

REGULAR MEETING
OCTOBER 19, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 OCT 15 P 1:28

1. Minutes, City Council Meeting, October 5, 2015.
2. PUBLIC HEARING On the Petition of NGrid to place new solely owned pole 59-80 to be set approximately 40' north of existing pole 59 to serve new UG services for traffic camera to be installed between 495 North & 495 South, Order No. 15-1006338.
3. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Order for a Home Rule Petition Concerning Conveyance by the Division of Capital Asset Management and Maintenance of Permanent Easements to the City of Marlborough.
4. Communication from City Solicitor, Donald Rider re: Acceptance of Diconzo Boulevard as a Public Way and request referral to the Planning Board, Order No. 15-1006336.
5. Communication from City Solicitor, Donald Rider re: Water's Edge Subdivision – Proposed Acceptance of Deed of Open Space Parcels, X04/05-100439A.
6. Communication from City Clerk, Lisa Thomas re: Municipal Election Call.
7. Minutes, Conservation Commission, September 17, 2015.
8. Minutes, Planning Board, September 14 & 28, 2015.
9. Minutes, School Committee, September 29, 2015.
10. CLAIMS:
 - a. Jeff Bautze, 136 Lakeshore Dr., other property damage
 - b. Barbara Fenby, 1 Cullinane Dr., other property damage
 - c. Michael Cappadona, 15 Greenwood St., pothole or other road defect
 - d. Kathleen Todd-Seymour, 506 Boston Post Rd., pothole or other road defect

REPORTS OF COMMITTEES:

11. That the City Council review with the Mayor and City Auditor the Year to Date Budget Report for all gifts, grants, donations and capital accounts for City and Schools for fiscal year 2015. Submitted by Councilor Robey

UNFINISHED BUSINESS:

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

From Legislative and Legal Affairs Committee

- 12A. **Order No. 15-1006281 - Complete Streets Policy Proposal.** The Mayor's letter dated, July 23, 2015 was read. The mayor's letter referred to legislation that authorized money for grants programs for cities/towns who have completed the requirements of their certification program. A step in that certification is adoption of a "complete streets by-law, ordinance or administrative policy." The chair did remind committee members that in the Planning Board Minutes accepted at the Sept. 28th Council meeting, there was information that the Planning Board did vote to endorse the Complete Streets Plan and a letter from the Planning Board would be on our next agenda for acceptance. Assistant Solicitor Panagore-Griffin did advise the committee that along with acceptance of the policy, the council should accept the provision of Section 1 of Chapter 90I and gave the committee the appropriate language which would be included on the agenda of next meeting.

A motion was made and seconded to recommend adoption of the Complete Streets Policy and to recommend acceptance of the Provisions of Section 1 of MGL Chapter 90I. The motion carried 3-0.

- 12B. **Order No. 15-1006281 - Communication from Assistant City Solicitor Panagore Griffin re: Complete Streets Policy Orders in proper legal form. Item was Moved to Reports of Committee at the October 5, 2015, City Council meeting.**

- 13A. **Order No. 15-1006309 - Communication from City Solicitor Rider re Comprehensive Permit for Brookview Village Public Walking Trail Easement cross-referenced with Order 14-1005759.** The chair asked that since the cross-referenced order is pertinent to this new order and was tabled in committee May 27, 2014, that this be removed from the table. A motion was made and seconded to remove Order 14-1005759 from the table; the motion carried 3-0. Solicitor Rider explained to the committee how the two orders are related. The order from 2014 was related to the Gutierrez Company and their development of a friendly 40B housing project on Ames Street. As part of the comprehensive permit, they were required to convey to the city a public walking trail easement for passive recreation and access to the traffic lights across from RK Plaza. This easement would convey an approximately 20,000 square foot strip of land encompassing Lots 4 and 5 and Lot 14. They were also required to place a restriction on the remaining land that Gutierrez Company owns after the 40B land is sold to prohibit the development of that land for residential purposes except as assisted living/congregate care facility for elderly.

The second, more recent order, is for property not subject to the language in the ZBA Permit but which leads directly to the housing development now known as Brookfield Village. This easement would convey roughly 12,000 square feet of land in Lot 5 to the city and connect to the other easement.

A motion was made and seconded to recommend acceptance of Order 14-1005759 that includes the 20,000 square foot easement outlined in Condition 20 of the ZBA Comprehensive Permit and to accept the residency restriction described in Condition 41 of that Permit. The motion carried 3-0.

A motion was made and seconded to recommend approval of Order 15-1006309 that conveys to the city a 12,000 square foot easement connecting to the prior easement. The motion carried 3-0.

- 13B. **Order No. 15-1006309 - Communication from City Solicitor Rider re: Summary of Comprehensive Permit for Brookview Village (aka Talia), Proposed Acceptances of Residency Restriction and Public Walking Trail Easements. Item was Moved to Reports of Committee at the October 5, 2015, City Council meeting.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

OCTOBER 5, 2015

Regular meeting of the City Council held on Monday, OCTOBER 5, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:35 PM.

Council President Clancy expressed his sorrow in the passing of Ward 2 City Councilor Robert D. Page and a moment of silence was observed in his memory.

Council President Clancy recognized Sgt. Stephen Lupien for graduating from the FBI National Academy.

ORDERED: That the Minutes of the City Council meeting SEPTEMBER 28, 2015, **FILE**; adopted.

ORDERED: That the OYO Sportstoy's EDIP Application (TIF) Constructing a State-of-the-Art Manufacturing Facility and Corporate Headquarters to be located at 111 Locke Dr., with following documents attached, refer to **FINANCE COMMITTEE**; adopted.

1. EDIP Preliminary application
2. Proposed TIF Agreement
3. the Proposed Council Resolution
4. the Local Incentive Valuation

ORDERED: That the Communication from City Solicitor Rider re: Summary of Comprehensive Permit for Brookview Village (aka Talia), Proposed Acceptances of Residency Restriction and Public Walking Trail Easements, Order No. 15-1006309, X14-1005759, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that DICENZO BOULEVARD be accepted as a public way

from BOSTON POST ROAD EAST to BOSTON POST ROAD EAST

and that its appurtenant easements be accepted as municipal easements, all as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Acceptance Plan of Dizenzo Boulevard and Easements" (7 sheets), Stamped: January 6, 2015; Scale: 1" = 150'; Owner: Indian Development Corp., 290 Eliot Street, Ashland, MA 01721; To Be Deeded To: City of Marlborough, 140 Main Street, Marlborough, MA 01752; prepared by: Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757, which plan is to be recorded herewith.

Title to the roadway known as DICENZO BOULEVARD, and title to all the municipal easements, including 10-Foot Wide Pedestrian Easement, Walking Path Easement, Sewer Easement 1, 30-Foot Wide Utility Easement 1, Access Easement 1, 30 Foot Wide Utility & Access Easement 1, Flowage Easement 1, Flowage & Access Easement 2, Flowage Easement 3, and Drain Easements 1 through 5, have been granted to the City of Marlborough in a quitclaim deed from Indian Development Corp., Richard E. Terrill, Controller.

IT IS THEREFORE ORDERED THAT:

DICENZO BOULEVARD be accepted as a public way, and its appurtenant easements be accepted as municipal easements, in the City of Marlborough.

Refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Special Permit of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, in proper legal form, Order No. 15-1006282A, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin re: Complete Streets Policy Orders in proper legal form, Order No. 15-1006281, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board re: Endorsement of the Complete Streets Policy, Order No. 15-1006281, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the request to place fifteen signs, three of which will be placed on City property, as follows, to promote the **rescheduled** Marlborough Heritage Festival to be held in downtown Marlborough on October 23rd, 24th & 25th, **APPROVED**; adopted.

Corner of Maple and Mill Streets (City Owned Property)
SE Corner of park Granger and West Main Street (City Owned Property)
Corner of Boston Post Rd and Farm Road (City Owned Property)

ORDERED: That the Communication from Rick Roper, Crabtree Lake Williams LLC, re: Proposed Façade for Concrete Retaining Walls at Overlook, **FILE**; adopted.

Councilor Landers requested to be recorded in opposition.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 19, 2015** as date for a **PUBLIC HEARING** On the Petition of NGrid to place new solely owned pole 59-80 to be set approximately 40' north of existing pole 59 to serve new UG services for traffic camera to be installed between 495 North & 495 South, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, School Committee, September 8 & September 15, 2015, **FILE**; adopted.

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: September 29, 2015

Time: 5:00 PM

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

Convened: 5:02 PM

Adjourned: 6:05

PM

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

Also Present: Sandra Austin, Attorney; Ken Fries, RK Centers; Cynthia Panagore Griffin, Assistant City Solicitor, City of Marlborough

Order No. 15-1006282: 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 Road East. The Urban Affairs Committee met with Attorney Sandra Austin and representatives of Charter Foods North, LLC and RK Centers for a discussion of a proposed Taco Bell restaurant with a drive-through window at 773 Boston Post Road East. This location previously operated as a drive-through restaurant for several years, the building itself is not being changed and the drive-through lane and window are already at the site. RK Centers agreed to upgrade the landscaping at the site. The committee reviewed the Decision on a Special Permit with minor changes to the conditions. **Motion made by Councilor Elder, seconded by Chair, to approve the Special Permit as amended. The motion carried 5-0.**

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 6:05 PM.

Reports of Committees Cont'd:

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

City Council Legislative and Legal Affairs Committee
Tuesday, September 29, 2015 – In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano, and Councilor Clancy
Also present were Assistant Solicitor Panagore Griffin & City Engineer Evan Pilachowski for the 1st item and Solicitor Rider for the 2nd item. The meeting was called to order at 6:22 PM.

The Committee met to discuss:

Council Order 15-1006281, Complete Streets Policy Proposal. The mayor's letter dated, July 23, 2015 was read. The mayor's letter referred to legislation that authorized money for grants programs for cities/towns who have completed the requirements of their certification program. A step in that certification is adoption of a "complete streets by-law, ordinance or administrative policy." The chair did remind committee members that in the Planning Board Minutes accepted at the Sept. 28th Council meeting, there was information that the Planning Board did vote to endorse the Complete Streets Plan and a letter from the Planning Board would be on our next agenda for acceptance. Assistant Solicitor Panagore-Griffin did advise the committee that along with acceptance of the policy, the council should accept the provision of Section 1 of Chapter 90I and gave the committee the appropriate language which would be included on the agenda of next meeting.

