

REGULAR MEETING
JULY 27, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 23 P 2:34

1. Minutes, City Council Meeting, July 13, 2015.
2. MAPC Presentation of Draft Hazard Mitigation Plan to City Council.
3. PUBLIC HEARING On the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, Order No. 15-1006264.
4. PUBLIC HEARING On the Petition of NGrid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures, Order No. 15-1006263.
5. Communication from the Mayor re: Board of Health transfer request in the amount of \$30,483.00 which moves funds from Reserve for Salaries & Benefits to Nurse and Sick Leave Buy Back accounts to fund a retiring staff member's sick leave buy back and unused vacation payout.
6. Communication from the Mayor re: Reappointment of Brian Doheny as Comptroller/Treasurer for a term of three years.
7. Communication from the Mayor re: Appointment of David Morticelli to the Community Development Authority for a term of two years to expire from date of City Council approval.
8. Communication from the Mayor re: Complete Streets Policy.
9. Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East.
10. Application for Site Plan Special Permit from Attorney Gadbois on behalf of Mammoth Development Company, LLC, to purchase property at 70 Simarano Dr. to construct and use the site as a day care center.
11. Application for Livery License, Jose Heredia, d/b/a Alex Transportation, 110 Boston Post Rd. East.
12. Communication from Mosquito Control Project re: investigating resident's complaints about mosquitos on following dates: August 5, 12, 19, 26 and September 2, 2015.
13. Minutes, Cultural Council, December 8, 2014.
14. Minutes, Planning Board, May 18 & June 29, 2015.
15. CLAIMS:
 - a. Uranus Colaianni, 3 Lakeshore Dr., pothole or other road defect
 - b. Beth Noyst, 68 Hudodn St., pothole or other road defect
 - c. Kristine Finocchario, 80 Andrews Rd., residential mailbox claim 2(a)
 - d. Julia Carney, 248 Church St., pothole or other road defect
 - e. Lee & Maryann Berte, 30 Boudreau Ave., other property damage

REPORTS OF COMMITTEES:

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.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

JULY 13, 2015

Regular meeting of the City Council held on Monday, JULY 13, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Elder, Tunnera, and Irish. Absent: Page & Landers. Meeting adjourned at 8:23 PM.

ORDERED: That the Minutes of the City Council meeting JUNE 15, 2015, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements, Order No. 15-1006246, all were heard who wish to be heard, hearing recessed at 8:08 PM.

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

Councilors Absent: Page & Landers.

ORDERED: That the following attached TIF documents for LFB, refer to **FINANCE COMMITTEE**; adopted.

- ✓ Economic Development Incentive Program (EDIP), Local Incentive-Only Application
- ✓ Proposed TIF Agreement
- ✓ Proposed City Council Resolution
- ✓ Local Incentive Valuation

ORDERED: That the Appointment of Kevin Breen as the new Fire Chief, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointment of Ron Saloman to the Board of Registrars for a term to expire three years from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms to expire three years from effective date of August 24, 2015, refer to **PERSONNEL COMMITTEE**; adopted.

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

- ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Conservation Grant in the amount of \$1,000.00 from Dow Chemical Co. to be utilized for general purposes associated with maintaining and beautifying our community; adopted.
- ORDERED: That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management, and control of to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, pursuant to Mass. Gen. Laws c. 40, § 8C., refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the Communication from Attorney Bergeron of Mirick O'Connell re: Overlook at Lake Williams: Application for Payment in Lieu of Affordable Housing, refer to **URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, AUGUST 24, 2015** as **DATE FOR PUBLIC HEARING** On the Application for Sign Ordinance Special Permit, Ayoub Engineering, Inc. on behalf of Nouria/Shell Station, to allow a new red LED price panel at 413 Lakeside Ave., refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, JULY 27, 2015** as date for a **PUBLIC HEARING** On the Petition of NGrid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, JULY 27, 2015** as date for a **PUBLIC HEARING** On the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Yeghiyan Sergey, CTC Gold and Diamond Refinery, 149 Main St, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from Mosquito Control Project re: investigating resident's complaints about mosquitos on following dates: July 1, 9, 15, 22 & 29, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, May 12 & 26, & June 9, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 4 & June 1, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, June 2, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 26, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Cultural Council, October 29, 2013 & November 3, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, May 21, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, June 9, 2015, **FILE**; adopted.

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

- a. George Moran, 829 Elm St., pothole or other road defect
- b. Anna Rumsey, 17 Ellis Ave., other property damage.
- c. Academy Knoll Apartments, 22 Broad St. other property damage

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEES.

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #820, 769 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, Theresa Denoncourt Smith, d/b/a Hint of Class Consignment Inc., 72B Hosmer Street, **APPROVED**; adopted.

ORDERED: The Application for Renewal of Junk Dealers/Second Hand License, Gerald Dumais, d/b/a, Dumais and Sons Second Hand Store, 67 Mechanic Street, **APPROVED**; adopted.

Yea: 6 – Nay: 2 – Absent: 2

Yea: Elder, Tunnera, Irish, Clancy, Oram & Ossing

Nay: Delano & Robey

Absent: Page & Landers

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:23 PM.



IN CITY COUNCIL

Marlborough, Mass., JULY 13, 2015

ORDERED:

That there being no objection thereto set **MONDAY, JULY 27, 2015** as date for a **PUBLIC HEARING** On the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 15-1006264



IN CITY COUNCIL

Marlborough, Mass., JULY 13, 2015

ORDERED:

That there being no objection thereto set **MONDAY, JULY 27, 2015** as date for a **PUBLIC HEARING** On the Petition of NGrid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 15-1006263



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2015 JUL 23 A 11: 28
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

July 23, 2015

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

RE: Transfer Request – Vacation and Sick Leave Buy Back

Honorable President Clancy and Councilors:

Enclosed for your approval is a transfer request in the amount of \$30,483.00 to fund the sick leave buy back and unused vacation payout due to a retiring staff member of the Board of Health.

