

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 SEP -4 P 12: 23

1. Minutes of the City Council Meeting, AUGUST 25, 2014.
2. Communication from the Mayor re: Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I Subdivision and in the Carisbrooke II Subdivision, Order Transferring Care, Management and Control of the Streets and Easements in Carisbrooke I and Carisbrooke II to the Department of Public Works, Order of Acceptance of Deeds in Lieu of Foreclosure, and Order Transferring Care, Management and Control to the Conservation Commission.
3. Communication from the Mayor re: SCRPT Program Informational Update.
4. Communication from Asst. City Solicitor Panagore Griffin – Proposed Zoning Petition, Downtown Village District, submitted on behalf of Council President Pope and Councilor Delano.
5. Communication from the Commission on Disabilities re: Implementation of a Handicapped Parking Enforcement and Education Program.
6. Communication from Sudbury Companies of Militia and Minute re: Permission to Place a Temporary Sign on City Property.
7. Application for Renewal of Junk Dealer's License, Thomas Zampini, d/b/a Metal Man Recycling, 44 Brook St.
8. Minutes, Zoning Board of Appeals, July 8, & August 19, 2014.
9. Minutes, Conservation Commission, July 17, 2014.
10. Minutes, Traffic Commission, July 29, 2014.
11. Minutes, Board of Health, July 15, 2014.
12. Minutes, License Board, July 30, 2014.
13. CLAIMS:
 - A. Dillon Glynn, 307 Chestnut St., Hudson, MA, pothole or other road defect

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

14. **Communication from the Mayor requesting approval of following two City Council Orders:**
 - 1) **Order No. 14-1005908A - That the City Council of the City of Marlborough, for the purposes of the Conflict of Interest Law set forth in MGL c.268A, hereby designates Marlborough School Committee positions as special municipal employees.**
 - 2) **Order No. 14-1005908B - That the City Council of the City of Marlborough, having designated for purposes of the Conflict of Interest Law set forth in MGL c.268A that Marlborough School Committee positions are special municipal employees, hereby declares, pursuant to MGL c.268A s.20(d), that the financial interests of School Committee members Heidi Matthews and Denise Ryan, as set forth in their attached disclosure forms, are exempt from MGL c.268A, s.20.**

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.

Motion made by Councilor Robey, seconded by Councilor Delano, to deny the request for designation of Special Municipal Employee status to elected members of the School Committee. Vote 2-1 Clancy opposed

Request by Chairman Clancy to vote on the second order – Councilor Robey asked if there was a need to vote as the first order was denied. Solicitor Rider confirmed that the second order would now be moot.

From Urban Affairs Committee

15. **Order No. 14-1005727C - Communication from Attorney Gadbois re: Site Plan Approval, Hilton Garden Inn, at 170 Forest Street. (Hilton Garden Plans are available for viewing in City Clerk's Office). Motion made by Councilor Clancy, seconded by Chair, to approve the changes presented to the City Council in their capacity as Site Plan Review. The changes require no further changes to the Site Plan Review Conditions however conditions set forth by the Site Plan Review Committee will become part of the conditions for the site. Carries 4-0.**

From Public Services Committee

16. **Order No. 14-1005848B - Petition of NStar Gas to install 105 ' of 4" plastic gas main as a system improvement to 31 Wellington Street in Marlborough. Joanne O'Leary, Community Relations Representative for NSTAR Gas, indicates the petition is a request from the homeowners for gas service. The homeowners are willing to pay for service to extend the gas main to their residence. Recommendation of the Public Services Committee is to approve the petition of NStar Gas to install 105 ' of 4" plastic gas main as a system improvement to 31 Wellington Street. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**
17. **Order No. 1005884A - Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street. Crystal Tognazzi, National Grid Representative, explains the project is to relocate Pole 42 seven feet east due to a road widening project requested by the City. Recommendation of the Public Services Committee is to approve the petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**
18. **Order No. 1005885 - Application for Renewal of Junk Dealer's License, Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street. Police Chief Leonard has received the CORI report for Sergey Yeghiyan and has no objection to the renewal of the Junk Dealer's License. Mr. Yeghiyan explains his business as cash for gold, buying from the public. They also have a new project of a manufacturing facility in Auburn for the designing and casting of new jewelry. This new jewelry will be in their stores to provide their own designs to the public. It will be wholesale and therefore cheaper for the customers. Recommendation of the Public Services Committee is to approve the application for renewal of Junk Dealer's License to Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