A motion was made and seconded to recommend adoption of the Complete Streets Policy and to recommend acceptance of the Provisions of Section 1 of MGL Chapter 90I. The Motion carried 3-0.

Council Order 15-1006309, Communication from City Solicitor Rider re Comprehensive Permit for Brookview Village Public Walking Trail Easement cross-referenced with Order 14-1005759. The chair asked that since the cross-referenced order is pertinent to this new order and was tabled in committee May 27, 2014, that this be removed from the table. A motion was made and seconded to remove Order 14-1005759 from the table; the motion carried 3-0. Solicitor Rider explained to the committee how the two orders are related. The order from 2014 was related to the Gutierrez Company and their development of a friendly 40B housing project on Ames Street. As part of the comprehensive permit, they were required to convey to the city a public walking trail easement for passive recreation and access to the traffic lights across from RK Plaza. This easement would convey an approximately 20,000 square foot strip of land encompassing Lots 4 and 5 and Lot 14. They were also required to place a restriction on the remaining land that Gutierrez Company owns after the 40B land is sold to prohibit the development of that land for residential purposes except as assisted living/congregate care facility for elderly.

Reports of Committees Cont'd:

The second, more recent order, is for property not subject to the language in the ZBA Permit but which leads directly to the housing development now known as Brookfield Village. This easement would convey roughly 12,000 square feet of land in Lot 5 to the city and connect to the other easement.

A motion was made and seconded to recommend acceptance of Order 14-1005759 that includes the 20,000 square foot easement outlined in Condition 20 of the ZBA Comprehensive Permit and to accept the residency restriction described in Condition 41 of that Permit. The motion carried 3-0.

A motion was made and seconded to recommend approval of Order 15-1006309 that conveys to the city a 12,000 square foot easement connecting to the prior easement. The motion carried 3-0.

Motion made and seconded to adjourn, carried 3-0.
Meeting adjourned at 6:50 PM.

Suspension of the Rules requested-granted**ORDERED:****DECISION ON A SPECIAL PERMIT
IN CITY COUNCIL**

Special Permit
Charter Foods North, LLC
Order No. 15-1006282B

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 15-1006282B**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Charter Foods North, LLC (the "Applicant") for one (1) drive-through service window for a restaurant located at 773 Boston Post Road East, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is a duly organized and existing foreign Limited Liability Company having a business address of 1111 Gateway Service Park Road, Morristown, TN 37813.
2. The Applicant is the prospective lessee of a portion of the property located at 773 Boston Post Road East, Marlborough, Massachusetts, as shown on the Assessors' Map of the City of Marlborough as a portion of Map 61, Parcel 30 (the "Site"). The Site is owned by Route 20 Marlboro Properties LLC, c/o R.K. Associates, Inc., 456 Providence Highway, P.O. Box 111, Dedham, MA 02027.
3. The Applicant proposes to utilize an existing structure, which contains two abandoned drive-through windows, on the Site to operate a Taco Bell restaurant with one (1) drive-through service window (the "Project").

4. The Site is located in the B Business Zoning District as determined by the Zoning Map of the City of Marlborough.
5. The Applicant's use of the Site as a restaurant with a drive-through service window is allowed by special permit pursuant to Sections 650-14.B(2) and 650-17 of the Zoning Ordinance.
6. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, a plan of the existing site entitled "Taco Bell Remodel Existing Locus Plan 07.16.15" and a detailed site plan of the proposed site entitled "Taco Bell Remodel Proposed Site Plan 07.08.15," both plans prepared by Kathleen Day, Architect, 8535 Ferry Road, Waynesville, OH 45068 (the "Plans").
7. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, August 24, 2015.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic. One resident who lives at 666 Brigham Street spoke in favor of the Project based on tax dollars and jobs for residents being generated out of what is presently a vacant building. Abutters to the far rear of the larger parcel containing the Site, who live at 17 Arcadia Circle and 47 Settlers Lane, spoke in opposition to the Project based on concerns of blight, noise, trash, and restaurant operating hours.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to operate one (1) drive-through service window as shown on the Plan filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site shall be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, statutes, and ordinances as they may apply to the construction, maintenance, and operation of the Project.
 3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.
 5. Signs and Awnings. The locations and design of signage shall be reviewed and approved by the City of Marlborough in accordance with the Sign Ordinance of the City of Marlborough without variance therefrom except as herein provided. No posters, graphics, lettering or any other form of advertising shall be affixed to windows or hanging inside or in front of windows.
 6. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including exhibits thereto, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

7. Hours of Operation. The hours of operation for the restaurant and the drive-through window shall not exceed Monday through Sunday, 7:00 a.m. to 2:00 a.m. There will be no 24-hour operation.
8. Traffic Signage. The location and placement of pavement markings and traffic directional signage currently located at the Site shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.
9. Parking Area Rules. Parking areas will be swept and maintained by the Applicant, its successors and/or assigns as necessary. The Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings currently located on the Site as required by the Marlborough Traffic Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.
10. No Overnight Parking. There shall be no overnight parking at the Site.
11. Drive-Through Speakers. The drive-through window shall employ a pedestal speaker system that automatically adjusts to the ambient noise so as to minimize the noise emanating from the speaker system to levels comporting with the noise ordinance of the City of Marlborough. The drive-through audio speakers shall not produce noise at the rear property line of the plaza, shown as Map 61, Parcel 30 on the Assessors' Map of the City of Marlborough, greater than that which would be allowed in a residential zone pursuant to the Noise Ordinance of the City of Marlborough.
12. Deliveries. In order to mitigate noise concerns for residential abutters, no deliveries to the Site by semi-trailers shall occur prior to 7:00 a.m. or after 7:00 p.m.
13. Lighting. Applicant, its successors and/or assigns shall utilize illuminations as currently located at the Site.
14. Landscaping. The Applicant, its successors and/or assigns agrees to plant and maintain in good condition the Project's landscaping substantially in conformance with the final site plan as submitted to the City Council, which plan is entitled "Taco Bell Remodel, Final Site Plan, 09.28.2015."
15. Trash. Applicant, its successors and/or assigns agrees to keep dumpsters covered and to screen the Project's trash area by constructing a dumpster enclosure of a design compatible with the building. Applicant, its successors and/or assigns further agrees that the dumpsters located on the Site shall be covered. No trash pickup shall occur before 7:00 AM or after 7:00 PM.
16. Snow Removal. Applicant, its successors and/or assigns shall maintain and conduct snow storage and removal on the Site, and shall store or remove snow as necessary to provide for clear and safe traffic flow on the Site.
17. Non-Severability of Conditions. If any of the above conditions is deemed to be invalid by a court of competent jurisdiction, then this Decision shall be null and void.

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

Yea: 9 – Nay: 0

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

ORDERED: That the Building Department transfer request in the amount of \$8,000.00 which moves funds from Temporary Local Inspector to Assistant Wiring Inspector to fund assistant inspectors for electrical inspections, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS –										
DEPT:		Building Department				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$54,727.87	\$8,000.00	12410004	50265	Temporary Local Inspector	\$8,000.00	12410001	50970	Asst Wiring Inspector	\$2,450.00	
	Reason:	Position recently filled. Funds available.				High volume of inspections due to various projects				
	\$8,000.00	Total			\$8,000.00	Total				

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:35 PM.



IN CITY COUNCIL

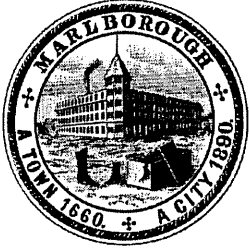
Marlborough, Mass., OCTOBER 5, 2015

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 19, 2015** as date for a **PUBLIC HEARING** On the Petition of NGrid to place new solely owned pole 59-80 to be set approximately 40' north of existing pole 59 to serve new UG services for traffic camera to be installed between 495 North & 495 South, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 15-1006338



City of Marlborough

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH
Legal Department
140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752
2015 OCT 15 4 10 30
TEL: (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 15, 2015

Edward Clancy
President
Marlborough City Council

RE: Proposed Order For A Home Rule Petition Concerning Conveyance By The Division Of Capital Asset Management And Maintenance Of Permanent Easements To The City Of Marlborough

Dear President Clancy and Members:

Enclosed for your consideration is a proposed order concerning a Home Rule Petition which would authorize the conveyance of certain permanent easements by the Division Of Capital Asset Management And Maintenance to the City Of Marlborough. The easement areas, originally acquired by the commonwealth of Massachusetts for water quality protection of the Sudbury Reservoir, are necessary for the proposed construction by the Department of Public Works of drainage improvements on Farm Road, and a municipal water line and pedestrian improvements on Walker Street.

I am available at your convenience to discuss this matter more fully with you. The Commissioner and/or Engineering Division will also be available to answer any specific questions relative to the proposed construction projects.

Thank you for your attention to this matter.

Very truly yours,


Cynthia M. Panagore Griffin
Assistant City Solicitor

Enclosure

Cc: Arthur Vigeant, Mayor
John Ghiloni, Commissioner, Department of Public Works
Evan Pilachowski, City Engineer

ORDERED:

That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT
AND MAINTENANCE TO CONVEY PERMANENT EASEMENTS IN LAND
ORIGINALLY ACQUIRED FOR WATER QUALITY PROTECTION FOR THE
SUDBURY RESERVOIR IN THE CITY OF MARLBOROUGH.**

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, convey by deed to the city of Marlborough a permanent easement in a certain parcel of land containing approximately 1,006.13 square feet, located in the city of Marlborough and shown as Proposed Easement 1 on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Thomas DiPersio Jr. & Associates, Inc., dated September 4, 2015, to be recorded with the Middlesex County South Registry of Deeds, for the purposes of the construction, maintenance, and repair or replacement of pedestrian improvements and a municipal water line, subject to such terms and conditions as the commissioner may prescribe. The parcels described in this section and sections 2 and 3 inclusive are currently used for conservation purposes.

SECTION 2. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, convey by deed to the city of Marlborough a permanent easement in a certain parcel of land containing approximately 6,611.26 square feet, located in the city of Marlborough and shown as Proposed Easement 2 on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Thomas DiPersio Jr. & Associates, Inc., dated September 4, 2015, to be recorded with the Middlesex County South Registry of Deeds, for the purposes of construction, maintenance, and repair or replacement of pedestrian improvements and a municipal water line, subject to such terms and conditions as the commissioner may prescribe.

