
 LOCAL INCENTIVE-ONLY APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled EACC meeting, without exception.**

For assistance with this application please work with your MOBD Regional Director, local municipal officials and refer to the EDIP Guidelines and 402 CMR 2.00.

PART I. COMPANY OVERVIEW					
1. COMPANY INFORMATION					
Company Name:	LFB USA, Inc.				
Project Location Address:	Street Address:	Crowley Drive			
	City:	Marlborough	MA	Zip Code:	01752
FEIN # (Federal Employer Identification Number):	#46-4974456				
DUA # (Dept. of Unemployment Assistance Number):	#22006705				
2. COMPANY CONTACT					
Executive Officer/ Company Designee:	Full Name:	William Gavin	Title:	President	
Contact (if different from above)	Full Name:	Michael Megna	Title:	V.P. Finance & Accounting	
Contact Address:	Street Address:	175 Crossing Blvd			
	City:	Framingham	State:	MA	Zip Code: 01702
Telephone Number:	508-370-5100				
Email Address:	mike.megna@lfb-usa.com				

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

3. COMPANY DESCRIPTION & HISTORY

Please provide a brief description and history of the company.

LFB USA is a company within the LFB Group, a leading European biopharmaceutical company specializing in innovative biotherapies, marketing its medicinal products in more than 30 countries around the world. Within the LFB Group, LFB USA is a development, manufacturing and services provider to LFB S.A. in France and rEVO Biologics in the United States. LFB USA is a catalyst for the advancement of revolutionary medicine. The company is committed to overcoming barriers to advancing medical care by utilizing its own innovative technology to develop programs, and through establishing and fostering dynamic relationships with its partners with a full range of services offered. LFB USA is rooted in science, and driven to answer unmet medical needs. A deep understanding of disease states and complex medical conditions, and a determination not to be confined by science, but empowered by it, fuels the company's ultimate purpose – commercialization of life-changing therapeutics.

PART II. ECONOMIC DEVELOPMENT PROJECT

1. NATURE & PURPOSE OF PROPOSED PROJECT

Please provide a description of the proposed expansion project. Additionally, please explain why the local incentives are necessary for this project to move forward.

LFB USA is planning to establish a biomanufacturing center at an owned facility on Crowley Drive, Marlborough. The proposed project will involve new construction creating a site that will be a state of the art manufacturing facility also containing lab and office space. The project is estimated to result in an initial capital investment of approximately \$37 million.

2. PROJECT TIMELINE

(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:	(b) Date the applicant expects to begin the project:	(c) Date the applicant expects to complete the project:	(d) Date the applicant expects to open the facility:
6/18/2015	11/1/2015	1/1/2017	3/1/2017

Additional Information (if necessary) on Project Timeline: This will be construction of a new facility and if site work can happen in the fall then the above schedule will be fast-tracked.

3. PRIVATE INVESTMENT

Total Projected Private Investment:	\$37M
-------------------------------------	-------

Additional Information (if necessary) on Investment: Phase 2 will require another \$13M investment

4. MASSACHUSETTS EMPLOYMENT

(a) Is the applicant new to Massachusetts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
(i) If no, where are the existing Massachusetts facilities?	175 Crossings Blvd, Framingham; 87 New Spencer Road, Charlton	N/A <input type="checkbox"/>
(b) Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please explain:	

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

5. EMPLOYMENT & JOB CREATION

(a) LFB USA EXISTING EMPLOYMENT AT PROJECT LOCATION

Please indicate the number of Permanent Full-Time Jobs to be created in total and by year. If job creation timeline exceeds five years, please complete the "Extended Job Creation Schedule" and attach as an addendum.

(i) Permanent Full-Time Employment at Project Location at Date of Application:	(ii) Permanent Full-Time Employees to be Transferred from other Massachusetts Site to Project Location:	(iii) Total Permanent Full-Time Existing Jobs to be Retained at Project Location (sum of questions 5 (a) i. & ii.):
0	0	0

Notes (if necessary) on Current Project Location Employment: N/A

(b) LFB USA JOB CREATION SCHEDULE AT PROJECT LOCATION

Permanent Full-Time Jobs to be Created (net new to facility and Massachusetts):	2019	2020	2021	2022	2023
50	20	15	5	5	5

Notes (if necessary) on Job Creation:

6. FACILITY

(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?	Lease <input type="checkbox"/> Own <input checked="" type="checkbox"/>	
(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?		N/A <input checked="" type="checkbox"/>
(b) Is the site of the facility a 43D Preferred Development Site?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, name site: Crowley Drive - Marlborough	N/A <input type="checkbox"/>
(c) Does the applicant intend to utilize the Commonwealth's Abandoned Building Deduction? Please note: To be eligible for the deduction the applicant the building the applicant plans to inhabit must have been at least 75% vacant or unused for 24 months or more.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name vacancy percentage and duration: % Vacant for months	N/A <input type="checkbox"/>