19. **Order No. 14-1005849A - Petition of NGrid and Verizon re: 479 Hosmer Street for installation of new joint owned stub Pole #55-84 on public property. Pole will be set approximately 42' from existing joint owned Pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole #55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer Street that is to be removed. Customer requested to remove the tree guy. Crystal Tognazzi, National Grid Representative, explains the tree is in terrible shape and there is no other option but to remove it. The pole does need an anchor as it has three phase primary going through it and because of the height of the pole, they tend to lean. The only way to prevent that is to move the stub pole across the road, forty-two feet. The guy is placed on City property so as to not cause any more damage to the customer's property. Recommendation of the Public Services Committee is to approve the petition of NGrid and Verizon re: 479 Hosmer Street for installation of new joint owned stub Pole #55-84 on public property. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

From Finance Committee

20. **Order No. 14-1005907A – IPG Photonics Corporation Tax Increment Financing (TIF). The Finance Committee reviewed the Mayor's letter dated July 17, 2014 requesting the approval of the TIF proposal from IPG Photonics. The Finance Committee voted 4 - 0 to approve the following:**
- **The economic opportunity area**
 - **The TIF plan and zone**
 - **The TIF agreement**
 - **Economic Development Incentive Program (EDIP) Preliminary Application**
 - **The City Council Resolution**

The Finance Committee requested the Solicitor place the IPG Photonics Corporation TIF in proper format for the August 25, 2014 City Council meeting. The Finance Committee acknowledged that if the buildings are used for a warehouse (versus research and manufacturing), the TIF would not apply.

From Personnel Committee

21. **Order No. 14-1005846 - The Appointments of Ryan Wambolt and Santiago Vergas as youth appointees to the Youth Commission for terms of one year from date of approval. Ryan Wambolt is entering his senior year at Marlborough High School and during his time there he has provided reports to the School Committee on various school activities and has been treasurer. He would like to get fellow students involved and active in the community. Recommendation of the Personnel Committee is to approve the Appointment of Ryan Wambolt as a youth appointee to the Youth Commission. Motion by Councilor Elder, seconded by the Chair, to approve the appointment. Carries 3 – 0. [Santiago Vergas unable to attend and remains in committee. The Mayor will review the City Code to determine the required term prior to City Council approval.]**
22. **Order No. 14-1005864 - The Appointment of Renee Perdicaro to the Cultural Council for a term to expire three years from date of City Council approval. Renee Perdicaro has been a Marlborough resident for six years and through her job and personal life she likes to give back to the community. Recommendation of the Personnel Committee is to approve the Appointment of Renee Perdicaro to the Cultural Council. Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. Carries 3 - 0.**

23. **Order No. 14-1005876 - The Appointments of Anthony Arruda and Ellen Silverstein to the Board of Assessors for terms of three years to expire from date of City Council approval and Bradford Dunn as the City's Principal Assessor for a three year term.** Ellen Silverstein has been a Marlborough resident for fifteen years and is a certified appraiser in Massachusetts and has an interest in being a member of the Board of Assessors. Bradford Dunn is a West Boylston resident and has been acting as the Principal Assessor for the past 2.5 – 3 years for the City of Marlborough. **Recommendation of the Personnel Committee is to approve the appointments of Ellen Silverstein to the Board of Assessors and Bradford Dunn as Principal Assessor for three-year terms. Motion made by Councilor Elder, seconded by the Chair, to approve the appointments. Carries 3 - 0. [Anthony Arruda unable to attend and remains in committee.]**
24. **Order No. 14-1005877 - The following Reappointments to the Recreation Commission for the following terms: Robert Kays for a term to expire three years from date of City Council approval; Dennis Zilembo for a term to expire two years from date of City Council approval; Thomas Evangelous for a term to expire two years from date of City Council approval; and Brenda Calder for a term to expire three years from date of City Council approval.** Brenda Calder has been a resident of Marlborough for forty-six years and wants to give back to the community by continuing to serve on the Recreation Commission. Dennis Zilembo has been a resident of Marlborough for all of his 62 years and has enjoyed serving on the Recreation Commission. Robert Kays has been the Chairman of the Recreation Commission and has enjoyed his time serving on the commission as it is very active and engaged with the community. **Recommendation of the Personnel Committee is to approve the Reappointments of Robert Kays, Dennis Zilembo, and Brenda Calder to the Recreation Commission. Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments. Carries 3 - 0. [Thomas Evangelous unable to attend and remains in committee.]**
25. **Order No. 14-1005906 - The Appointment of Robin Williams to the Board of Health for a term to expire January 5, 2015.** Robin Williams is an eleven year resident of Marlborough and an eight year veteran of the Army. She works full-time for the City of Newton as a Senior Environmental Health Specialist and is a registered Sanitarian. She would like to be a member of the Board of Health to give back to the community and help with new ideas. **Recommendation of the Personnel Committee is to approve the Appointment of Robin Williams to the Board of Health. Motion made by Councilor Irish, seconded by the Chair, to approve the appointment. Carries 2 - 1. (Elder opposed.)**
26. **Order No. 14-1005687 - Reappointment of Pat Winske to Disabilities Commission for a term of three years. Note: McManus, Usinas and Towle reported out of committee on February 25, 2014. [Pat Winske unable to attend and remains in committee.]**
27. **Order No. 14-1005704 - Reappointments to the Conservation Commission: Edward Clancy ex. 3/6/17; John Skarin ex. 3/7/16; and Larry Roy ex. 3/7/16. Note: Alan White, David Williams and Dennis Demers reported out of committee on April 23, 2014.** John Skarin is a lifelong resident of Marlborough and has served on the Conservation Commission for fourteen years. His background is in trees, landscaping and light construction. Edward Clancy is a seventy-four year resident of the City of Marlborough and a forty-six year member of the Conservation Commission of uninterrupted service and has been the chairman for many years. It is a very important organization because much of the construction within the City is involved near wetlands which are overseen by the Conservation Commission. **Recommendation of the Personnel Committee is to approve the Reappointments of Edward Clancy and John Skarin to the Conservation Commission. Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments. Carries 3 - 0. [Larry Roy unable to attend and remains in committee.]**