SECTION 3. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, convey by deed to the city of Marlborough a permanent easement in a certain parcel of land containing approximately 2,634 square feet, located in the city of Marlborough and shown as Parcel No. E-9 on a plan of land entitled "Right-of-Way Plans Farm Road in the city of Marlborough, Middlesex County" prepared by Vanasse Hangen Brustlin, Inc., dated October 14, 2014, recorded with the Middlesex County South Registry of Deeds as sheet 7 of Plan 458 of 2015, for the purpose of construction, maintenance, and repair or replacement of drainage improvements, subject to such terms and conditions as the commissioner

may prescribe.

SECTION 4. The transfers pursuant to section 1, 2 and 3 inclusive, shall be made only if the city of Marlborough acting by and through its city council and mayor, shall convey to the commonwealth for use by the metropolitan district commission or place under conservation restriction a certain parcel of land located in said city and within the watershed of the Sudbury Reservoir. Said parcel shall contain an area greater than or equal to the total area of that land conveyed to the city under sections 1, 2 and 3 subject to such terms and conditions as the city through its mayor and city council may prescribe.

SECTION 5. The city of Marlborough shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the property, or for any costs and liabilities of any nature and kind for its development, maintenance or operation. In the event any or all of said parcels of land cease to be used at any time for the purposes contained herein, said parcel of land shall be subject to the provisions of chapter 7C of the General Laws, and any further disposition shall require the approval of the general court.

SECTION 6. The commissioner of capital asset management and maintenance shall 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairman on the joint committee on state administration at least 15 days prior to execution.

ADOPTED
In City Council
Order No. 15-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

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

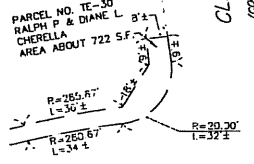
General Notes

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

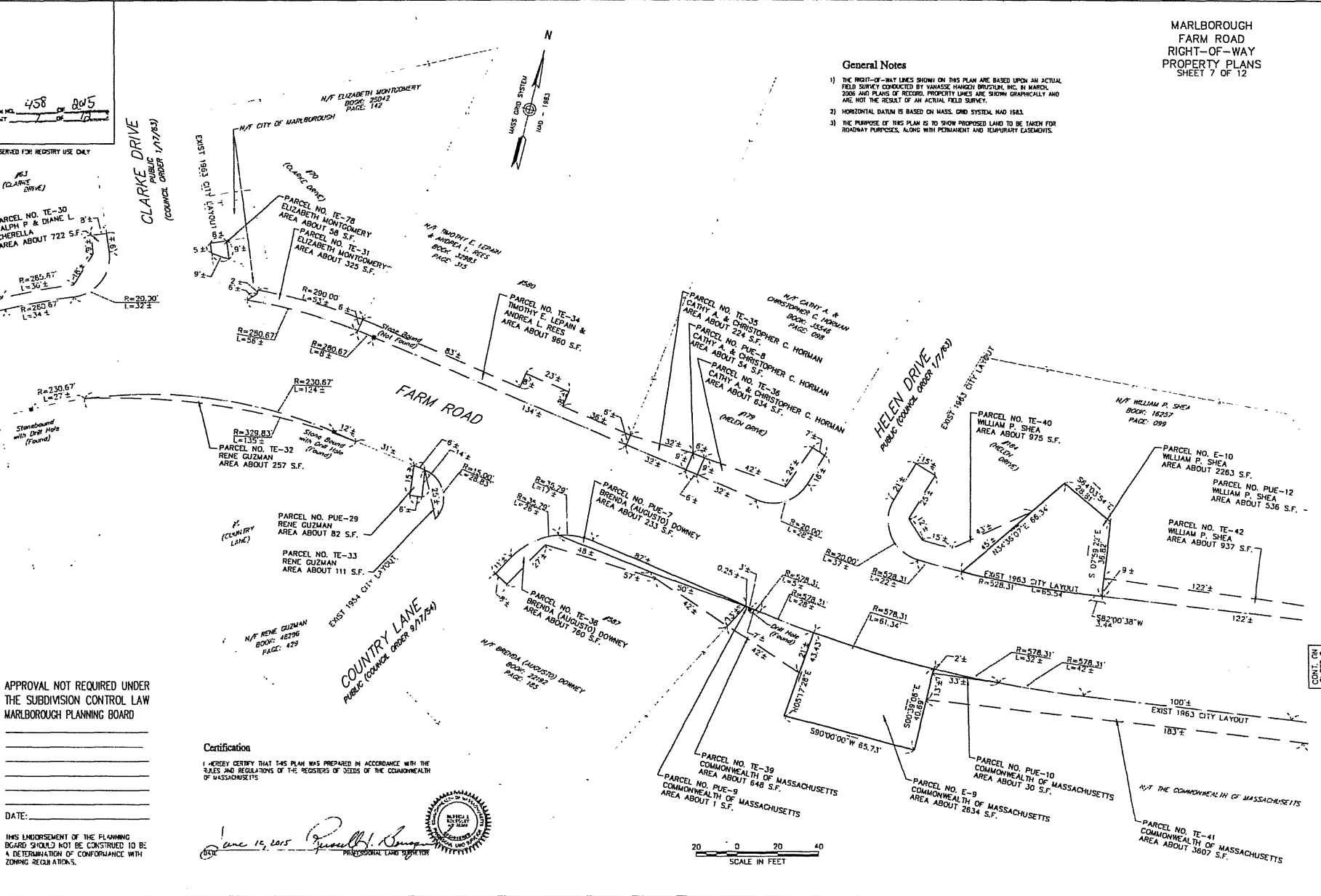
458 OF 2015
PLANNING BOARD OF MARLBOROUGH

RESERVED FOR REGISTRY USE ONLY

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



COUNTY OF WORCESTER
SHEET 7



APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
MARLBOROUGH PLANNING BOARD

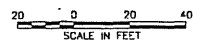
DATE: _____

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

Certification

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

June 14, 2015
Professional Land Surveyor



458 OF 2015 (7 OF 12)



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 OCT 15 10:45 AM
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

October 15, 2015

Edward Clancy
President
Marlborough City Council

RE: Acceptance of Diczno Boulevard as a Public Way
Order No. 15-1006336A

Dear President Clancy and Members:

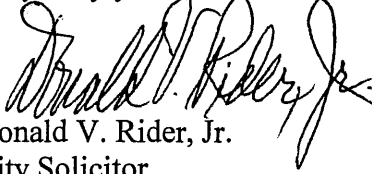
You will recall from the October 5, 2015 City Council meeting that a letter was submitted regarding a proposed order to accept Diczno Boulevard as a public way. The Council voted to refer the proposed Diczno acceptance order to the Public Services Committee (Order No. 15-1006336).

I would respectfully ask that the Council further vote this evening to refer the Diczno order to the Planning Board as well. As had been suggested in the letter, Massachusetts law (MGL c. 41, § 81I) stipulates that no road may be accepted as a public way unless it has been referred to the planning board and the board has issued a report on the proposed acceptance.

Once the Board has issued its report following consultation with DPW Engineering, I would be happy to meet with the Public Services Committee during its deliberations.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

cc: Paul Beattie, Esquire
Planning Board
Evan Pilachowski, City Engineer
Timothy Collins, Assistant City Engineer
Priscilla Ryder, Conservation Officer



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 OCT 15

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 15, 2015

Edward Clancy
President
Marlborough City Council

RE: Waters Edge Subdivision – Proposed Acceptance of Deed of Open Space Parcels
Order No. X04/05-100439

Dear President Clancy and Members:

In 1997, the Planning Board granted an open space special permit to Ansari Builders, Inc. concerning a subdivision now known as Waters Edge. This subdivision is located off Stevens Street, and consists of Worster Drive, Beauregard Circle, Gaucher Circle and Perolman Drive.

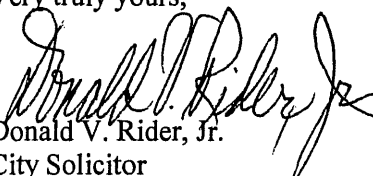
The approved special permit called for the developer to set aside 9.33 acres of open space, in 3 parcels. In fact, the open space acreage totals 10.54 acres. A copy of a plan showing the 3 parcels (Parcels A, B and C), along with a trail easement connecting Stevens Street to Parcel A, is enclosed.

While the open space parcels had originally been submitted to the City Council for its acceptance in 2004, the matter was eventually tabled in 2005, apparently because of back taxes then owed on those parcels (Order No. X04/05-100439). Property taxes have most recently been paid through June 30, 2015, and the developer's attorney has represented to me that his client will be paying the applicable FY 2016 taxes so that this conveyance to the City can be completed.

Accordingly, enclosed for your consideration is a signed deed for the 3 open space parcels and the trail easement. Also enclosed is a proposed order, along with the open space special permit and the subdivision covenant which are referenced in the order.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