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART III. LOCAL INCENTIVE AGREEMENT INFORMATION					
Please work with the local municipality and your MOBD Regional Director in completing the below section.					
1. MUNICIPAL CONTACT					
Municipal Contact:	Full Name:	Tim Cummings	Title:	Executive Director	
Contact Address:	Street Address:	91 Main Street #204			
	City:	Marlborough	MA	Zip Code:	01752
Telephone Number:	508-229-2010				
Email Address:	tcummings@marlboroughedc.com				
2. LOCAL INCENTIVE AGREEMENT					
(a) Name of Economic Target Area (ETA) Project is Located in:	Framingham-Marlboro ETA				
(b) Economic Opportunity Area (EOA):	Name of EOA:				
	Is this a newly designated EOA? Yes <input type="checkbox"/> No <input type="checkbox"/>				
	(i) If yes, what is the duration of the designation? Years				N/A <input checked="" type="checkbox"/>
	(ii) If no, how many years are remaining on the designation? Years				N/A <input checked="" type="checkbox"/>
(c) Type of Local Incentive:	<input checked="" type="checkbox"/> Tax Increment Financing (TIF) Agreement <input type="checkbox"/> Special Tax Assessment (STA)				
i) Duration of Local Incentive:	7 Year Local Incentive				
ii) Exemption Schedule of Local Incentive:	100%, 100%, 75%, 65%, 55%, 35%, 25%				
iii) Start & Expiration Date of Local Incentive: If Agreement commences upon certificate of occupancy please check box:	Start Date: 7/1/2016 Expiration Date: 6/30/2023 <input checked="" type="checkbox"/> Local Incentive Agreement commences upon certificate of occupancy and the dates represent best projections of the start & expiration of the local incentive based on the project timeline.				
iv) Date Municipality Approved Local Tax Incentive or Date of Scheduled Vote:	8/24/2015				
(d) Attachment A: Economic Opportunity Area (EOA) Designation Application (for newly designated EOA's only) Please attached a signed copy of the EOA Designation Application.					Attached <input type="checkbox"/>
					N/A <input checked="" type="checkbox"/>
(e) Attachment B: Local Incentive Agreement Please attach a signed copy of the TIF or STA Agreement.					Attached <input checked="" type="checkbox"/>

COMMONWEALTH OF MASSACHUSETTS
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MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

(f) Attachment C: Local Incentive Zone & Plan Please attach the municipal TIF/STA Zone & Plan.	Attached <input type="checkbox"/>
(g) Attachment D: Municipal Vote by Authoritative Body Approving Incentive Please attach a copy of the vote approving the local incentive.	Attached <input checked="" type="checkbox"/>
(h) Attachment E: Municipal Vote by Authoritative Body Approving submission of application of the Economic Assistance Coordinating Council (EACC)	Attached <input checked="" type="checkbox"/>
(i) Exhibit 1: Local Incentive Valuation Please complete the attached exhibit detailing the estimated property tax exemption over the life of the agreement.	Complete <input checked="" type="checkbox"/>

PART IV. LABOR AFFIRMATION & DISCLOSURES

1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS

- As an applicant requesting Certified Project approval, William Gavin, affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.
- As an applicant requesting Certified Project approval, William Gavin, affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

2. COMPANY DISCLOSURE

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

V. AUTHORIZATION & CERTIFICATIONS

1. CERTIFICATE OF GOOD STANDING

Provide proof of good tax standing in the Commonwealth of Massachusetts via a Massachusetts Department of Revenue Certificate of Good Standing for each of the businesses intending to take advantage of the state tax incentives.

*Applications will not be reviewed by the Economic Assistance Coordinating Council until a Certificate of Good Standing has been received.

To obtain a Certificate of Good Standing visit:

<https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx>

Attached

Date of DOR Application for Certificate of Good Standing: 5/20/2014

Notes:

2. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We, William Gavin, President (names and titles) of the applicant business applying for "Certified Local Incentive Only Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment, job creation and sales to the best of my/our knowledge after having conducted reasonable inquiry. I/We understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Local Incentive Only Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Local Incentive Only Project is the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information I/We make this certification under the pains and penalties of perjury. I/we agree to submit a Calendar Year Annual Report to the Massachusetts Office of Business Development to give updates on the progress of the project.

The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:

	President	August 24, 2015
Name	Title	Date

		<i>Select mm/dd/yyyy</i>
Name	Title	Date

3. DEPARTMENT OF UNEMPLOYMENT ASSISTANCE CONSENT FOR DISCLOSURE OF WAGE REPORTING INFORMATION

Consent for the Disclosure of Wage Reporting Information for Federal Employment Identification Number (FEIN): # 46-4974456

Division of Unemployment Assistance (DUA) Number: # 22006705

I/We, William Gavin , a duly authorized representative of LFB USA, Inc., and of all the other businesses listed in this Local Incentive Only Application (hereinafter "Employer"), hereby releases and gives authority to the Massachusetts Department of Unemployment Assistance, pursuant to G.L. c. 151A, §46(1), to provide the Economic Assistance Coordinating Council, upon its request, with the Employer's information, including but not limited to, wage reporting information, that is (a) necessary to verify the amount and tax year in which the Employer claims any of the Tax Incentives awarded in the Economic Development Incentive Program or Employer's fulfillment of job creation and job retention commitments as indicated in the supplemental application and job chart, or (b) otherwise necessary to ensure the proper operation or enforcement of this Agreement or the Program. This authorization is effective upon date of signature and will be valid until superseded by a subsequent application or revoked in writing.