Should you have any questions, please do not hesitate to let me know. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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July 23, 2015

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

Re: Comptroller/Treasurer Appointment

Honorable President Clancy and Councilors:

I am pleased to submit for your approval the reappointment of Mr. Brian Doheny as the Comptroller/Treasurer for the City of Marlborough commencing on September 2, 2015. Since the City Council voted to amend the terms for Comptroller/Treasurer in January 2015, Mr. Doheny's reappointment as Comptroller/Treasurer will be a three year term.

Mr. Doheny came to Marlborough from the City of Fitchburg where he served as their Treasurer/Collector from 2007-2013 and as their Director of Finance and Administration from 2008-2013. As Comptroller/Treasurer for the City of Marlborough, he has been an excellent financial steward for the City.

During his first two years, Mr. Doheny worked closely with our outside auditors to develop written financial policies to strengthen our financial safeguards. As a member of the OPEB Board of Trustees, Mr. Doheny helped establish the City's first OPEB investment policy. Under his guidance, the City has accelerated payments to our retirement system which will save the City over \$150,000 annually.

Mr. Doheny has seamlessly worked with my office, with the City Council and with other Departments in helping manage the City's finances. I believe the City will be well-served by Mr. Doheny's reappointment as Comptroller/Treasurer for a three year term.

Thank you in advance for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



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July 23, 2015

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

Re: Community Development Authority Board Appointment

Honorable President Clancy and Councilors:

I am pleased to submit for your approval the appointment of David Morticelli to the Community Development Authority Board ("CDA") for a two year term to expire from the date of approval by the City Council. This appointment will fill the vacant position that the Mayor appoints; the final remaining vacant Board position is appointed by the state.

Mr. Morticelli is a long-time resident of Marlborough and is very active in the Marlborough community. Mr. Morticelli graduated from Bentley University and currently works as the Assistant Vice-President and Market Manager at Avidia Bank, which he joined in 2003.

Mr. Morticelli has been involved in numerous community organizations, including the Marlborough Regional Chamber of Commerce, the Friends of the Marlborough Seniors, the Marlborough Regional Chamber Foundation. He was recognized by the Chamber's 2014 Presidents Award as their Outstanding Member.

As the parent of three, as a bank professional, and as someone who has dedicated countless hours already to the people of Marlborough, Mr. Morticelli will bring his valuable experience and unique insight to the CDA Board.

As you may know, the CDA's enabling act, as amended by Chapter 395 of the Acts of 2008, requires that one board member be experienced in the field of finance. The enabling act also requires that this board position be appointed for an initial term of two years; Mr. Morticelli's appointment to a two year term will satisfy these two requirements.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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2015 JUL 23 A 11:28

City of Marlborough

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Arthur G. Vigeant
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July 23, 2015

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

Re: Complete Streets Policy

Honorable President Clancy and Councilors:

I am submitting for your review and adoption a draft Complete Streets Policy for the City of Marlborough. Complete Streets are streets designed for everyone and all users to promote safety, health, economic viability, and quality of life.

The Transportation Bond Bill passed by the Massachusetts Legislature and signed by Governor Deval Patrick in April 2014 authorized up to \$50 million for a grant program for cities and towns in the state's Complete Streets certification program. This legislation also created MGL ch. 90I which established the Complete Streets certification program.

Ch. 90I Section 1C stipulates that to be certified as a complete streets community, a city or town must adopt "a complete streets by-law, ordinance or administrative policy." I have drafted and included here for your review a Complete Streets Policy proposal.

Based on policies adopted in other cities and towns in Massachusetts, the Marlborough Complete Streets Policy directs the City Departments and developers to consistently plan, design, construct, and maintain streets to accommodate all anticipated users; Complete Streets design recommendations shall be incorporated into all public and privately funded projects, as appropriate and feasible.

The Policy instructs the City's Department of Public Works and various entities responsible for reviewing proposed projects, including the City Council, Planning Board, Zoning Board of Appeals, and Site Plan Review Committee, to review projects for Complete Streets elements and encourage their incorporation.

In order to adhere to Chapter 90I, the Policy requires the Department of Public Works ("DPW") to conduct a baseline inventory of pedestrian and bicycle accommodations in the City. It also requires the DPW to draft and submit an annual evaluation of effectiveness to me, the City Council, and the Massachusetts Department of Transportation ("DOT"), as also required by MGL c. 90I. This annual evaluation will assist the City in tracking its progress on incorporating Complete Streets elements on streets in Marlborough.

The grant program is expected to be finalized early this fall. It is my hope that Marlborough will adopt its Complete Streets program before the program is finalized; so, we can begin identifying potential projects and be prepared to apply for state funding immediately.

I look forward to your review of the proposed policy and I welcome feedback and input on making sure Marlborough has an effective Complete Streets policy. If you have any questions, City Engineer Evan Pilachowski and I will be available to answer them.

In the meantime, please do not hesitate to contact me.

Sincerely,

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

Arthur G. Vigeant
Mayor

City of Marlborough COMPLETE STREETS POLICY	
Effective Date	Upon approval of the City Council
Expiration Date	None
Date Last Revised	
City Council Vote to Adopt Resolution	

COMPLETE STREETS POLICY

Vision and Purpose:

Complete Streets are designed and operated to provide safety, comfort, and accessibility for all the users of our streets and trails, including pedestrians, bicyclists, motorists, commercial vehicles, and emergency vehicles and for people of all ages, abilities, and income levels. Furthermore, Complete Streets principles benefit the safety, health, economic viability, and quality of life in a community by improving the pedestrian and vehicular environments in order to provide, safe, accessible, and comfortable means of travel between home, school, work, recreation, and retail destinations. Complete Streets also furthers equity objectives by providing safe forms of travel for Marlborough residents of all income levels. The purpose of the City of Marlborough’s Complete Streets Policy, therefore, is to accommodate all road users by creating a roadway network that meets the needs of individuals utilizing a variety of transportation modes. It is the intent of the City of Marlborough to formalize the plan, design, operation, and maintenance of streets so that they are safe for users of all ages, all abilities and all income levels as a matter of routine. This Policy directs decision-makers to consistently plan, design, construct, and maintain streets to accommodate all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, and freight and commercial vehicles.