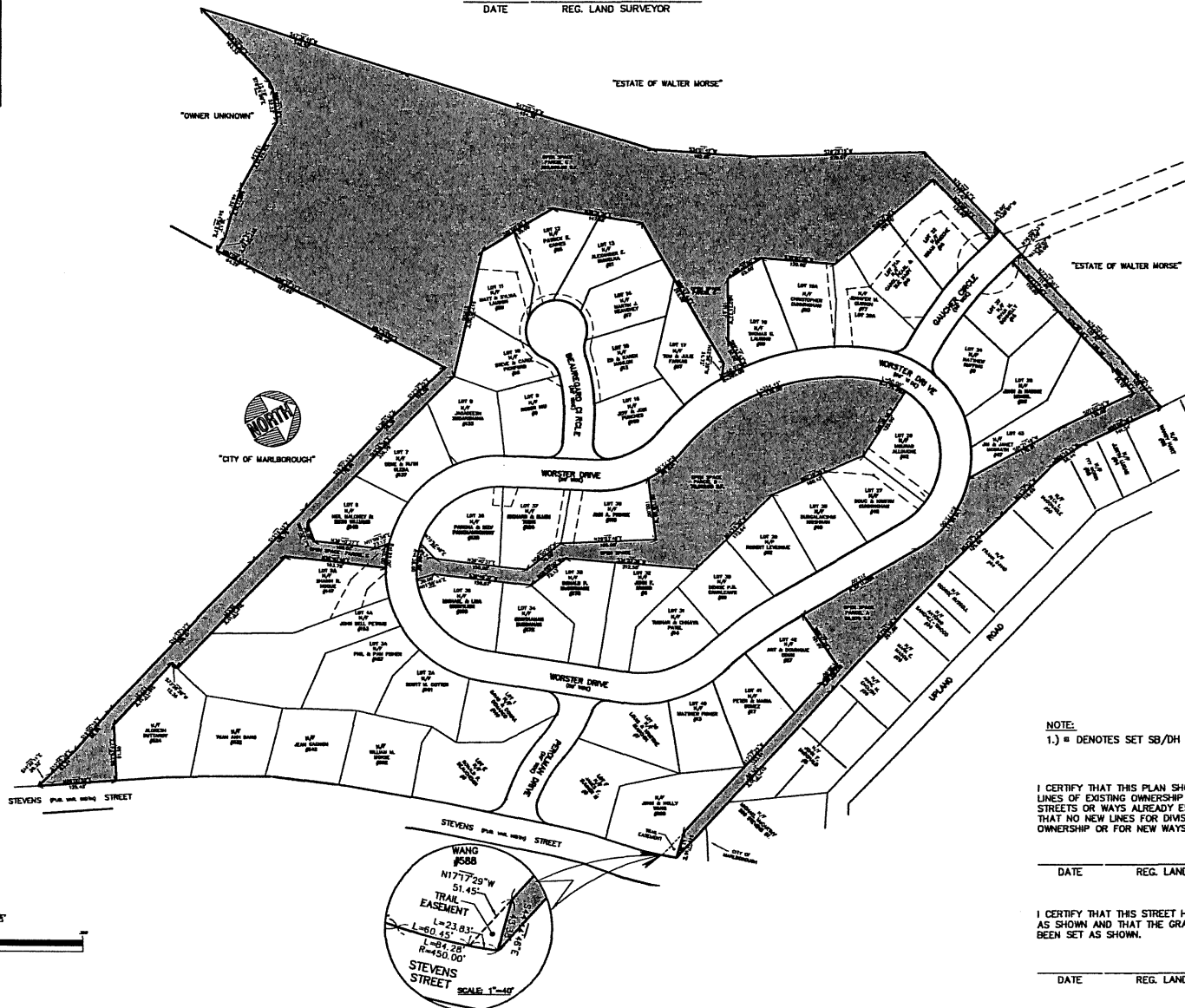
Enclosures

cc: Christopher Flood, Esquire
Planning Board
Evan Pilachowski, City Engineer
Timothy Collins, Assistant City Engineer
Priscilla Ryder, Conservation Officer

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED
IN CONFORMITY WITH THE RULES & REGULATIONS
OF REGISTERS OF DEEDS OF THE COMMONWEALTH
OF MASSACHUSETTS.

DATE _____ REG. LAND SURVEYOR _____

FOR REGISTRY USE



THOMAS DIPERSO, P.L.S.
LICENSE #22064

No.	Date	Description
8	7/2/12	Add lot numbers
5	8/22/11	Label private easement
4	8/12/11	Rev. Easement label Sh. 2
3	1/2/11	AMUTTER REVISIONS
2	12/16/10	AMUTTER REVISIONS
1	5/28/07	Final Corrections

Prepared for:
ANSAN BUILDERS
& EDGEWOOD DRIVE
WESTBOROUGH, MA

Property ID:
(AS NOTED)

Prepared by:
THOMAS LAND SURVEYORS
150 North Main Street, Suite 100
Marlborough, MA 01752
Phone: 508-261-1111 Fax: 508-261-1112

PLAN OF ACCEPTANCE
EASEMENTS, OPEN SPACE,
WORSTER DRIVE, BALSBEARD CIRCLE,
GAUCHER CIRCLE & FEROLMAN DRIVE
MARLBOROUGH, MA

SCALE	1"=80'
DRAWN BY	MD
CHECKED BY	TD
FILE NAME	\\S:\PROJ\144-CURV\PLAN
PLOTTED	
ISSUE DATE	MAY 14, 2008
JOB NO.	548-C

SHEET 3 OF 3
510-C

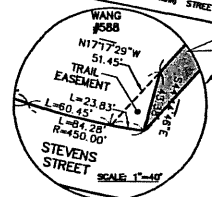
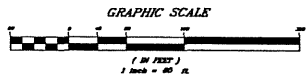
NOTE:
1.) = DENOTES SET SB/DH

I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY
LINES OF EXISTING OWNERSHIP AND THE LINES OF
STREETS OR WAYS ALREADY ESTABLISHED AND
THAT NO NEW LINES FOR DIVISION OF EXISTING
OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

DATE _____ REG. LAND SURVEYOR _____

I CERTIFY THAT THIS STREET HAS BEEN LAID OUT
AS SHOWN AND THAT THE GRANITE BOUNDS HAVE
BEEN SET AS SHOWN.

DATE _____ REG. LAND SURVEYOR _____



Open Space Parcels "A," "B," and "C," Worster Drive, Marlborough, MA 01752

DEED

A.A. Farooq Ansari, Trustee of the Waters Edge Realty Trust, u/d/t dated March 18, 1998 and recorded at the Middlesex County South District Registry of Deeds in Book 28328, page 129, of 6 Edgewood Road, Westborough, MA 01581,

in consideration of One Dollar (\$1.00), and in accordance with the subdivision approval by the Planning Board of the City of Marlborough of the subdivision known as Waters Edge,

grants to the City of Marlborough, a municipal corporation having a principal place of business at City Hall, 140 Main Street, Marlborough, MA 01752,

with QUITCLAIM COVENANTS

The open space in the City of Marlborough known as Open Space Parcel "A," Open Space Parcel "B," and Open Space Parcel "C," as shown on sheet 3 of a 3-page plan entitled "Plan of Acceptance of Easements, Open Space, Worster Drive, Beauregard Circle, Gaucher Circle and Perolman Drive, in Marlborough, MA," prepared by Thomas Land Surveyors and Engineering Consultants, Inc., 265 Washington Street, Hudson, MA 01749, prepared for Ansari Builders, 6 Edgewood Road, Westborough, MA., dated May 16, 2006 (on sheet 3), with latest revision date of February 2, 2012, Scale 1" = 80' (on sheet 3), as more fully described on the said plan which is to be recorded (hereinafter, the "Plan").

Said property is conveyed to said City under the provisions of Mass. Gen. Laws c. 40, § 8C and is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation of open space. The open space parcels of land are intended to remain in their natural state, in perpetuity, except as the Marlborough Conservation Commission may deem appropriate as to trail development for non-motorized vehicles.

This conveyance is subject to and together with all rights, easements, covenants and agreements of record. This grant of land is intended to fulfill, in part, the terms and conditions of a special permit granted by the Marlborough Planning Board to Ansari Builders, Inc. by vote dated May 5, 1997 and recorded on March 3, 1998 in Book 28328, Page 147.

Also conveyed by this deed, with quitclaim covenants, is the following easement:

A trail easement in the City of Marlborough as shown on sheet 3 of the Plan.

The grantor certifies a) that he is the sole duly authorized trustee of the above-referenced Trust, and the Trust allows reliance on this deed and the facts stated therein; b) that the Trust is in full force and effect and has not been altered, amended, revoked, or terminated, and no beneficiary is a minor or corporation; and c) that he has been directed by all beneficiaries to execute and deliver this deed on behalf of the Trust.

Being a portion of the premises conveyed to the grantor by Deed recorded at the Middlesex County South District Registry of Deeds in Book 28328, Pages 134 and 144.

IN WITNESS WHEREOF, this 1st day of October, 2015.

A.A. Farooq Ansari
A.A. Farooq Ansari, Trustee of the
Waters Edge Realty Trust

COMMONWEALTH OF MASSACHUSETTS

County of: Middlesex Oct 1, 2015

On this 1st day of October, 2015, before me, the undersigned notary public, personally appeared A.A. Farooq Ansari, Trustee of the Waters Edge Realty Trust, and proved to me through satisfactory evidence of identification, which was a Massachusetts Operator's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



[Signature]
Notary Public

ORDERED:

That the City Council of the City of Marlborough (GRANTEE), pursuant to the provisions and conditions of Mass. Gen. Laws c. 40, § 8C, does hereby accept from A.A. Farooq Ansari, Trustee of Waters Edge Realty Trust (GRANTOR), the open space in the City of Marlborough known as Open Space Parcel "A," Open Space Parcel "B," and Open Space Parcel "C," as shown on sheet 3 of a 3-page plan entitled "Plan of Acceptance of Easements, Open Space, Worster Drive, Beaugard Circle, Gaucher Circle and Perolman Drive, in Marlborough, MA," prepared by Thomas Land Surveyors and Engineering Consultants, Inc., 265 Washington Street, Hudson, MA 01749, prepared for Ansari Builders, 6 Edgewood Road, Westborough, MA., dated May 16, 2006 (on sheet 3), with latest revision date of February 2, 2012, Scale 1" = 80' (on sheet 3), as more fully described on the said plan which is to be recorded.

Said open space is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation of open space. The open space parcels of land are intended to remain in their natural state, in perpetuity, except as the Marlborough Conservation Commission may deem appropriate as to trail development for non-motorized vehicles.

Acceptance of this open space is subject to all terms and conditions of a Special Permit granted on or about May 5, 1997 by the Planning Board of the City of Marlborough and a covenant approved on February 9, 1998 by the Planning Board of the City of Marlborough, both of which are attached hereto and incorporated herein by reference.

ADOPTED

In City Council

Order No. 15-

X04/05-100439

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

GRANTING OF SPECIAL PERMIT
CONCEPT PLAN OPEN SPACE DEVELOPMENT

DECISION

The Planning Board of the city of Marlborough voted to GRANT a Special Permit to Ansari Builders, Inc. on May 5, 1997 under Ch. 200, Section 25.3 of the Marlborough Zoning Ordinance, Open Space Developments.

NAME OF APPLICANT: Ansari Builders, Inc.
6 Edgewood Road
Westborough, MA 01581

NAME OF OWNER: Walter Morse, Joyce Morse & Morse Estates
Francis Russell, Mountain, Dearborn & Whiting
370 Main Street
Worcester, MA 01608

NAME OF SURVEYOR: Thomas DiPersio
Thomas Land Surveyors & Engineering Consultants Inc.
118 Forest Street
Hudson, MA 01749

LANDSCAPE ARCHITECT: Ron Wood
Guidelines
4B Damonmill Square
Concord, MA 01742

LOCATION OF PROPERTY: 29.9 acres of land on the northwesterly side of Stevens Street adjacent to Holt's Grove and across from Lodi Road. Assessor's Map 18, Parcels 93, 133 & 134.