Signed:

_____	President	August 24, 2015
Name	Title	Date

_____		<i>Select mm/dd/yyyy</i>
Name	Title	Date



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

Date: June 18, 2015

To Whom It May Concern :

I hereby certify that according to the records of this office,

LFB USA, INC.

a corporation organized under the laws of

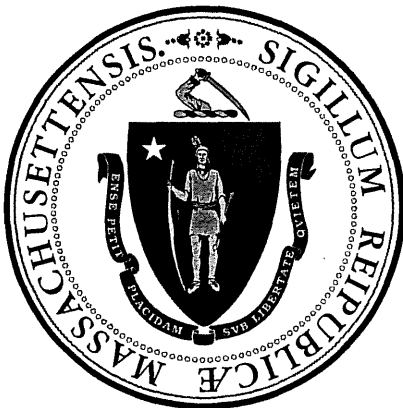
DELAWARE

on **February 28, 2014** was qualified to do business in this Commonwealth on

March 03, 2014 under the provisions of the General Laws, and I further certify that said

corporation is still qualified to do business in this Commonwealth.

I also certify that said corporation is not delinquent in the filing of any annual reports required to
date.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Certificate Number: 15063855160

Verify this Certificate at: <http://corp.sec.state.ma.us/CorpWeb/Certificates/Verify.aspx>

Processed by: nmc

Anthony F. Andronico, LSP

126 Charles Street
Quincy, MA 02169
Ph: 617-328-9229
e-mail afandronico@gmail.com

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 AUG 18 A 9:27

August 12, 2015

Ms. Lisa M. Thomas
Office of the City Clerk
140 Main Street
Marlborough, MA 01752
cityclerk@marlborough-ma.gov

RE: Notice of Release Notification Form and
Permanent Solution Statement
1 D'Angelo Drive
Marlborough, MA 01752
RTN: 2-19581

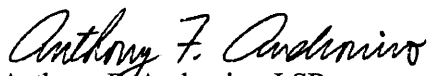
Dear Ms. Thomas:

This letter is provided pursuant to the requirements of the Massachusetts Contingency Plan 310 CMR 40.0000 (MCP), Sections 40.1403 (3)(f), Minimum Public Involvement Activities in Response Actions, to inform you that a Permanent Solution Statement has been filed with the Massachusetts Department of Environmental Protection (MassDEP) for the above-referenced site. Full copies of the report can be viewed and downloaded from the MassDEP web site at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> filed under RTN 2-19581.

This notice also serves to inform you, per 310 CMR 40.1403(3)(h), that the Release Notification Form (BWSC-103) has been filed for the site, a copy of which is attached for your records.

If you have any questions, or require additional information, please don't hesitate to contact me at (617) 328-9229.

Sincerely,


Anthony F. Andronico, LSP

Enclosure: Form BWSC-103

Lisa M. Thomas, City Clerk
Re: 1 D'Angelo Drive, Marlborough, MA

August 12, 2015

cc: Loun Long, Ryder Transportation

Rande Monahan / Corporate Safety Manager
Ken's Foods, Inc.
1 D'Angelo Drive
Marlborough, MA 01752

Cathleen Liberty, M.P.H.
Director of Public Health
140 Main Street-Lower Level
Marlborough, MA 01752
cliberty@marlborough-ma.gov

MassDEP



RELEASE NOTIFICATION & NOTIFICATION
RETRACTION FORM

Release Tracking Number

2 - 19581

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

A. RELEASE OR THREAT OF RELEASE LOCATION:

1. Release Name/Location Aid: KENS FOODS
2. Street Address: 1 D'ANGELO DRIVE
3. City/Town: MARLBOROUGH 4. ZIP Code: 017520000
5. Coordinates: a. Latitude: N 42.31682 b. Longitude: W 71.58421

B. THIS FORM IS BEING USED TO: (check one)

- 1. Submit a Release Notification
- 2. Submit a Revised Release Notification
- 3. Submit a Retraction of a Previously Reported Notification of a release or threat of release including supporting documentation required pursuant to 310 CMR 40.0335 (Section C is not required)

(All sections of this transmittal form must be filled out unless otherwise noted above)

C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR):

1. Date and time of Oral Notification, if applicable: 7/16/2015 Time: 07:00 AM PM
mm/dd/yyyy hh:mm
2. Date and time you obtained knowledge of the Release or TOR: 7/16/2015 Time: 06:30 AM PM
mm/dd/yyyy hh:mm
3. Date and time release or TOR occurred, if known: _____ Time: _____ AM PM
mm/dd/yyyy hh:mm