Core Commitment:

The City of Marlborough recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders are legitimate users of roadways and deserve safe facilities. “All Users” includes users of all ages, abilities, and income levels.

The City recognizes that all roadway projects – including new construction, maintenance and reconstruction – are potential opportunities to apply Complete Streets design principles. The City will, to the maximum extent practical, strive to complete a comprehensive and integrated transportation network of facilities for people of all ages and abilities, and will consider Complete Streets design principles during design, construction, and maintenance of the City’s transportation network.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects, as appropriate. All transportation infrastructure and street design projects requiring funding or approval by the City of Marlborough, as well as projects funded by the State and Federal government, including but not limited to Chapter 90 funds, City improvement grants, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Funding, and other state and federal funds for street and infrastructure design shall adhere to the City of Marlborough Complete Streets Policy. Private developments and related roadway design components shall adhere to the Complete Streets principles. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets Policy, including the design, construction, and maintenance of such roadways within City boundaries.

City Departments will use best judgment regarding the desirability and feasibility of applying Complete Streets principles for routine roadway maintenance and projects, such as repaving, restriping, and so forth.

Transportation infrastructure projects, including but not limited to roadway reconstruction and roadway reconfigurations, may be excluded upon approval by the Commissioner of Public Works or the Mayor when documentation, understanding of local traffic patterns, and data indicate that any of the following apply:

1. Roadways where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases, for accommodations elsewhere.
2. Roadway reconstruction projects required to make emergency repairs.
3. Cost or impacts of accommodation are excessively disproportionate to the need or probable future use.
4. Other City policies, regulations, or requirements contradict or preclude implementation of Complete Streets principles.

All exclusions, including justification, shall be noted within the annual evaluation of effectiveness described below.

Best Practices:

The City of Marlborough Complete Streets policy will focus on developing a connected, integrated network that serves all road users. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects. Private entities proposing development projects within the City of Marlborough will be encouraged to incorporate Complete Streets principles.

Implementation of the City of Marlborough Complete Streets Policy will be carried out cooperatively within all departments in the City of Marlborough and, to the greatest extent possible, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a context-sensitive manner in which project implementation is sensitive to the community's physical, economic, and social setting. The context-sensitive approach to process and design includes a range of goals by giving significant consideration to stakeholder and community values. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

The City of Marlborough recognizes that "Complete Streets" may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

The latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets, including the most up-to-date versions of:

- The Massachusetts Department of Transportation Project Design and Development Guidebook
- The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide

- The National Association of City Transportation Officials (NACTO) Urban Streets Design Guide
- Pioneer Valley Planning Commission's Healthy Community Design Toolkit
- The latest edition of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- Documents, plans, and studies created for the City of Marlborough

Implementation:

The City of Marlborough Department of Public Works will conduct a baseline inventory of pedestrian and bicycle accommodations in the City of Marlborough. This baseline will assist the City to identify priority projects. After the baseline inventory has been completed, the City shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will highlight projects that eliminate gaps in the sidewalk and bikeway network.

The City shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

The City of Marlborough Planning Board will review subdivisions for Complete Streets principles, and encourage the implementation of these principles during design.

The City of Marlborough Planning Board, Zoning Board of Appeals, Site Plan Review Committee, the City Council and its various committees shall, during their existing respective review processes, review private development proposals for Complete Streets elements, and encourage their incorporation during design phases of proposed projects. This review will include implementation of Complete Streets practices on the site and mitigation measures required on the public transportation system.

The Department of Public Works shall draft and submit an annual evaluation of effectiveness to the Mayor, the City Council, and the Massachusetts Department of Transportation, as required by MGL c. 90I s. § 1c.

Transportation projects shall be reviewed by the City Engineer and Commissioner of Department of Public Works to ensure Complete Streets principles are being incorporated into public transportation projects, when feasible and appropriate. If Complete Streets principles are not incorporated into a project, except in the case of emergency repairs, the Department of Public Works shall make note of this exception in the annual evaluation explaining the inappropriateness or infeasibility of incorporating the principles on the project.

The City will secure training for pertinent City staff and decision-makers on both the technical content of Complete Streets principles and best practices, as well as community engagement methods for implementing the Complete Streets Policy. Training may be accomplished through workshops and other appropriate means.

The City will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The City will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

Evaluation of Effectiveness:

The Department of Public Works will develop performance measures to annually assess the rate, success, and effectiveness of implementing the Complete Streets Policy. The Department of Public Works will utilize appropriate metrics for analyzing the success of this policy. These metrics may include the total number of new bicycle lanes, the linear feet of new pedestrian accommodation, number of retrofitted pedestrian facilities or amenities, number of intersection improvements made to improve Level of Service (LOS) and safety for vehicles, pedestrians and bicyclists, rate of crashes by mode, rate of children walking or bicycling to school, and/or number of trips by mode. These metrics will be compiled into a report by the Department of Public Works and presented to the Mayor and City Council annually and submitted to the Massachusetts Department of Transportation.