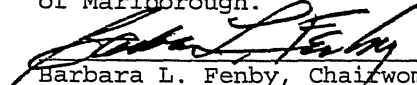
VOTE: In Favor:
In Opposition:
Abstained:

DECISION FILED WITH
CITY CLERK:

May 20, 1997

APPEALS

Appeals, if any, shall be made pursuant to M.G.L. Ch. 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough.


Barbara L. Fenby, Chairwoman

CITY OF MARLBOROUGH
PLANNING BOARD

SPECIAL PERMIT DECISION

The Planning Board of the City of Marlborough hereby grants a Special Permit to Ansari Builders, Inc. of 6 Edgewood Road, Westborough, Massachusetts, hereinafter referred to as the Applicant, under Chapter 200, Section 25.3 of the Marlborough Zoning Ordinance, Open Space Developments.

FINDINGS OF FACT

1. Ansari Builders, Inc., a Massachusetts corporation with a principal place of business at 6 Edgewood Road, Westborough, Massachusetts is the Applicant.
2. The Applicant on or about May 20, 1996 filed with the Planning Board and the City Clerk of the City of Marlborough an application for a Special Permit under Chapter 200 (Zoning) of the Code of the City of Marlborough, Article VI, Section 200--25.3, Open Space Development.
3. The proposed location of the so-called "Water's Edge" project is a 29.9 acre parcel of land located on the northerly side of Stevens Street, comprised of two parcels, one owned by Walter Morse and Joyce Morse and the other by Francis Russell, Esquire, duly appointed Commissioner by the Middlesex Probate Court; and said property is identified as Parcels 93, 133 & 134 on Assessors' Map 18.
4. The Applicant filed a concept plan entitled, "Water's Edge, Stevens Street, Marlborough, MA", dated May 22, 1996, and stamped by Ronald P. Wood, Registered Landscape Architect, Thomas P. DiPersio, Registered Professional Land Surveyor, and Joseph H. Rego, Registered Professional Engineer.
5. The Planning Board held a public hearing pursuant to the requirements of Massachusetts General Laws Chapter 40A on June 24, 1996. The notice of the public hearing was advertised in the Marlborough Enterprise, and notices were sent to abutters as required by law.
6. The Applicant presented testimony at the public hearing describing the project and compliance with the requirements of Chapter 200--25.3. Testimony from abutters present was also heard.
7. A report from the City of Marlborough Conservation Commission has been received and reviewed as required under Section H(6) of Chapter 200--25.3. Written comments have also been received and reviewed from the City Engineer, Fire Chief, and Police Lieutenant.
8. The Conservation Commission has determined that the plan will require the filing of either a Notice of Intent or Request for Determination of Applicability as there are wetlands on the

property which fall within 100 feet of the proposed lots and proposed roadway which may require protection under the Massachusetts Wetland Protection Act.

9. The Water's Edge Subdivision is a proposed 50 lot subdivision, of which seven of the lots on Stevens Street, an existing public way in the City of Marlborough.
10. Lots will be located within the A-2 zoning district.
11. The Applicant proposes to set aside 9.33 acres of open space which represents 34.9 percent of the total project site. The open space as shown on said plan satisfies the open space dimensional requirements of Section F(6) of Chapter 200--25.3.
12. Subsequent to submission, the concept plan has been revised, most recently on May 2, 1997. The most recently revised plan shows the following:
 - (a) Addition of drainage and sewer to profile views.
 - (b) Addition of water main locations to plan views.
 - (c) Preparation of plan and profile of Steven Street modification.
 - (d) Minor adjustments to lot lines to accommodate required rectangle shape in the lots fronting on Stevens Street.
 - (e) Adjustment to the roadway to increase the open space area on the southeast side of the project and the addition of a planting strip.
 - (f) Addition of note regarding zoning compliance at the Definitive Plan stage.

DECISION, CONDITIONS AND FINDINGS

13. The Planning Board approves the creation of 50 building lots of which 7 lots front on Stevens Street; said approval pursuant to the provisions of Section C(4) of Chapter 200--25.3.
14. Final decisions on request for waivers from the Subdivision Rules and Regulations shall be made during the Definitive Plan Approval process.
15. The Applicant shall submit a written commitment from the entities identified in Section 200--25.3(G) regarding the acceptance of the open space parcel. If the City is not the accepting entity, the requirements of Section 200--25.3(G)(2) shall be satisfied. The Applicant shall demonstrate to the Planning Board's satisfaction that the entity if other than the City is institutionally and financially capable of maintaining the open space parcel. If the City of Marlborough is the accepting entity for the Open Space, the amount of Five Thousand and 00/100ths (\$5,000.00) Dollars shall be placed by the Applicant in the City of Marlborough Conservation Commission's Maintenance Fund on or before such time as the lots are released for sale or building thereon. The Applicant shall submit the Conservation restriction, maintenance program and maintenance agreement described in Section 200--

25.3(G)(2)(b), (c) and (d), to the Planning Board for review at the time of submission of the Definitive Subdivision Plan. The Planning Board shall be satisfied that the intent of Section 200--25.3 of the zoning ordinance is satisfied before approving the Definitive Plan.

- 16. Title to the Open Space Parcel must be clear and a site assessment for hazardous waste pursuant to the provisions of Massachusetts General Laws Chapter 21E shall be performed prior to transferring Open Space ownership from the Applicant. The Applicant shall be responsible for paying for said 21E assessment.
- 17. The Definitive Subdivision Plan shall adequately address the concerns of Police Lieutenant Either's as stated in letter dated September 6, 1996.
- 18. The Planning Board finds that the proposed project as conditioned by this Special Permit will meet the objectives of Chapter 200--25.3 and the design criteria of Section H(8)(b) of that Chapter will not have a substantial or unduly adverse effect upon adjacent property or the character of the neighborhood.

Planning
Board

Upon a vote of Board taken on May 5, 1997, the Marlborough Planning Board grants this Special Permit for Open Space Development.

Marlborough Planning Board

IN FAVOR of Special Permit:

Charles E. Tradford

 Charles E. Tradford

Clyde F. Johnson

 Clyde F. Johnson

Edward W. Covert

 Edward W. Covert

Phyllis J. Roche

 Phyllis J. Roche

Barbara L. Fenby

 Barbara L. Fenby, Chairperson

Colleen M. Hughes

 Colleen M. Hughes, Clerk

OPPOSED to Special Permit:

Middlesex, ss.

On this 19th day of May, 1997, before me personally appeared the above-named, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Denise H. Paul

 Denise H. Paul
 Notary Public

My Commission Expires: 1/20/2000

COVENANT

The undersigned, A. A. Farooq Ansari, Trustee of Waters Edge Realty Trust, hereafter referred to as the Covenantor, having submitted to the Marlborough Planning Board a definitive plan of a subdivision entitled, "Definitive Plan of Waters Edge Subdivision of Land in Marlborough, Mass.", dated June 13, 1997 and revised through January 13, 1998, drawn by Thomas Land Surveyors and Engineering Consultants, Inc., 118 Forest Street, Hudson, MA (said plan being hereinafter called the "Plan"), in accordance with the conditions of Approval as voted by the Planning Board on December 8, 1997, does hereby covenant and agree with said Planning Board, pursuant to Massachusetts General Laws (Ter. Ed.) Chapter 41, Section 81-U, as amended that:

1. The Covenantor is the owner of the record of the premises shown on the "Plan", which is to be recorded in the Middlesex South District Registry of Deeds and is referred to herein.
2. This Covenantor shall run with the land and be binding upon the successors and assigns of the Covenantor and its successors in title to the premises shown on the "Plan".
3. The construction of ways and the installation of municipal services shall be provided to serve any and all lots in accordance with the applicable rules and regulations of said Planning Board before any such lot may be built upon or conveyed, other than by mortgage deed; provided, however, that a mortgagee who acquires title to the mortgaged premises or any part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot.
4. Nothing herein shall be deemed to prohibit a conveyance subject to this Covenant, by a single deed, of the entire parcel of land shown on the "Plan" or all lots not previously released by the Planning Board without first providing such ways and services. A deed of any part of the premises shown on the "Plan" in violation of any portion of the above referenced statute shall be voidable by the grantee prior to the release of the Covenant, but not later than three (3) years from the date of such deed.
5. The Covenantor agrees to the easements shown on the "Plan" and will grant to the City of Marlborough the easements shown. Further, the Covenantor will submit to the City Solicitor's Office a written Attorney's Certification of Title to such easements to the City of Marlborough, specifying that the Covenantor has good and marketable title to said easements and that said easements are free and clear of all encumbrances as of the time of conveyance to the City. Said Certificate shall be required precedent to consideration by the City to accept and streets, ways, or roads as shown on the "Plan".
6. Prior to the release by the Planning Board of any lots shown on the "Plan" from the terms of this Covenant, the Covenantor

shall deposit with the City of Marlborough a Performance Bond in an amount to be determined by the Planning Board, said bond to be secured by the posting of cash, or by surety company bond or by such other form of security as may be approved by the Planning Board. Said bond shall be to secure the performance by the Covenantor of the construction of the ways and the installation of municipal services as required by the Approval of the "Plan", within the time requirements as stipulated herein: The amount of the bond may be reduced from time to time by said Planning Board. However, due to present and anticipated future inflationary conditions, the amount of the Performance Bond is subject to annual redetermination by the Planning Board.

7. Pursuant to Rules and Regulations of the Planning Board, Section III (B)(7)(a), as amended, such bond or security, when filed or deposited shall be reviewed as to form and manner of execution by the City Solicitor's Office, and as to sureties by the City Treasurer.
8. No lot shall be built upon until such time as it has been approved by the Marlborough Board of Health.
9. No lot shall be sold or built upon until released by the Planning Board after acceptable bonding. If at any time said bonding as required in Paragraph 6 expires, then all lot releases of lots not transferred to third party purchasers or mortgaged subsequent to release, shall be void.
10. Pursuant to Massachusetts General Laws (Ter. Ed.) Chapter 41, Section 81R, as amended, the Planning Board has not agreed to waive compliance with its Rules and Regulations, except as follows:
 - (a) To grant a waiver from the Subdivision Rules and Regulations Section IV.4.(b) - Grade - to allow a sight distance not less than 185 feet, in lieu of the required 200', at the intersection of Stevens Street and Perolman Drive;
 - (b) To grant a waiver from the Subdivision Rules and Regulations Section IV.2.(a) - Alignment - to allow a 130 feet centerline offset in lieu of the required 150 feet;
 - (c) To grant a waiver from the Subdivision Rules and Regulations Section IV.4.(b) - Grade - to allow the increase of the roadway grade on Worster Drive from 8% to 8.5% from sta. 3+50 to sta. 6+00 and to 9% from sta. 18+00 to sta. 20+25;
 - (d) To grant a waiver from the Subdivision Rules and Regulations Section III.2.(k) - Comparative Impact Analysis, such that no Comparative Impact Analysis is required;

(e) To grant a waiver from the Subdivision Rules and Regulations Section II.F.2.(b) - Adequate Access - Stevens Street - in lieu of the requirements listed in this section, the developer shall be responsible for resurfacing the full width of Stevens Street from curb to curb for any limit of work associated with the Waters Edge project which disturbs pavement in Stevens Street in conjunction with the project.