Check all Notification Thresholds that apply to the Release or Threat of Release:
(for more information see 310 CMR 40.0310 - 40.0315)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> 4. 2 HOUR REPORTING CONDITIONS | <input type="checkbox"/> 5. 72 HOUR REPORTING CONDITIONS | <input type="checkbox"/> 6. 120 DAY REPORTING CONDITIONS |
| <input checked="" type="checkbox"/> a. Sudden Release | <input type="checkbox"/> a. Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/2 Inch (.04 feet) | <input type="checkbox"/> a. Release of Hazardous Material(s) to Soil or Groundwater Exceeding Reportable Concentration(s) |
| <input type="checkbox"/> b. Threat of Sudden Release | <input type="checkbox"/> b. Underground Storage Tank (UST) Release | <input type="checkbox"/> b. Release of Oil to Soil Exceeding Reportable Concentration(s) and Affecting More than 2 Cubic Yards |
| <input type="checkbox"/> c. Oil Sheen on Surface Water | <input type="checkbox"/> c. Threat of UST Release | <input type="checkbox"/> c. Release of Oil to Groundwater Exceeding Reportable Concentration(s) |
| <input type="checkbox"/> d. Poses Imminent Hazard | <input type="checkbox"/> d. Release to Groundwater near Water Supply | <input type="checkbox"/> d. Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/8 Inch (.01 feet) and Less than 1/2 Inch (.04 feet) |
| <input type="checkbox"/> e. Could Pose Imminent Hazard | <input type="checkbox"/> e. Substantial Release Migration | |
| <input type="checkbox"/> f. Release Detected in Private Well | | |
| <input type="checkbox"/> g. Release to Storm Drain | | |
| <input type="checkbox"/> h. Sanitary Sewer Release (Imminent Hazard Only) | | |



RELEASE NOTIFICATION & NOTIFICATION RETRACTION FORM

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

Release Tracking Number

2 - 19581

C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR): (cont.)

7. List below the Oils (O) or Hazardous Materials (HM) that exceed their Reportable Concentration (RC) or Reportable Quantity (RQ) by the greatest amount.

Check here if an amount or concentration is unknown or less than detectable.

Table with 6 columns: O or HM Released, CAS Number, O or HM, Amount or Concentration, Units, RCs Exceeded. Row 1: DIESEL FUEL, 35, GAL, N/A.

Check here if a list of additional Oil and Hazardous Materials subject to reporting, or any other documentation relating to this notification is attached.

D. PERSON REQUIRED TO NOTIFY:

1. Check all that apply: a. change in contact name b. change of address c. change in the person notifying

2. Name of Organization: RYDER TRANSPORTATION INC

3. Contact First Name: LOUN 4. Last Name: LONG

5. Street: 1 D'ANGELO DRIVE 6. Title:

7. City/Town: MARLBOROUGH 8. State: MA 9. ZIP Code: 017520000

10. Telephone: 508-229-1116 11. Ext.: 12. Email: Loun_L_Long@ryder.com

13. Check here if attaching names and addresses of owners of properties affected by the Release or Threat of Release, other than an owner who is submitting this Release Notification (required).

E. RELATIONSHIP OF PERSON TO RELEASE OR THREAT OF RELEASE: Check here to change relationship

1. RP or PRP a. Owner b. Operator c. Generator d. Transporter

e. Other RP or PRP Specify:

2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

4. Any Other Person Otherwise Required to Notify Specify Relationship:



RELEASE NOTIFICATION & NOTIFICATION
RETRACTION FORM

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

Release Tracking Number

2 - 19581

F. CERTIFICATION OF PERSON REQUIRED TO NOTIFY:

1. I, LOUN LONNA LONG, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By : LOUN LONNA LONG 3. Title: _____

Signature

4. For: RYDER TRANSPORTATION INC 5. Date : 8/10/2015

(Name of person or entity recorded in Section D)

mm/dd/yyyy

6. Check here if the address of the person providing certification is different from address recorded in Section D.

7. Street: _____

8. City/Town: _____ 9. State: _____ 10. ZIP Code: _____

11. Telephone: _____ 12. Ext.: _____ 13. Email: _____

YOU ARE SUBJECT TO ANNUAL COMPLIANCE ASSURANCE FEES FOR EACH BILLABLE YEAR FOR TIER CLASSIFIED DISPOSAL SITES. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)

Received by DEP on 8/11/2015 8:47:44
AM

**1D'Angelo Drive
Marlborough, MA 01752
Sudden Release of No. 2 Fuel Oil
MassDEP RTN 2-19581**

Property Owner Information:

Rande Monahan
Corporate Safety Manager
Ken's Foods, Inc.
1 D'Angelo Drive
Marlborough, MA 01752
rmonahan@kensfoods.com

Lisa Thomas

From: Anthony F. Andronico <afandronico@gmail.com>
Sent: Monday, August 17, 2015 10:08 AM
To: City Clerk
Cc: Cathleen Liberty; Loun L. Long
Subject: 1 D'Angelo Drive
Attachments: Public Notice with Form 103.pdf

The attached notice is provided in accordance with the Mass. Contingency Plan for an oil spill that occurred on the above-referenced site on July 16. The spill cleanup has been completed. Any questions may be directed to me.