David P. Gadbois
Attorney-at-Law
PO Box 773
Marlborough, Massachusetts 01752

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 22 P 4: 07

Phone (508) 481-0101
Cell (508) 380-9558

E-mail David@attygadbois.com

Fax (508) 484-9435

July 22, 2015

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

RE: Application of Charter Foods North, LLC
For a Special Permit

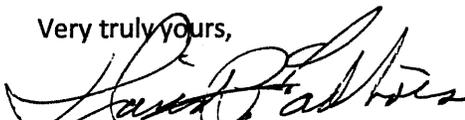
Dear Ms. Thomas:

Enclosed herewith please find Application Package for a Special Permit of Charter Foods North, LLC, lessee of the property located at 773 Boston Post Road East, along with the filing fee of \$250.00 as set by the Building Commissioner. Please forward this matter to the City Council and place it on its agenda for the meeting of Monday July 27, 2015.

I have also enclosed and suggested public notice for your consideration.

If you have any questions, please contact me at your convenience.

Very truly yours,


Atty. David P. Gadbois

Encl: Application Package (3)
Public Notice
Check for \$250.00

David P. Gadbois
Attorney-at-Law
PO Box 773
Marlborough, Massachusetts 01752

Phone (508) 481-0101
Cell (508) 380-9558

E-mail David@attygadbois.com

Fax (508) 484-9435

July 22, 2015

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

RE: Application for Special Permit (Application)
For a drive through facility at
773 Boston Post Road East

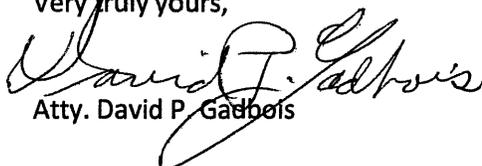
Dear President and Members:

I represent Charter Foods North, LLC, herein after referred to as "Applicant". Applicant is a lessee of the property located at 773 Boston Post Road East (Site), which is in a Business District under the Zoning Code of the City of Marlborough. The enclosed Application is for a Special Permit to use and existing building, as a 67 seat Taco Bell restaurant with a drive through facility. The building was constructed as a restaurant with a drive through, however the use was abandoned several years ago and a special permit is required for a drive through. The building will be redesigned on the inside as a restaurant. There will be no new addition to the building. The original drive-up window will be used.

Would you kindly schedule a public hearing on the Application, publish notice as provided for in Massachusetts General Laws Chapter 40A Section 5 and give written notice as provided for therein.

If you have any questions, please feel free to contact me at your convenience.

Very truly yours,


Atty. David P. Gadbois

Encl: Application Package for a Special Permit

APPLICATION FOR SPECIAL PERMIT PACKAGE

July 22, 2015

Project Name: Taco Bell Drive Through
Applicant: Charter Foods North, LLC
Location: 773 Boston Post Road East
Zoning: Article V Section 650-17 and
Section 650-18 A. (31) (a) 1-5
Atty. Contact: Attorney David P. Gadbois
PO Box 773
Marlborough, MA 01752
Tel#: 508-481-0101
E-mail: David@attygadbois.com

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:
Charter Foods North LLC, 1111 Gateway Service Park Rd., Morristown, TN 17813

2. Specific location of property including Assessor's Plate & Parcel Number
773 Boston Post Road East, being portion of Assessor's Map 61 Parcel 30

3. Name & address of owner of land, if other than petitioner or applicant:
Route 20 Marlboro Properties LLC % RK Associates, Inc.
456 Providence Highway, Route 1 Dedham, MA 02027

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
Lessee

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article V Section 650-17 Paragraph (31) Sub-Paragraph _____
Section 650-18-A (31) (a) 1-5

6. Zoning District in which property in question is located:

BUSINESS

7. Specific reason(s) for seeking the Special Permit:

Applicant desires to operate a restaurant with drive through facilities

8. List of names and addresses of abutters. SEPARATE SHEET ATTACHED.

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.


Signature of Petitioner or Applicant

ADDRESS: PO Box 773

Marlborough, MA 01752

TEL.NO. 508 481 0101

DATE: July 21, 2015

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Charter Foods North, LLC Address: 1111 Gateway Service Park Road
Morristown, TN 17813

Project Name: Taco Bell Address: 773 Boston Post Road E
Marlborough, MA 01752

1. PROPOSED USE: (describe) Taco Bell restaurant with drive-thru

2. EXPANSION OR NEW: Expansion (Revised exterior cooler/freezer)

3. SIZE: floor area sq. ft. 3,061 sf 1st floor same all floors _____

buildings 1 # stories 1 lot area (s.f.) _____

4. LOT COVERAGE: _____ %Landscaped area: _____ %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 40 Peak period: 70

6. TRAFFIC:

(A) Number of vehicles parked on site:
During regular hours: 20 Peak period: 30

(B) How many service vehicles will service the development and on what schedule?
1 service vehicle, it will only be there on as as needed basis, approximately 1 per week.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? We assume the existing light poles will be used. The design intent will be that no light will leave the property

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.
The noise level should be comparable.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None

9. AIR: What sources of potential air pollution will exist at the development? auto exhaust

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

***Attach additional sheets if necessary**

LIST OF NAMES AND ADDRESSES OF ABUTTERS
AS REQUIRED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Charter Foods North LLC

(Name of Petitioner).

FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE
CITY OF MARLBOROUGH UNDER CHAPTER 200, ZONING, OF THE CODE OF THE
CITY OF MARLBOROUGH.

(Abutters as defined in Section 4.H of the Rules and Regulations of Application/Petition for
Special Permit by the City Council under the Marlborough Zoning Ordinance.)



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: TACO BELL DRIVE THROUGH

Project Use Summary: DRIVE THROUGH FACILITY

Project Street Address: 773 BOSTON POST ROAD EAST

Plate: 61 Parcel: 30

Applicant/Developer Name: CHARTER FOODS NORTH LLC

Plan Date: 7-08-15 Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Robert Camacho

~~Interim~~ Building Commissioner

**Application Fee to submit to
City Clerk's office**

\$ 250.00

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



**Lisa M. Thomas
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

CHARTER FOODS NORTH, LLC

773 Boston Post Rd.

Owner Name/Officer Name of LLC or Corporation

ROUTE 20 MARLBORO PROPERTIES, LLC

Owner/Officer Complete Address and Telephone Number

DAVID KATZ, MANAGER

O/O R.K. ASSOCIATES, INC.