Said Planning Board has made these waivers after determining that such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and with the Planning Board Rules and Regulations.

11. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Planning Board within a period of two (2) years from the date of approval of the "Plan". Failure to so complete or to obtain an extension shall automatically rescind approval of the "Plan" as to lots not yet released from this Covenant and full re-application for approval of such lots will be required.
12. Upon the proper completion of all improvements and their approval by the City Engineer, and if said improvements comply with all then applicable state laws, city ordinances, and Planning Board Rules and Regulations and requirements, the City may then, and only then, accept the improvements.
13. The Covenantor will retain ownership of the fee interest in and all streets, ways and roads in the subdivision as shown on the "Plan" until such time as said streets, ways and roads may be accepted as public ways by the City Council of the City of Marlborough.

The Covenantor agrees to include the following paragraph in all deeds to lots within the subdivision:

"Grantor reserves to his or her benefit, the fee simple in the proposed rights-of-way within the subdivision and also reserves to his or her benefit any easements within the proposed lots of the subdivision which are shown on the "Plan". Grantor also reserves the right, upon written approval of the Planning Board, to relocate easements shown on the "Plan", within a lot, as conditions and local regulation require and permit.

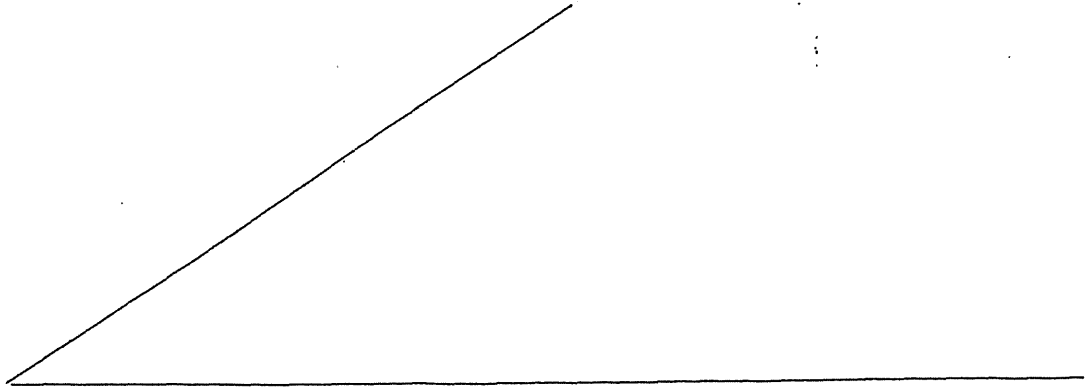
14. The Covenantor shall prepare a grant of authority to the Marlborough Police Department to enforce all traffic regulations dictated by the traffic signage approved and shown on the "Plan", during the period the roads are private ways.
15. The City of Marlborough shall not be responsible for the maintenance and care of streets, ways, or roads or other improvements, until the same have been accepted. In emergency situations as determined by the City Engineer, the City of Marlborough may take steps to correct a condition(s) within

the subdivision which, if not corrected, would jeopardize public health and safety. In these instances, any and all costs so incurred by the City to correct said condition(s), shall be reimbursed to the City within thirty (30) days of notice to the Covenantor. Failure to reimburse the City within this period of time will be considered cause to rescind approval of the subdivision "Plan".

16. All as-built plans and profiles pertaining to the above-described "Waters Edge" shall be submitted to the City Engineer soon after the completion of said subdivision, the streets, ways, and roads of which will not be considered for acceptance until such plans and profiles have been approved by the City Engineer. Copies of all the site plans prepared for each of the individual building lots shall be forwarded to the Streets and Engineering Division and to the Planning Board at the time they are submitted to the Building Inspector for a Building Permit.
17. Prior to the execution of this Covenant, the Covenantor agrees to submit a work schedule, and a progress report every month after the commencement of work, to the City Engineer, with copies to the Planning Board, until said subdivision has been completed. Said progress reports shall be delivered to the Planning Board prior to the third Monday of each and every month.
18. If the City, by its Planning Board, determines that there is a violation of the applicable state laws, city ordinances, Planning Board Rules and REgulations and/or the terms and provisions of this Covenant, it shall seek a cease and desist order after proper application to a court of competent jurisdiction, and it shall seek any and all other equitable and legal relief it deems necessary. If in the opinion of the Covenantor, there has not been a violation of said applicable state laws, city ordinances, Planning Board Rules and Regulations, or the terms and provisions of this Covenant, nothing herein shall be construed as the Covenantor's consent to cease and desist from work on the Subdivision without Court Order.
19. The Covenantor's applications, all plans and profiles, calculations, and other supporting data relating to the "Plan", state laws, city ordinances, Planning Board Rules and Regulations and all terms, provisions, and conditions of final approval of the "Plan" are incorporated herein by reference, as if set forth in full, except as expressly modified herein.
20. This Covenant shall take effect upon the approval of the "Plan".
21. Reference to this Covenant shall be entered upon said "Plan" and the Covenant shall be recorded prior to the "Plan". The Covenantor further agrees that it shall cause two certified copies of this Covenant as recorded at the Middlesex South District Registry of Deeds to be delivered to the City

Solicitor's Office and the Planning Board Office, City Hall,
Marlborough, Massachusetts.

22. The provisions of this Covenant are severable, and if any of these provisions shall be held to be illegal or unconstitutional by any Court of competent jurisdiction, then the remaining provisions of this Covenant shall continue in effect.
23. Prior to the release of any lots the applicant shall deed to the City of Marlborough those parcels of land shown as "Open Space" on the Definitive Subdivision Plan, and said parcels are to be used for conservation and passive recreation purposes.
24. The Covenantor shall comply with the terms, requirements, and conditions of the Special Permit - Concept Plan Open Space Development as approved by the City of Marlborough Planning Board on May 5, 1997, under Chapter 200, Section 25.3 of the Marlborough Zoning Ordinance, Open Space Developments. The terms, requirements and conditions of said Special Permit are incorporated herein by reference as an integral part of this Covenant.
25. A walking trail shall be provided for in Open Space A, B and C according to said plan. The trail shall be planned and constructed by the applicant in accordance with instructions from the Conservation Commission. Vehicle barriers shall be provided if deemed necessary by the City Engineer. Wooden signs shall be placed at each trail head entrance on the roadway, and along the trail, if needed, to identify the open space and note any use restrictions. Signs shall be constructed by the applicant in accordance with instructions from the Conservation Commission.



EXECUTED AS A SEALED INSTRUMENT this 9th day of February, 1998.

Covenantor: A.A. Farooq Ansari
A. A. Farooq Ansari
Trustee, Waters Edge Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

February 9, 1998

Then personally appeared the above-named A. A. Farooq Ansari, Trustee and acknowledged the foregoing instrument to be the free act and deed of Waters Edge Realty Trust, before me.

David H. Davidson
DAVID H. DAVIDSON, Notary Public
My Commission Expires: 3/28/2003

Approved and Accepted: February, 1998
Marlborough Planning Board, City of Marlborough

Richard L. Feld _____
Philip J. Hodge _____
Francis R. Melo _____
D. Johnson _____

Being a Majority



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **MUNICIPAL ELECTION** will be held in the polling locations as noted below on **TUESDAY, NOVEMBER 3, 2015** as follows: Office of Mayor, Councilors At-Large, Ward Councilors, Alternating School Committee members and Assabet Valley Regional Vocational School Committee member.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

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

LEGAL AD – PLEASE PUBLISH IN THE Main Street Journal ON Saturday, October 17, 2015.

Bill to: City Clerk's Office
Please send tear sheets

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

September 17, 2015 (Thursday)

**Marlborough City Hall - 3rd Floor, Memorial Hall
7:00 PM**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 OCT -2 P 3:43

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

Absent: None

Approval of Minutes - The minutes of September 3, 2015 were reviewed and unanimously approved with minor changes.

Discussion:

DEP 212-1147 Overlook at Lake Williams "Enforcement Order"-

Desheng Wang of Creative Land & Water Engineering, LLC and Richard Roper and Duke Pointer of Crabtree LLC were present.

Mr. Wang provided a letter dated September 16, 2015 "RE: Wetland Violation ...Clearing Brushes". As outlined in the letter, he discussed the violation which occurred when the brush clearer could not find the outer stake and kept clearing. Some of the wetland area was disturbed. Much of the area was infested with invasive species. He described the restoration plan proposed, some trees, shrubs and the monitoring and treatment of the invasive species on the site. He will cut and dab the stems to help control the growth of the invasive plants and allow the native seed mix to take hold. He will add an erosion control mix to the upland side and a wetland mix in the wetland area. The \$25 fine was also paid. After some discussion the Commission voted unanimously 7-0 to approve the restoration plan and monitoring program as out lined in the letter noted above.

Public Hearings:

Request for Determination of Applicability

200 Forest St. - Atlantic Management Inc.

Will Park from SMMA was present on behalf of Atlantic Management. He explained that as part of the Development Agreement with the City Council for this large tract of land, they were required to install a trail system, a portion of which will be part of the city wide proposed Panther Trail. He presented a plan showing the trail location. A portion of the section that goes between Results Way and I-495 is within the wetland buffer zone, most is 50' away but a small section is closer. The wetlands were delineated as part of the larger project several years ago. Erosion controls consisting of hay bales or straw wattles are proposed. The surface of the trail is proposed to be pea stone/crushed stone for better drainage as opposed to stone dust. The walkway will have a 9" gravel base with 3" of stone on top. There was some discussion about whether stone dust, crushed stone or asphalt would be the best surface for this trail. The concern was people walking in dress shoes and if the crushed stone would be too uneven. After some discussion, it was determined that they will do several test sections on the trail before it is built for the Commission to look at and decide what surface is best. Mr. Park explained that they hope to complete the trail in the Oct/Nov. timeframe before the snow flies. All exposed soils will be seeded and tacked to

be sure area remains stable over the winter. Grading will be important so the area doesn't wash out. When the project is complete erosion controls must be removed. There was some discussion about dust and erosion controls on the existing projects; the hotel and GE site. Mr. Park will convey the concerns. The Commission determined that the trail design as presented was acceptable and voted unanimously 7-0 to issue a negative Determination with standard conditions and those noted above.