Thank you,

Anthony F. Andronico, LSP
126 Charles Street
Quincy, MA 02169-3649
Office: 617-328-9229
Mobile: 617-894-5607
afandronico@gmail.com

MM
AUGUST

~~September~~ 20, 2015

President and Members
Marlborough City Council
City Hall 140 Main Street
Marlborough, MA 01752

Re: Marlborough Hills – Open Space Trail System

City Council Approval

SMMA No. 11046.00

Dear Council President and Members:

On behalf of our client, Atlantic-Marlboro Realty, LLC (“Atlantic Management”), SMMA is pleased to submit the enclosed plan package for an open space trail system within the Marlborough Hills mixed-use development. The trail system begins in the northwest portion of the development off the Simarano Drive sidewalk (“complete street”), continues on the northern portion parallel to Forest Street, then continues on the eastern portion parallel to Results Way and Value Way before reconnecting with Simarano Drive at the southern end of the development.

The proposed trail system is consistent with the Results Way Mixed Use Overlay District (RWMUOD) and Master Plan approved by the City Council in 2013. The design, approval and construction of this trail system will satisfy Condition 23 of City Council Order No. 14-1005963B for the parking expansion at 200 Forest Street. Our team has reviewed the enclosed plans with Priscilla Ryder, Conservation Officer, and the Site Plan Review Committee.

Enclosed are the project plans for the trail system. Please do not hesitate to reach out to the applicant or SMMA if you have any questions or comments.

Very truly yours,

SMMA | Symmes Maini & McKee Associates



Brian Lawlor, PE
Principal

cc: Joe Zink, John Sullivan – Atlantic Management, William Park - SMMA, (MF)

enclosures: Project Plans

P:\2011\11046\08-CODES\Trail\City Council Cover Letter.doc

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

June 18, 2015 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 29 P 3:47

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

Absent: Dave Williams

Approval of Minutes: The Minutes of May 21, 2015 were unanimously approved as written.

Discussion:

Farm Rd. Reconstruction (212-1082) Pre-construction discussion per Order of Conditions.

Minot Wood, Joe Curtain P.E. from E.H. Perkins Co. as well as Tim Collins Assistant City Engineer were present. Chairman Clancy read Conditions #31 of the Order of Conditions which requires the contractor for the project to attend a commission meeting to discuss several items including construction sequencing, phasing and stockpile areas. Mr. Curtain provided some revised plans dated 6-16-15 "Preliminary Design" for the culvert crossing at Broad Meadow Brook on Farm Rd. near Broad Meadow St. The new design includes 14 precast box culverts linked together. They expect to do this work in August when low flows in the stream are expected. They can use the existing culvert during construction since the new culvert has a slightly different alignment. That will help a lot with construction. They plan to have ½ the road open during this work. They expect the culvert replacement to take about 2 weeks including the headwall installation. Once the new culvert is installed and flowing water, the old culvert will be removed. One of their workers lives in Marlborough and someone will be on call 24 hours to handle the pumping during construction and to check if it rains. They will need about two days to get the water table down before they start digging for the culvert installation. They will add 1' baffles in the bottom of the culvert and add river stone, as required in the Order of Conditions to make the bottom of the culvert more natural. The ends of the culvert will blend into the existing stream bed as required in the stream crossing requirements. There are utilities that now go through the culvert. The new design will only require that the sewer be through the culvert, water and gas can be placed above since the culvert needs to be lower which will allow for more cover. After a short discussion, the Commission indicated that they were satisfied and that Perkins Co. could proceed with the work.

Public Hearings:

Notices of Intent

West Hill LLC – Proposes to construct single family homes at each of the following addresses. A separate NOI was submitted for each of these addresses:

- 25 Dufresne Dr.
- 43 Dufresne Dr.
- 53 Dufresne Dr.
- 71 Dufresne Dr.
- 81 Dufresne Dr.
- 85 Dufresne Dr.

Peter Lavoie from Guerrierre and Halnon was present representing West Hill LLC, a Fafard Co. Chairman Clancy indicated that he wanted to discuss the overall wetland issues on all these properties together to resolve those issues before discussing specifics about each lot individually. Mr. Lavoie explained the location of each of the 6 lots, their acreage and the resources associated with each as shown on the plans. He noted that Lot 4F has an 850 ft. long driveway which cuts through several lots. Ms. Ryder indicated that she and Ms. Paquin checked the flags, but not all the flags are in place. The flags marked CRL have disappeared. Chairman Clancy indicated that these would need to be replaced before a decision could be rendered. Mr. Lavoie said he was told that the delineation done before was still valid. Mr. Clancy noted that that was in 2000, 15 years ago and is no longer valid. Mr. Lavoie will have Scott Goddard do the reflagging and resubmit the wetland delineation and supporting documentation. Ms. Ryder noted that on Lot 10C there is a depression that looks like it contains water for some part of the year, this should be analyzed, in addition the larger wetland has vernal pool characteristics and she has heard woodfrogs in this pond. Analysis as to whether it is a vernal pool or BVW needs to be provided. Mr. Clancy recalls the property from 2000 and recalls a discussion about the wetlands being connected. Lot 10C appears to cross through the possible wetland connection area.