456 PROVIDENCE HIGHWAY
DEDHAM, MA 02026

781-320-0004

Signature of Applicant

Attorney on behalf of Applicant, if applicable

David P. Garbis, Atty. 508 481-0101

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Tax Collector

Deborah G. J. [Signature]

David P. Gadbois
Attorney-at-Law
PO Box 773
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 23 A 11:19

Phone (508) 481-0101
Cell (508) 380-9558

E-mail David@attygadbois.com

Fax (508) 484-9435

July 22, 2015

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

RE: Application of Mammoth Development Company, LLC
For a Special Permit

Dear Ms. Thomas:

Enclosed herewith please find Application Package for a Site Plan Approval of Mammoth Development Company, LLC, of the property located at 70 Simarano Drive, along with the filing fee of \$2,600.00. Please forward this matter to the City Council and place it on its agenda for the meeting of Monday July 27, 2015.

If you have any questions, please contact me at your convenience.

Very truly yours,


Atty. David P. Gadbois

Encl: Application Package (3)
Check for \$2,600.00

David P. Gadbois
Attorney-at-Law
PO Box 773
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 23 A 11: 23

Phone (508) 481-0101
Cell (508) 380-9558

E-mail David@attygadbois.com

Fax (508) 484-9435

July 22, 2015

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

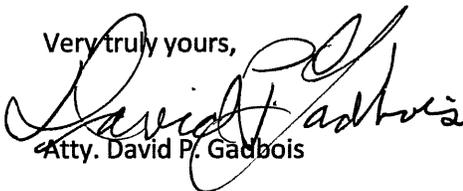
RE: Application for Site Plan Approval (Application)
For a day care facility at
70 Simarano Drive

Dear President and Members:

I represent Mammoth Development Company, LLC, herein after referred to as "Applicant". Upon approval of a site plan by the City Council, Applicant will purchase the property located at 70 Simarano Drive (Site), which is in a RWMUOD under the Zoning Code of the City of Marlborough. Following its purchase, the Applicant will construct and use the Site as a day care center. Would you kindly forward this matter to the appropriate sub-committee of the City Council for review and action.

If you have any questions, please feel free to contact me at your convenience.

Very truly yours,


Atty. David P. Gadbois

Encl: Application Package for a Site Plan Approval



City of Marlborough

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

Type of Hearing (check one)

Major Renovation Minor Renovation

Please Print
DATE: JULY 22, 2015

PROJECT

Name of facility: THE LEARNING EXPERIENCE CHILD DEVELOPMENT CENTER

Address: 70 SIMARANO DRIVE

Assessor's Map No. 100 Parcel No. 1-A

APPLICANT

Name: MAMMOTH DEVELOPMENT COMPANY LLC

Address: 1300 BELMONT ST, BROCTON, MA 02301-4439

Telephone: 508-588-0560 Fax: 508-584-7687

Email: JRC@COFFMANREALTY.COM

OWNER'S CONSENT

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

PROPERTY OWNER

Name: ATLANTIC-MARLBORO REALTY LLC

Address: 205 NEWBURY ST, FRAMINGHAM, MA 01701

Telephone: 508-665-6305 Fax: 508-626-0160

Email: DAVE@ATLANTICMANAGEMENT.COM

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

ZONING DISTRICT(S) I AND RWMUOD

WHAT OTHER PERMITS REQUIRED (check off which applies)

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

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? ZONE - X

SUBMITTED PLANS AND REPORTS

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

THE LEARNING EXPERIENCE BRIAN D. JONES, PE
Title CHILD DEVELOPMENT CENTER Date 7-10-15 Stamped By ALLEN & MAJOR ASSOCIATES, INC.

Fee

For Minor Site Plan without a building: \$750

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

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

APPLICANT'S ENGINEER (preparing site plan)

Name: BRIAN D. JONES, PE ALLEN & MAJOR ASSOCIATES, INC.

Address: 250 COMMERCIAL ST., MANCHESTER, NH 03101

Telephone: 603-627-5500 Fax: 603-627-5501

Email: BJONES@ALLENMAJOR.COM

APPLICANT'S LANDSCAPE ARCHITECT

Name: ROBERT P. CLARKE, ALLEN & MAJOR ASSOCIATES, INC.

Address: 100 COMMERCE WAY, WOBURN, MA 01888-0118

Telephone: 781-935-6889 Fax: _____

Email: RCLARKE@ALLENMAJOR.COM

PROJECT INFO

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

Non-Residential _____ Residential

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

A NEW CHILDRENS DAY CARE CENTER WITH
40 PARKING SPACES. NO UNUSUAL UTILITY USE OR
IMPACT ON ABUTTERS

PUBLIC NOTICE

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

Date of Publication: JULY 31, 2015 (REQUESTED)

Name of Newspaper: METROWEST DAILY NEWS
(Form of notice attached)

HISTORIC BUILDING NOTICE

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

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

Chairman, Historic Commission
City Hall
Marlborough, MA 01752

APPLICANT'S SIGNATURE

David R. Galloway Attorney For Applicant
Applicant or Representatives Signature

7-22-2015
Date

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

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

Office Use Only:

Date Received: _____

Site Plan Number: _____

SITE PLAN APPROVAL PUBLIC NOTICE FORM

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

Metrowest Daily News, Framingham 01701

Advertising: Fax: 1-781-453-6650

City of Marlborough Public Notice of Site Plan Submission

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

A DAYCARE CENTER

Project Name and Type or Use: THE LEARNING EXPERIENCE CHILD DEVELOPMENT CENTER

Project Street Address: 70 SIMARANO DRIVE, MARLBOROUGH, MA

Applicant's Name: MAMMOTH DEVELOPMENT COMPANY, LLC

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

David P. Gadbois
Attorney-at-Law
PO Box 773
Marlborough, Massachusetts 01752

Phone (508) 481-0101
Cell (508) 380-9558

E-mail David@attygadbois.com

Fax (508) 484-9435

July 22, 2015

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

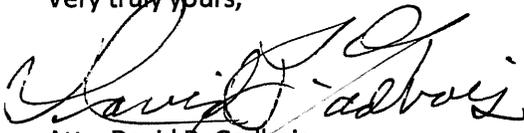
RE: Assent by Owner for Purchaser of
70 Simarano Drive (Site) to file an
Application For Site Plan Approval

Dear President and Members:

I represent Atlantic-Marlboro Realty LLC (Owner) in the matter of an application by Mammoth Development Company LLC (Purchaser) for a Site Plan Approval before the City Council. This is to confirm that David A. Capobianco, Manager of Owner, has given permission to Purchaser to file an Application for Site Plan Approval for the for the Site to be used as a day care center.

If you have any questions, please feel free to contact me at your convenience.

Very truly yours,


Atty. David P. Gadbois

pd
7/9/15
\$100 - ok



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2015 JUL -9 P 3:03

**Lisa M. Thomas
City Clerk**

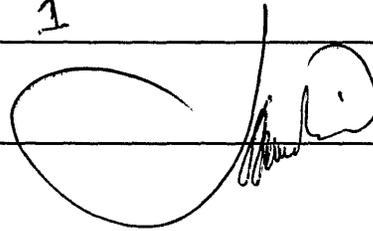
**CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

I. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: JOSE R. HEREDIA
- B. Address: 110 BOSTON POST RD, Marlborough MA 01752
- C. Telephone Number: 781 492 5068
- D. Business Name: ALEX TRANSPORTATION
- E. Business Address: 110 Boston Post Rd, Marlborough MA 01752
- F. Business Number: 781 492 5068

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE 

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

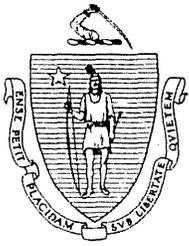
is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough on . In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City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

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk



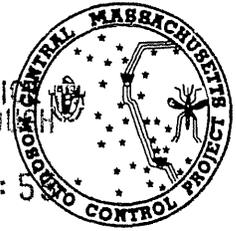
The Commonwealth of Massachusetts

STATE RECLAMATION & MOSQUITO CONTROL BOARD

**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBORO
2015 JUL 22 A 8:50



COMMISSION CHAIRMAN
RICHARD J. DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

July 20, 2015

City of Marlboro
Health Department
Marlboro, MA 01752

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

August 5, 12, 19, 26 and September 2

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

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

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

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

Sincerely,
Timothy D. Deschamps
Executive Director

cc: City/Town Clerk
Police Department

City of Marlborough Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 10 A 10:58

Meeting: Marlborough Cultural Council

Date: Monday, December 8, 2014

Time: 7:00 PM

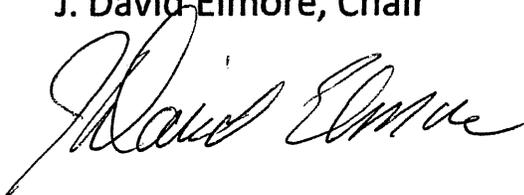
Location: Mayors Conference Room, 4th Floor, City
Hall, 140 Main St., Marlborough, MA.

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

The Meeting was called to order by Chair J. David Elmore.

1. Reviewed and approved minutes of Nov. 3, 2014 meeting.
2. Chair explained that New Repertory Theater appealed our Nov. 17, 2014 letter of denial on the basis of not in compliance that with MCC Guidelines. The Massachusetts Cultural Council ruled in favor with the New Repertory Theater in that it did comply with MCC Guidelines, and that Marlborough Cultural Council must formally meet and reconsider their grant request.
3. A vote was taken to reconsider and voted to award \$ 245.00 to New Repertory Theater and adjust total awards for FY 2015 for the \$9220.00 allowed to be granted in 2015.
4. The meeting was adjourned at 7:30 PM.

Respectfully submitted,
J. David Elmore, Chair



CITY OF MARLBOROUGH MEETING POSTING

Meeting Marlborough Arts Lottery Council

Date: Monday December 8, 2014

Time: 7:00 PM

Location: Mayors Conference Room, 4th Floor, City Hall, 140 Main Street, Marlborough, MA

Agenda Items to be addressed:

Agenda & MINUTES

1. Review Minutes for November 3, 2014 voting meeting.
2. Review and reconsider Grant Request of New Repertory Theater and adjust Grant Funds as necessary.
3. Adjourn meeting.

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.



Marlborough Cultural Council FY2015 awards granted - November 3, 2014

application#	applicant	amount granted	amount requested
2	Davis Bates ✓	275	350 ✓
4	MusicDance.edu ✓	275	400 ✓
6	Jaworek school ✓	1,100	2,500 ✓
8	Richer school ✓	1,100	2,500 ✓
11	Assabet Valley Mastersingers ✓	750	1,000 ✓
12	Kane school ✓	1,100	2,500 ✓
13	Heritage Festival ✓	250	5,500 ✓
14	Whitcomb School ✓	300	3,000 ✓
15	Chamber Music Metrowest ✓	275	425 ✓
16	Ghost Lisght Players ✓	1,200	1,500 ✓
19	MHS Tri-M ✓	300	1,000 ✓
20	Library - Yacyshyn	250	550 ✓
21	library - Special program	250	550 ✓
22	library - author series	200	500 ✓
23	Symphony Pro Musica	150	300 ✓
25	Hudson Arts Alliance	1,445 <i>1200</i>	2,500 ✓
	total	9,220	25,075

** NEW ROAD THEATRE
DEC 8 VOTING MEETING*

*\$295⁰⁰
=====*

\$9220⁰⁰

REVISED DEC 8, 2014
[Signature]

PLANNING BOARD MEETING
May 18, 2015

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUL 15 A 10:34

The Planning Board for the City of Marlborough met on Monday, May 18, 2015 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Chairperson Barbara L. Fenby, Clerk Colleen Hughes, Philip J. Hodge, Brian DuPont, Edward Coveney, and Sean Fay. Also present: City Engineer Evan Pilachowski and Acting Planning Board Secretary Pamela Wilderman.