Certificate of Compliance

- DEP 212-1110 11 Bouffard Dr. – addition - Ms. Ryder has inspected the site; all was done according to the plans. The Commission voted unanimously 7-0 to approve the Certificate of Compliance for this project.

Enforcement Orders – Ratification

- DEP 212-1147 – Overlook @ Lake Williams – see discussion above
- 329 Maple St.- Ms. Ryder issued a violation notice to the owner of this property because he is storing metal containers across the brook and in the floodplain and floodway. The violation notice requires that these boxes be removed from the floodplain and that he move the cars outside the floodplain by September 25th.
- 811 Pleasant St.- The owner has filed a Request for Determination which will be heard at the next meeting on October 1st.

Discussion/Correspondence/Other Business:

- Executive Order 562 – Regulatory Review- Ms. Ryder noted she had provided information about the Governor's Executive order which asks all state agencies to review their regulations and determine if they are stricter than federal rules, if they are... they must justify why they are stricter and that they do not place an undue burden on citizens. The environmental community is organizing a letter writing campaign to the Governor emphasizing the need for the state's excellent wetlands protection and open space protection regulations. They serve the commonwealth very well by protecting water supplies, protecting recreational swimming areas and wildlife habitat. The benefits of these regulations benefits the citizens 10 + fold over any cost associated with their implementation and should remain on the books. The Commission will review and consider sending information as noted.


Project Updates:

None

Meetings – Next Conservation meetings – Oct. 1st and 15th, 2015 (Thursdays)

Adjournment: There being no further business, the meeting was adjourned at 7:56 PM.

Respectfully submitted:


Priscilla Ryder
Conservation Officer

2015 OCT -6 P 4: 06

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

September 14, 2015

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

Colleen Hughes and Brian DuPont were absent.

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

Mr. McCarthy was named acting clerk for the meeting.

1. Meeting Minutes:

A. Regular Meeting August 24, 2015

On a motion made by Mr. Fay, seconded by Mr. Coveney, it was voted to approve the minutes of the August 24, 2015 regular meeting as presented. Motion carried.

2. Chair's Business:

A. Discussion/Review Bond Reduction Request Checklist

Chairperson Fenby presented the working copy of the newly created Bond Reduction Request Checklist. It was discussed utilizing this checklist for any requests to the Board.

On a motion made by Mr. Coveney, seconded by Mr. Fay it was voted to stat utilizing the new checklist as amended. Motion carried.

Chairperson Fenby also informed the Board at large that she and Mr. Fay had a rather productive meeting with Councilor Robey regarding the sign ordinance and the continued debate regarding variance requests. Councilor Robey was very supportive of the Board's efforts and expressed her willingness to work with the Board to bring recommendations to the Council.

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 noted that the correspondence to the Berlin Farms developer has been resent. Mr. Fay noted that he will attempt to contact Mr. Freeman regarding the outstanding issues. City Engineer Pilachowski and Conservation Officer Ryder met with Mr. Patrick Doan of FRE Builders regarding the Cider Mill Development Site on August 31, 2015 as of a site visit performed today no progress has been made. The LaCombe Street project is still moving along.

B. Bond Reduction Request Walker Brook Estates

Mr. McCarthy read the recommendation from the Engineering Department into the record. On a motion made by Mr. McCarthy seconded by Mr. Coveney it was voted to accept the recommendation of the City Engineer, place it on file and allow for the reduction of the bond amount to One Hundred Ninety Four Thousand Dollars. (\$194,000.00) Motion carried.

C. Howe/Valley Streets Preliminary Plan Review Notes (October 8, 2015)

Mr. Joseph Pezznola of Hancock Associates was in attendance to present the changes to the Preliminary Plan.

The biggest change is the elimination of 1 requested waiver as the pavement width has been changed from the requested 26' to the required 28'.

The requested waiver for the elimination of sidewalks on one side of the road still is in place. The developer is suggesting a mitigation payment in lieu of sidewalks on the opposite side of the road from the house lots. The proposed mitigation funding to be used for sidewalk repairs within the surrounding neighborhood. The City Engineer does acknowledge that there is a need for sidewalk repairs in the immediate vicinity.

On a motion made by Mr. Fay, seconded by Mr. Hodge the reading of the Engineering Department Correspondence to Hancock Associates was waived, and the project was determined to be ready for the Definitive submittal stage. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Boston Scientific Off Premise Signage – Mirick O’Connell

Attorney Brian Falk of Mirick O’Connell and Boyd Morrisson of Campbell Design were in attendance to present the variance request to the Board.

Boston Scientific is looking to place a monument sign as well as directional signs within the street layout on Sasseville Way. The monument sign will be placed at the end of Sasseville Way at the entrance to the campus. The directional signs will be placed on Sasseville Way closer to the Fitchburg Street intersection. The intention the directional signs are to declutter the intersection and area around the intersection. Campbell Design is willing to work with MA D.O.T in regards to the Fitchburg St Sign clutter.

Attorney Rowe noted his objection to the request citing he is the representative of the Stanunis Family which owns land on both sides of Sasseville Way.

On a motion made by Mr. Coveney, seconded by Mr. Fay it was voted to table this request until the next regularly scheduled meeting (September 28, 2015) to allow for Board members to view the areas in question, as well as to allow Attorney Rowe to confer with his clients. Motion carried.

B. Chamber of Commerce Off Premise Sign Request – Heritage Festival Weekend

Attorney Douglas Rowe, Chairman of the Chamber of Commerce was in attendance to present the variance request to the Board.

On a motion made by Mr. Fay, seconded by Mr. Coveney off-premises signs were approved for the following fifteen (15) locations for the dates of September 19 – October 6, 2015. Proper land owner approval is required to be in place prior to the installation of any of the listed signs. A type of indicator must be affixed to the sign stating the approval of the Planning Board and the date of approval. *NOTE Any City owned properties require City Council Approval PRIOR to placement of any Planning Board Approved signage.* Motion carried.

- 3- 2 sided sandwich board style signs 1 each located at:
St. Mary's Credit Union on West Main Street
St. Mary's Credit Union on Northboro Road
Allora Restaurant on Lakeside Ave

- 7- 2 sided lawn style signs 2' x 18", 1 each to be located at:
133 South Bolton Street, St Mary's Credit Union
Corner of Maple and Mill Streets (City Owned Property)
Corner of Bolton and Union Streets- Navin Property
SE Corner of park Granger and West Main Street (City Owned Property)
Corner of Boston Post Rd and Farm Road (City Owned Property)
540 Concord Road – Rowe Property
220 Hildreth St – DeCiero Property
21 Cotting Ave – Rowe Law Office

- 4- 2 sided lawn style signs 4' x 18", 1 each to be located at:
377 Elm Street – Marlborough Historical Society
Corner of Maple and Mill St (City Owned Property)
340 Maple Street – Marlborough Commerce Center (J. Hickey)

- 1 Single Sided Banner Style Sign 18" X 3'.
Court Street Parking Garage (C.D.A. Owned Property)

9. Unfinished Business:

A. Blackhorse Farms Update

City Engineer Pilachowski noted that he performed a site visit earlier in the day and found no evidence of progress being made. City Engineer Pilachowski also noted that this subdivision is only approved through October 31, 2015.

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

C. Mauro Farms Update

Mr. McCarthy read into the record the response from Capital Group requesting to be placed on the next agenda.

On a motion made by Mr. McCarthy, seconded by Mr. Coveney it was voted to accept the correspondence and place it on file as well as table this item to the next regularly scheduled

meeting September 28, 2015. Motion carried.

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

10. Informal Discussions: None

11. Correspondence:

A. Attorney Aykanian Mauro Farms Subdivision 109 Cook Lane

Mr. McCarthy read the correspondence from Attorney Aykanian into the record.

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

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Public Hearing(s) (4)

B. Town of Hudson, Zoning Board of Appeals Public Hearing September 17, 2015

C. Town of Southborough, Planning Board Public Hearing September 21, 2015

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Fay it was voted to adjourn at 8:03pm. Motion carried.

Respectfully submitted,

Shawn McCarthy
Acting Clerk

/mai

2015 OCT -6 P 4: 06

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

September 28, 2015

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

Brian DuPont was absent.

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

1. Meeting Minutes:

A. Regular Meeting September 14, 2015

On a motion made by Mr. Fay, seconded by Mr. Coveney, it was voted to approve the minutes of the September 14, 2015 regular meeting as amended. Motion carried with Ms. Hughes abstaining.

2. Chair's Business: None

3. Approval Not Required:

A. Walker Brook Estates – Melanson Development

Mr. Bruce Saluk presented the intent of the ANR to the Board. The change to be made is the Right of Way Width. A waiver was approved allowing the Right of Way to go from 50' to 40'. This ANR request reflects that change.

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to accept the request and place it on file as well as refer the plan to Engineering. Motion carried.

B. Crowley Drive – First Colony Development

A representative from Whitman & Bingham Associates LLC was on hand to present to the Board the intended changes to lots 3 & 4 on Crowley Drive.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept the request and place it on file as well as refer the plan to Engineering. Motion carried.

C. Boston Post Rd East – Village Plaza

A representative from Jarvis Land Survey was on hand to present to the Board the intended changes to the Building Lots containing numbers 500 & 526 Boston Post Rd East.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the request and place it on file as well as refer the plan to Engineering. Motion carried.

D. Cider Mill Estates – FRE Builders

Mr. John Nenart of Guerriere & Hanlon, Inc presented the intent of the ANR to Board. The ANR will slightly modify the lot lines on the right side of Dufresne Dr. due to a "reflagging" of

the wetlands. During the Conservation Commission Hearing process it was discovered that the known wetlands have shrunk in size which in turn opens up more area for placement of each house on the lot. It is the intent to bring all the houses forward on their lots reducing the need for excessive driveway lengths. This change has the support of the Conservation Commission. On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the request and place it on file as well as refer the plan to Engineering. Motion carried.