Chairman Clancy noted that he had received two letters one from Lynne Samuelson and one from Christine Dipre from 21 McDonough Dr. expressing concern about the building and the protection of open space. Mr. Clancy entered them into the record. He asked if others had questions or comments: Kathy McGuinness from 17 Dufresne indicated that when they first moved in they had some flooding issues in their back yard, this has since been corrected. She also noted that the catch basins do not have filter bags in them and muddy water continues to drain into the wetland. Shawn Ritchea of 26 McDonough Dr. also spoke expressing concern about the proximity of the new proposed homes to his yard and also expressed concern about the long driveway proposed on lot 4F.

Mr. Clancy noted that the hearing would be continued to the July 2, 2015 meeting and the Commission will be looking for some revised plans showing the wetland delineation and the wetland report for this area. The hearing was continued.

Abbreviated Notice of Resource Area Delineation

890 Boston Post Rd. - Edu Rosa of Cornerstone Supply, Inc.

Ron Strohsahl from Oxbow Associates was present to represent Edu Rosa. He explained that the wetland resource areas had been flagged on April 10th. He and Scott Smyers and Priscilla Ryder inspected the delineation of the Bordering Vegetated Wetland earlier in the week. Ms. Ryder indicated that the wetland line as flagged was accurate in her opinion. Mr. Strohsahl noted that in the Notice of Intent, Bruce Saluk had provided a watershed analysis and used the STREAM STATS program to determine if the stream was an intermittent or perennial stream. Based on the calculations done by Bruce Saluk he determined that it is an intermittent stream. However, the Commission questioned this decision not having observed the stream dry and questioned the watershed area shown in Bruce Saluk's plan in the Notice of Intent. They asked Ms. Ryder to check

with the Easterly Waste Water Treatment Plant operator who samples the stream regularly if he has seen it dry and to check the watershed map as well. The hearing was continued to the July 2, 2015 meeting to gather this information.

Request for Determination of Applicability

7 Beaman Lane - John Parson

John Parson, the builder, explained that the new buyers of the property are interested in installing an in ground pool which is in the existing lawn area, and a portion of it will be within the 100' buffer zone. He explained that the pool would have a patio and a fenced in area. They will remove all excess soil from the site; new sand needs to be brought in. He will install erosion controls as needed. When the project is done they will sod the area to be grassed and stabilize the rest of the area with brick pavers. As required all doors and access to the pool will be alarmed. It will be a salt water pool and the filter system to be used will have no backwash. After some discussion the Commission voted unanimously 6-0 to issue a negative Determination of Applicability to allow the pool with the conditions noted above.

Certificates of Compliance

- DEP 212-497 28 Taylor Rd. – Re-issuance of Certificate of Compliance- This house is being sold and a true copy of the certificate could not be recorded so they have asked the Commission to reissue the Certificate.
- DEP 212-614 587 Bolton St. – Piccadilly Pub (a.k.a Bolton Street Tavern) - The Commission continued this item to the next meeting. Mr. Clancy wants to take a look at the site, and Ms. Ryder indicated that a storm water report is still due and should be submitted before a Certificate of Compliance can be issued. Ms. Ryder will convey this to the owner.

Discussion/Correspondence-

- Environmental Impact Report – Beacon North- Ms. Ryder had provided a copy of the comments she and the Site Plan Review Committee had provided to the state on the DEIR letter for this project.
- Use of goats at Cider Knoll Conservation Land old orchard? - Ms. Ryder provided some information about the use of goats to clean out old fields that are inundated with poison ivy and bitter sweet control. They are being used in Boston on difficult areas to clear lots. The Commission was interested, but wants more information on costs and if there are other companies doing this as well. Ms. Ryder will continue to do research on this option.

Meetings – Next Conservation meetings – July 2nd and 16th, 2015

Adjournment- There being no further business, the meeting was adjourned at 8:24 PM

Respectfully submitted,


Friscilla Ryder

Conservation Officer

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
July 13, 2015

2015 JUL 30 P 4:40

Call to Order

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

Edward Coveney & Shawn McCarthy were absent.

Also in attendance were Board Secretary Melissa Irish & City Engineer Evan Pilachowski.

1. Meeting Minutes:

A. Regular Meeting May 18, 2015

On a motion made by Mr. Fay, seconded by Ms. Hughes, it was voted to approve the minutes of the May 18, Regular Meeting. Motion carried.

B. Regular Meeting June 29, 2015

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to approve the minutes of the June 29, Regular Meeting. Motion carried.

2. Chair's Business:

Chairperson Fenby opened a discussion regarding the online presence of the Board and was looking to form an advisory group to polish the presentation of the information that is available online. Mr. DuPont volunteered to work with Chairperson Fenby and report back to the full Board at the next regularly scheduled meeting on July 27, 2015.

3. Approval Not Required: None

4. Public Hearings: 7:15pm None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski reported out to the Board Walker Brook Estates had gas service being installed today and the binder course should be in on the road by the end of the month, they are on target with their schedule.

B. Tri Partite Agreement (Walker Brook Estates)

The form was reviewed by the Legal Department. Modifications were made and sent to the developer for corrections. This item is to be taken up at the next regularly scheduled meeting July 27, 2015.

C. LaCombe Street Acceptance Update

Mr. Paul DiTullio was present to update the Board on the progress being made to bring this project to completion. The Board appreciated the update and is encouraging Mr. DiTullio to complete the remaining items as soon as practical.