MINUTES

Meeting April 27, 2015

On a motion by Ms. Hughes, seconded by Mr. Fay, it was duly voted:

To accept and file the minutes of the April 27, 2015 meeting.

Meeting May 4, 2015

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted:

To table consideration of the minutes of the May 4, 2015 meeting until such time as the secretary has returned from vacation.

CHAIRS BUSINESS

Zoning Change Limited Industrial District from City Council

There was a brief discussion that determined that in all probability this item would be removed without prejudice from the City Council docket. In the meantime:

On a motion by Mr. Fay, seconded by Mr. DuPont, it was duly voted:

To set a hearing date of June 15, 2015 for the hearing in case the issue is not resolved prior.

MEDC Signage Update

The representative of the MEDC (Executive Director Cummings unavailable for tonight's meeting) re-iterated their intention to welcome a dialogue with the Planning Board and other city entities to determine a list of locations that would be considered appropriate for the placement of "off premise" signs for various valuable functions held in the city. It was suggested that they may wish to work specifically with the City of Marlborough Traffic Commission to insure that the areas suggested for placement not interfere with public safety in any way.

Notice of Intent to Sell Property

After a brief discussion regarding the proposed sale of former farm land, on a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To refer the matter to the Legal Department for their review and determination. No further action is required of the Board at this time.

PUBLIC HEARINGS 7:15 P.M.

Jelico Homes 626 Stow Road Definitive Subdivision

Chairperson Fenby opened the hearing by explaining the rules and format for the public hearing. Clerk Hughes read a copy of the advertisement into the record.

On behalf of Jelico Homes, Tim Butland gave a brief overview of the project and its history to date. The parcel currently exists with a single family house on a two acre parcel of land in a residential A1 zone. It is the proponent's intention to demolish the existing house, subdivide the lot into two lots and construction two single family homes in its place.

As there is insufficient frontage on the roadway for the Planning Board to approve an ANR plan, the proposal must come before the Board as a subdivision plan with requested waivers from frontage and lot shape.

In favor

The individuals who spoke in this section of the hearing were not speaking in favor but simply asking questions:

Donna Suzano-Woods
40 Gordon Rd

Ms. Suzano-Woods asked to have the process explained; what waivers would be asked for and when would they be notified of the ZBA hearings.

Terri Pereira
20 Gordon Rd

Ms. Pereira asked about the frontage requirements for the area and what variances would be required.

David Semedo
52 Wood Rd

Mr. Semedo questioned the driveway configurations; whether the intention was for a single common driveway or for two separate driveways. He was also concerned with the sight distances for two separate driveways,

Michael Mosca
50 Gordon Rd

Mr. Mosca had a number of questions:

- He would like to see some sort of barrier between these proposed lots and any existing lots and
- He is concerned about any easements, particularly those for sewer and
- He would like to verify that the stone wall that is currently surrounding the perimeter of the lot remain.

Mark A. Vital
12 Gordon Rd

Mr. Vital questioned whether there would be any input from the Conservation Commission as it appears that there may be a “habitat” that exists at this time. It was explained that the Conservation Commission and Officer would make recommendations as part of the subdivision process.

Victoria Rule
41 Dean Rd

Ms. Rule wanted to know why it was important to get two lots out of the parcel; why couldn't they simply keep it remaining as a single lot and rebuild the house.

John Rule
41 Dean Rd

Mr. Rule also questioned the intentions for the perimeter wall and will they be leaving the larger trees. It appears that the intention of the developer is to remove the brush that has grown on the lot but to leave larger trees, such as the existing oak tree, whenever possible.

In Opposition

Anthony Mulherin
635 Stow Rd

It is Mr. Mulherin's opinion that two houses would be too tight for the parcel and the neighborhood.

Michael Mcphee
636 Stow Rd

Mr. Mcphee suggested that frontage could have been purchased for two legitimate lots but he believes that the original owner of the property (Mr. Leduc) wanted the property to remain as a single lot with a single family home. The proposed project borders eight (8) different properties and he believes that they will be adversely affected by this subdivision. He maintains that a single house on a single lot better fits the character of the neighborhood.

John Rule
41 Dean Rd

Mr. Rule is in opposition because he bought a wooded lot, abutting other wooded lots, with conservation issues. This proposal will diminish his value.

Demetrios Gakis
623 Stow Rd

Mr. Gakis lives across the street from the proposed subdivision and while he understands the developer's desire to build two houses he believes that this is a beautiful property for one single family home only.

Donna Woods
40 Gordon Rd

Ms. Wood believes strongly that Mr. Leduc wanted the land maintained as is.

Charles Hanko
61 Dean Rd

Mr. Hanko is against the project entirely.

Terri Pereira
20 Gordon Rd

Mr. Pereira is against the project entirely.

Mark A. Vital
12 Gordon Rd

Mr. Vital is against the project entirely.

Michael Mcphee
636 Stow Rd

Mr. Mcphee believes that this is already a difficult area for traffic so is opposed to the increased development.