4. Public Hearings: 7:15pm None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

Ms. Hughes read the correspondence sent to FRE Builders from City Engineer Pilachowski into the record. City Engineer Pilachowski noted that the erosion control issues that prompted that correspondence regarding Cider Mill Estates have been corrected. The only penalty incurred to FRE Builders was a single day at a fee rate of \$100.00.

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

7. Definitive Subdivision Submission: None

9. Unfinished Business:

A. Blackhorse Farms Update

City Engineer Pilachowski noted that he has gone out to the site and the erosion control repairs have been made, however there is no other progress to note.

Mr. Fay noted that this subdivision is only approved through October 31, 2015. The process to pull the bond needs to be started at the either the next meeting or the one after it.

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

A. Mauro Farms Update (Developer Requested to Attend)

Mr. Fay again noted his conflict for the record.

Mr. William DiPietri was in attendance to discuss the status of the subdivision.

Mr. DiPietri noted that it is his understanding that all that was remaining for completion were the as built for phase 2 as well as punch list items.

City Engineer Pilachowski questioned the placement of property marker monuments which appeared to be in the sidewalk.

Mr. DiPietri noted that attorney Cattazaro has been in touch with the City's Legal Department regarding this specific issue and is waiting on a response back.

Mr. DiPietri will have the attorney reach back out to Solicitor Rider to clear this issue up.

Mr. Fay questioned the vehicles parked on Spencer Drive in the house lot that has a driveway but no house on it. Why are they are parked there? Can they be removed? Since this roadway is not accepted by the City yet it is still considered private property.

Mr. DiPietri noted he will make an effort to drive through the subdivision and leave a note on the vehicles in question.

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

10. Informal Discussions: None

11. Correspondence:

A. Design Consultants Inc., Walkability Audit Brochure

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

12. Public Notices of other Cities and Towns:

A. Town of Hudson, Zoning Board of Appeals Public Hearing(s) 2-October 8, 2015

B. Town of Hudson, Planning Department Public Hearing October 20,2015

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Fay it was voted to adjourn at 7:43pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai



RECEIVED
CITY OF MARLBOROUGH
Marlborough Public Schools

School Committee

2015 OCT 15 A 11:17
Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

Call to Order

September 29, 2015

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:50 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter. Mr. Geary was absent.

Also present were Superintendent Langlois, MEA Representative Rupal Patel, Student Representative Kimberly Baker & Clerk Melissa Irish.

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

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

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to suspend the rules and move up item 9G. Motion passed 5-0-1.

Ms. Beth Wagner presented Ms. Alice Whatley to the Committee to present the very generous donation from SanDisk to the District.

SanDisk employees through a Community Service Project have collected and filled 2,000 backpacks with the proper supplies to start 2,000 school aged children grades PreK-4 on a fantastic school year. Through this wonderful opportunity and team building event, SanDisk employees donated over 195 volunteer hours. This is an event that Ms. Whatley hopes to keep adding to in the future.

The Committee as a whole thanked SanDisk for this very generous donation.

3. **Presentation:**

A. MHS Student Advisory Committee Members

Mr. Jeffrey Slocumb, representative of the Senior Class, updated the Committee with a request to have the Committee explore AP classes and curriculum coordination, especially focusing on the Physics curriculum.

Ms. Samantha Merrill, representative of the Junior Class, updated the Committee on the Distractology Simulator.

Ms. Heidi DiPersio, representative of the Sophomore Class, updated the Committee with a request to hold a Freshman Only "Open Door Day" style event to try to ease the path to opening day. The school is intimidating and hard to find your way around on Day 1 with all other students there.

Ms. Kimberly Baker, Student Representative to the School Committee, updated the Committee on Dessert Theater changes and College Application prep work that is underway for the Senior Class.

4. **Committee Discussion/Directives:**

A. Overcrowding Discussion

Mrs. Bodin-Hettinger broached the topic of overcrowding at the elementary school levels. The Committee cannot sit and wait for the State to decide on the construction of a new school we need the space now.

Chairman Vigeant asked that Superintendent come back to the Committee with suggestions for the short term to attempt to alleviate the current overcrowding issue.

Mrs. Matthews noted that there should be multiple plans laid out, short, mid and long term plans to be exact.

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

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Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

Mrs. Hennessy noted that this issue needs to be dealt with swiftly.

Motion made by Mr. Walter, seconded by Chairman Vigeant to table the discussion and utilize the October 27, 2015 regularly scheduled meeting to outline and discuss whichever plans are presented to the Committee as a whole, hopefully coming up with an acceptable plan. Motion passed 5-0-1.

5. Communications: None.

6. Superintendents Report:

Mr. Langlois gave his report covering a range of topics including: MA DESE Coordinated Program Review, American Institutes for Research (AIR), Middlesex Partnership for Youth, Inc., Distractology Simulator, and Sculptures Celebrated at Marlborough High School & MSBA Site Visit.

• Executive Director of Finance & Operations Report

Mr. Bergeron gave his report covering a range of topics including: an update on cafeteria accounts, update on line payments for food services, Additional Bus (7) for AMSA, submitted transfers & upcoming proposed transfers.

7. Acceptance of Minutes:

A. Minutes of September 8, 2015 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the September 8, 2015 Regular School Committee Meeting as presented. Motion passed 5-0-1.

B. Minutes of September 15, 2015 Special School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the September 15, 2015 Special School Committee Meeting as presented. Motion passed 5-0-1.

8. Public Participation: None.

9. Action Items/Reports:

A. MHS Schedule Adjustment

Mr. Langlois presented the requested MHS Schedule Adjustment for PSAT Testing, October 14, 2015. On a motion made by seconded by Chairman Vigeant to approve the MHS Schedule Adjustment as requested. Motion passed 5-0-1.

B. MHS Cross Country Team Overnight Trip

Mr. Langlois presented the request from MHS Athletics to approve an overnight trip for the Cross Country Team to travel to and attend the 2015 Wickham Park Invitational Meet on Saturday October 10, 2015 located in Manchester, CT.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the request of MHS Athletics to allow for the overnight trip for the MHS Cross Country Team. Motion passed 5-0-1.

C. FY '16 Operating Budget Transfers

Mr. Bergeron presented the requested FY '16 Operating Budget Transfers in the amount of \$460,210.13. Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the requested transfers as presented. Motion passed 5-0-1.

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Marlborough Public Schools

School Committee

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• Fax (508) 460-3586

D. Policy Approval:

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to Suspend the Rules to present and act on all three policies this evening. Motion carried 5-0-1.

Policy 6.850 School Hours

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve the policy 6.850 (School Hours) as presented. Motion passed 5-0-1.

Policy 7.160 Concussion

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve the policy 7.160 (Concussion) as amended. Motion passed 5-0-1.

Policy 7.160A Concussion Protocol

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve the policy 7.160A (Concussion Protocol) as presented. Motion passed 5-0-1.

E. Legal Contract Signing

Mrs. Matthews presented that the renewal of the Legal Contract has been negotiated and accepted. The Committee voted in Executive Session to approve the negotiated contract as presented with the 3 year extension running until 2018.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the contract as presented. Motion passed 5-0-1.

F. Acceptance of Administrator Contract

Mrs. Matthews presented to the Committee that the Administrators Unit and the negotiations Sub Committee have agreed to contract terms and ratified such terms.

Motion made by Mrs. Matthews, courtesy seconded by Chairman Vigeant to approved the contract as negotiated. Motion passed 5-1(Vigeant)-0.

G. Acceptance of Donations and Gifts

First Congregational Church has donated 48 filled backpacks in memory of Katy Mahoney to be distributed to students PreK-4 with a value of \$2,400.00.

Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the award of 48 filled backpacks from First Church Congregational with a value of \$2,400.00. Motion passed 5-0-1.

SanDisk has donated 2,000 filled backpacks to be distributed to students PreK-5 with a value of \$27,540.00.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the award of 2,000 filled backpacks from SanDisk with a value of \$27,540.00 with gratitude. Motion passed 5-0-1.

Lifetouch National School Studios has donated \$664.82 to the Kane School Student activity fund.

Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the donation of \$664.82 from Lifetouch National School Studios made to the Kane School Student activity fund. Motion passed 5-0-1.

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Lifetouch National School Studios has donated \$1,130.13 to the Kane School Student activity fund. Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the donation of \$1,130.13 from Lifetouch National School Studios made to the Kane School Student activity fund. Motion passed 5-0-1.

Explore Learning Reflex Math has donated \$1,625.00 to the Jaworek School, classroom of Jodi Shulman. Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the donation of \$1,625.00 from Explore Learning Reflex Math to the Jaworek School, classroom of Jodi Shulman with gratitude. Motion passed 5-0-1.

Explore Learning Reflex Math has donated \$1,625.00 to the Jaworek School, classroom of Donna Cunningham. Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the donation of \$1,625.00 from Explore Learning Reflex Math to the Jaworek School, classroom of Donna Cunningham with gratitude. Motion passed 5-0-1.

MA DESE has awarded to the District the FY '16 Special Education Allocation Grant in the amount of \$1,250,037.00. Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the MA DESE award of the FY '16 Special Education Allocation Grant in the amount of \$1,250,037.00. Motion passed 5-0-1.

MA DESE has awarded to the District the FY '16 Quality Full Day Kindergarten Grant in the amount of \$101,070.00. Motion made by Mrs. Ryan, seconded by Chairman Vigeant to accept the MA DESE award of the FY '16 Quality Full Day Kindergarten Grant in the amount of \$101,070.00. Motion passed 5-0-1.

10. Reports of School Committee Sub-Committees: None.

11. Members Forum:

Mrs. Hennessy questioned the status of the Health and Wellness curriculum. Mrs. Greulich noted that there is a presentation available regarding that topic and it should appear on an agenda soon.

Mr. Walter wanted to publically thank the Kane School PTO for the Family Fun Day that was just held.

Chairman Vigeant noted to all the District Attorney Ryan will be at the Whitcomb School on Wednesday at 6:30 pm to give a presentation regarding the opioid problem.

Mrs. Matthews noted that the Hudson School Committee just voted to put NARCAN in its schools, she then questioned if the City has thought of it as well.

12. Adjournment: Motion made by Mr. Walter, seconded by Chairman Vigeant to adjourn at 9:19pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/mai

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