D. Decision Jelico Homes 626 Stow Rd (August 19, 2015)

After discussion ranging over several meetings the Board took action on the following:

Definitive subdivision plan of land at 626 Stow Road in Marlborough, MA 01752

Prepared for Jelico Homes LLC

Prepared by Summit Surveying, 285 Littleton Road, Suite 2, Westford, MA

The developer was requesting 2 (two) waivers both waivers apply to each created lot on the plan.

Waiver Requests:

- From the Planning Board for insufficient frontage, lot to be considered not a buildable lot until a variance has been granted by the Zoning Board of Appeals.
- From the Zoning Board of Appeals for insufficient frontage and lot shape.

The approving of a requested waiver must positively answer the following 2 (two) criteria;

1. Is the requested waiver in the Public Interest?
2. Is the requested waiver consistent with the Subdivision Control Law?

Waiver request 1 (one) Frontage:

Mr. Fay feels that the developer has not met the burden of either criteria and with that being noted, on a motion made by Ms. Hughes seconded by Mr. Fay it was voted to deny the requested waiver number 1 (one). Motion carried

Waiver request 2 (two) Lot Shape:

Mr. DuPont feels that the developer has not met the burden of either criteria and with that being noted, on a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to deny the requested waiver number 2 (two). Motion carried.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to deny the Subdivision Plan in its entirety. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Food Truck Festival Off Premise Signs

Ms. Hughes read the correspondence from the Community Development Authority granting permission for the placement of the off premise banner hung from the Weed St Parking Garage facing Granger Boulevard.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to approve the variance requested for placement of the off premise banner as well as directional signs to be placed the morning of the event and removed immediately at the events close. (1 day)(August 15, 2015)

The directional sign placement is contingent upon all landowners granting permission for the 1 day placement (August 15, 2015). Motion carried.

B. Al Brodeurs Auto Sign Request Continuation of Discussion

MR. Sean McCarthy presented to the Board the proposed signage package for Al Brodeurs Auto Body shop on South Street. This was a continuation from the May 18, 2015 meeting. A sample of the media (Vinyl) that the business owner is requesting to install as window covering was passed among the Board.

Ms. Hughes inquired as to the reason for the variance request to cover 100% of the window surface? Mr. McCarthy responded that the application is going to cover the windows in the customer waiting area as that area of the building is in constant sun and it is uncomfortably warm.

Mr. Fay noted that he is not against this only due to the location. If this type of request came in front of the Board for a building located at a gateway to the City he may have a different opinion.

Mr. Hodge noted that he as well is not against this particular variance request. If this is held over to the next meeting Mr. Hodge will not be in attendance but he did want his opinion noted.

Chairperson Fenby encouraged the Board members to go and view the site for themselves and be prepared to discuss this request at the next meeting.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to table this variance request until the next regularly scheduled meeting. (July 27, 2015). Motion carried.

9. Unfinished Business:

A. Blackhorse Farms Update

Ms. Hughes read the correspondence from the Engineering Department into the record.

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

On a motion made by Mr. Fay, seconded by Mr. DuPont it was duly voted to approve the Black Horse Farms Subdivision extension until October 31, 2015 and note that this is the final extension that the Board will be willing to entertain for this subdivision. Motion carried.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

B. Mauro Farms Update

City Engineer Pilachowski noted that this subdivision is still moving right along and is still on track for intended completion at the end of August.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

C. MEDC Signage suggestions/discussion

Michael McGuire was in attendance representing the MEDC.

After discussion from the Board Members it was requested to have this item appear in the August 24, 2015 meeting agenda to allow all members the appropriate time to review the language as presented by the MEDC.

Mr. Fay also noted that he will reach out to at least one member of the Legal and Legislative subcommittee of the City Council, to discuss the timeline to bring this to the Full Council for action.

It was noted to put this on the regularly scheduled August 24, 2015 meeting agenda for updates.

10. Informal Discussions:

A. Vacant Property Valley Street, Attorney Bergeron Presenting

Attorney Bergeron, Mr. Steve Caragian, Mr. Larry Reeves and Mr. Joseph Pezznola were in attendance to present the informal plan to the Board.

Attorney Bergeron noted that the land in question is situated behind the redeveloped former factory at 175 Maple Street. It is a parcel of land between the rear of that building and Howe Street. The parcel sits on an improved paper street approx. 40 feet wide and is between 80-90,000 square feet. It is the intent of the proponent to improve the paper street to City construction standards. It is the intent of the proponent to create 5 ANR lots to construct 4 duplex style residences and 1 single family residence.

Mr. Fay noted that without the guidance of accepted Paper Street Guidelines to follow why is this being applied for as a formal subdivision?

Mr. Bergeron noted that they are seeking a sense of the Board from this meeting for guidance in how to proceed.

In a survey of all members present the following information came to light;

Mr. Hodge noted that he is not opposed to this idea.

Chairperson Fenby feels that this type of development should come in as a formal subdivision.

Ms. Hughes agrees with Chairperson Fenby and requests that the presentation materials used in the informal presentation be electronically forwarded to the Board.