Anthony Mulherin
635 Stow Rd

Mr. Mulherin had two houses on Chestnut Street where the properties were too tight. He moved to this area to keep some open space and is opposed to the development.

Karen Mosca
50 Gordon Rd

Ms. Mosca would like to see the project remain a single lot with a single home.

Suzanne Mcphee
636 Stow Rd

Ms. Mcphee agrees with the dissenting opinion; the project should not move forward.

There being no further discussion the hearing was closed at 7:40 P.M.

PENDING SUBDIVISION PLANS: UPDATE AND DISCUSSION

Engineers Report 2015 construction season; request Mauro Farms and Blackhorse Farms.

Blackhorse Farm

Ms. Hughes read into the record correspondence sent to FRE Building Co. Inc. from the City Engineer regarding their lack of response to his status update for this subdivision. He advised that he has tried to meet with their people but has to date received no response.

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted to:

Accept and file the May 7, 2015 correspondence from City Engineer Pilachowski to FRE Building Co. Inc.

Mauro Farms

Ms. Hughes read into the record correspondence sent to Capital Group Properties/Mauro Farms from the City Engineer regarding a follow up to his initial status update of two weeks prior. He did meet with

Mr. Pezzoni and went over a list of required materials for the installation of the bases for the two additional lights. Planning Board members will review the site at their leisure.

On a motion by Ms. Fay, seconded by Ms. Hughes, it was duly voted:

To accept and file the correspondence from City Engineer Pilachowski to Capital Group Properties/Mauro Farms.

(Please note that Mr. Fay has a conflict in this subdivision).

Update on Farm Road Project

City Engineer Pilachowski advised the members that the project for the rebuild of Farm Road is scheduled for a July start. There have been some minor changes to the plan originally proposed but they will allow for more consistent improved drainage.

ANR Decision Simarano Drive (Lot 1 D-1)

On a motion by Mr. Fay, seconded by Mr. DuPont, it was duly voted:

To accept and sign the plan showing an access easement over adjacent property but with sufficient frontage

SIGNS

Bicycles Battling Cancer Event Signage Request

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted:

To allow signs along Donald Lynch Boulevard pending DCU approval to be placed no sooner than May 24th and to be removed no later than June 8.

Taste of Marlborough/Brewfest

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted:

To allow the signs for this project to be placed in assigned locations on June 1 and to be removed no later than June 17 in case of inclement weather.

Al Brodeurs Autobody

After a brief discussion regarding the intention of the proponent in blocking the windows at this location, it was determined that the Board should review the site and the office space before making any judgement on this request.

On a motion by Mr. Fay, seconded by Ms. Hughes, it was duly voted:

To table this matter until such time as the Board members have had a chance to visit the site.

UNFINISHED BUSINESS

Black Horse Farm

See above under subdivision updates.

Mauro Farm

See above under subdivision updates.

Zoning Amendment Affordable Housing

An extended discussion took place regarding this matter. The Planning Board members recognize that while their input is a requirement of law, the City Council may choose to disregard their recommendation either in part or in its entirety. For that reason the Board chose to make clear their particular concerns were with the proposal in it's entirety or if some amended version it proposed.

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

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

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

Therefore

There being no further business, on a motion by Mr. DuPont, seconded by Mr. Coveney, it was duly voted:

To adjourn at 8:55 P.M.

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

June 29, 2015
2015 JUL 15 A 10:34

Call to Order

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

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

1. Meeting Minutes:

A. Regular Meeting June 15, 2015

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to approve the minutes of the June 15, Regular Meeting. Motion carried with Mr. DuPont abstaining.

2. Chair's Business: None

3. Approval Not Required:

A. Decision 684 Pleasant Street Map 28 Parcel 12

Ms. Hughes read the favorable recommendation from the Engineering Department into the record.

On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to accept the favorable recommendation of the Engineering Department as well as endorse the Plan of Land

Titled:

Plan of Land, 648 Pleasant Street, Marlborough, Mass.

Dated:

June 26, 2015

Prepared by:

Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, Mass.

Owned By:

Lewis F. Clark, Jr.

Motion carried.

4. Public Hearings: 7:15pm None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski reported out to the Board The Howe's Landing Open Space Subdivision has started re-grading the property to get to the proper levels. Engineer Pilachowski is waiting on an updated construction schedule.

B. Tri Partite Agreement (Walker Brook Estates)

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to refer the Tri Partite agreement to the Legal Department for review of proper form. Motion carried.

C. Blackhorse Farms Request for Extension

Ms. Hughes read the request from Benchmark Engineering into the record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the correspondence and place it on file as well as refer the request to the Engineering Department for review and grant a 30 day extension from the date of June 20, 2015.

The 30 extension is conditional upon the clearing of all Code Enforcement issues as noted in the correspondence from the Code Enforcement Officer. Motion carried.

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

After discussion and an informal poll among the members it was noted to place this item on the next regularly scheduled meeting agenda for a deciding vote. (July 13, 2015). Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Food Truck Festival Off Premise Signs

The Board is waiting for the letter of permission from the Community Development Authority for use of the Court Street Parking Garage for hanging of the announcement banner.

9. Unfinished Business:

A. Blackhorse Farms Update

This item was covered in item 5c.

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

B. Mauro Farms Update

City Engineer Pilachowski noted that he met with workers on the site who were correcting the grade for final pavement. The street lights are in and the grass though sparse is looking better. It is the intention of the developer to be complete by the end of August 2015.

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

B. MEDC Signage suggestions/discussion

Ms. Hughes read the correspondence from the MEDS into the record.

Michael McGuire was in attendance representing the MEDC.

IT was requested that the Word format document be sent through to all members, allowing for changes to be submitted per each individual member. Mr. McGuire noted that he would forward along the document on Tuesday allowing for ample time for review by the individual members.

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

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Notice of Decision

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

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

Respectfully submitted,

Colleen Hughes
Clerk

/mai