Mr. Fay noted that he is not opposed but it is a new approach. He does have concerns regarding sidewalks being installed on both sides of the street as well as the intended "T" style termination of the street it should be connected to Howe Street or a cul de sac created.

Mr. DuPont wanted time to review the information presented.

It was noted to put this on the regularly scheduled August 24, 2015 meeting agenda for discussion.

11. Correspondence:

A. Dcr Massachusetts downstream Number 33 Spring 2015

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

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Public Hearing July 9, 2015

B. Town of Hudson, Zoning Board of Appeals Notice of Decision

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

Adjournment: On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to adjourn at 8:00pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY OF MARLBOROUGH
Fort Meadow Commission

2015 AUG -3 P 1:49



TOWN OF HUDSON
Hudson, Massachusetts 01749

September 18, 2014
Fort Meadow Commission Meeting Minutes

7:07 PM - Meeting called to order in the Marlboro City Hall.

In attendance:

- Marlborough Commissioners Thomson and DelGenio
- Hudson Commissioner Kaczmarek and Agent Pelletier
- 1 Hudson resident and 1 Marlboro resident

Minutes:

- Minutes from August 21, 2014 meeting reviewed and approved by Commissioners Thomson, DelGenio and Kaczmarek
- Algae
 - Blue /Green Algae levels have dissipated although there have been some isolated blooms, the lake is clear for use.
- July 6, 2014 Fly board incident.
 - City solicitor has not had time to review the issue yet
 - Stue Ziemba of the Environmental Police has ruled that flyboarding from a jetski is illegal in Massachusetts.
- Hixson Launch will be manned this weekend for the last time this year.
- July 5, 2014 incident
 - Mike graham removed his boat as instructed on July 31 and kept it out for the agreed period of time. All actions regarding this incident are closed
- July 4, 2013 incident
 - The Commission reviewed the July 4, 2013 incident and heard statements from Daniel Campbell, including his claim that the operator of the Supra at the time of the collision was not him but Laurie Peto. When ask by the commission Ms. Peto confirmed that she was the operator of the boat at the time of the collision. After a discussion, the Commission decided on the following penalties:
 - The Supra, the colliding boat involved in this incident is not to be on Fort Meadow Reservoir from May 15 thru September 15, 2015.
 - As the owner of the colliding boat involved in this incident, Mr. Campbell is not to operate any personal watercraft or any motorized boat, including but not limited to the Supra, on Fort Meadow Reservoir from May 15 thru September 15, 2015
 - As the claimed operator of the colliding boat involved in this incident, Laurie Peto is not to operate any personal watercraft or any motorized boat, including but not limited to the Supra, on Fort Meadow Reservoir from May 15 thru September 15, 2015
 - Before Mr. Campbell and Ms. Peto are permitted to operate any personal watercraft or any motorized boat, including but not limited to the Supra, on Fort Meadow Reservoir after September 15, 2015, they will each need to submit to the Commission proof of their successful completion of an approved Safe Boating Course.



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

- The Commission also heard a statement from the other boat owner Gerald Curley involved in the July 4, 2013 incident. After a discussion, the Commission decided that Mr. Curley's boat should not be on Fort Meadow Reservoir for a period of one month. The Commission also decided that the period Mr. Curley's boat was not to be on Fort Meadow Reservoir was served in 2013.
- Drawdown
 - A discussion was held regarding recommending a drawdown this year. As a result, a motion to do so was approved
- Weed Control
 - Treatment was on June 11, 2014, follow up survey to be completed over the summer

7:25 PM - Meeting adjourned

2014 Remaining Meeting Schedule (all meetings at 7:00 PM third Thursday)

None



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
Fort Meadow Commission
CITY OF MARLBOROUGH

2015 AUG -3 P 1:49



TOWN OF HUDSON
Hudson, Massachusetts 01749

May 21, 2015
Fort Meadow Commission Meeting Minutes

7:05 PM - Meeting called to order at Marlboro City Hall.

In attendance:

- Marlborough Commissioners Thomson and DelGenio
- Hudson Agent Pelletier
- 1 Hudson resident and 3 Marlboro residents

Minutes:

- Minutes from September 18, 2014 meeting reviewed and approved by Commissioners Thomson, DelGenio with corrections
- Algae
 - One finding of Algae meeting this winter was that Blue /Green Algae can be treated if caught early.
 - \$3000 was allotted for in budget for treatment.
- July 4, 2013 incident
 - Letters sent to Campbell and Peto
- June 28th event request
 - Slalom competition. Set up Friday night and run event on Saturday
 - Will have binder in place before event
- July 6, 2014 Fly board incident.
 - City solicitor has not had time to review the issue yet
 - Merry Walker of the Environmental Police stated that the Massachusetts laws do not speak directly to flyboarding.
- Hixson Launch will be manned this weekend for the first time this year. It will be open weekends only until school is out of session. It will be open 7 days a week after school gets out
- Weed Control
 - Survey was done on May 18, 2015

7:46 PM - Meeting adjourned

2015 Remaining Meeting Schedule (all meetings at 7:00 PM on third Thursday of the month)

June 18, Hudson

July 16, Marlboro

August 20, Hudson

September 17, Marlboro