28. **Order No. 14-1005667 - Reappointment of Susan Laufer to Library Board of Trustees 2/6/17.**
Note: Ray Hale, Ray Johnson, Robyn Ripley, Janice Merk and Tom Abel reported out of committee on February 11, 2014. [Susan Laufer unable to attend and remains in committee.]

From Operations & Oversight Committee

29. **Order No. 14-1005657 - The DPW Commissioner and Mayor review the hours of operation of the resident drop-off facility (Transfer Station) to possibly extend the hours until 5PM on Saturdays (currently closes at 3PM sharp), and potentially to explore some Sunday hours as well.**
Motion made by Councilor Delano, seconded by Chair, to extend the hours of operation of the resident drop-off facility until 5:00 PM on Saturdays. Carries 2-1 (Landers opposed).

From City Council

30. **Order No. 14-1005802B - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd. Recommendation of the City Council to Table until next City Council meeting.**
31. **Order No. 14-1005803B - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd. Recommendation of the City Council to Table until next City Council meeting.**
32. **Order No. 14-1005886A – Communication from Jean & Michael Morrissey, 43 Sonia Dr. re: Baby Safe Haven Signs. . Recommendation of the City Council to Table until next 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**

AUGUST 25, 2014

Regular meeting of the City Council held on Monday, AUGUST 25, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 9:11 PM.

ORDERED: That the minutes of the City Council meeting JULY 21, 2014, **FILE**; adopted.

ORDERED: That the DPW transfer request in the amount of \$34,000.000 which moves funds from Parks and Fields Capital to Capital Outlay-DPW Projects to fund preliminary master planning and conceptual design of future turf field projects, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 27000099-42445

\$34,000.00

Parks & Fields Capital

TO:

Acct. # 19300006-58514

\$34,000.00

Capital Outlay-DPW Projects

ORDERED: That along with the City Council's approval of the FY 15 operating budget, a recommendation of adopting Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. the Elderly, the Blind, Disabled Vets etc.) as provided by Massachusetts law in which the City would absorb any associated costs through the overlay account, **APPROVED**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security's 2015 State 911 Department Training and Regulatory grant and Health and Human Services grant in the amounts of \$58,199.32 and \$45,000.00 awarded to the Police Department to help offset personnel costs associated with training and diversion of people who have committed minor crimes who would be better served with appropriate mental health services; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the BayPath Elder Services grants in the amounts of \$7,500.00 & \$5,000.00 to support a part-time transportation coordinator and related costs associated with transporting seniors and to support multicultural outreach programs for Latino and Portuguese residents; adopted.

ORDERED: That the Communication from the Comptroller/Treasurer Brian Doheny to authorize him to increase the demand fees for past due taxes, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the GE Healthcare Economic Development Incentive Program (EDIP) Application Creating a North American Headquarters, refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. Except where the words "Building Inspector" are preceded by the word "Assistant", the City Code is hereby amended in its entirety by deleting the words "Building Inspector" and "Inspector of Buildings" wherever they appear throughout the City Code, and inserting in place thereof the words "Building Commissioner."
- B. Section 7-75, entitled "Appointment of Assistant Building Inspector", is hereby amended by deleting the words "Assistant Building Inspector" from said title and inserting in place thereof the words "Local Inspectors."
- C. Section 7-75, entitled "Appointment of Assistant Building Inspector", is hereby further amended by deleting the following words:

The Mayor shall appoint two full-time Assistant Building Inspectors, who shall meet the requirements and qualifications set forth for local building inspectors in Section 107.4 of the Commonwealth's Building Code

and inserting in place thereof the following words:

The Mayor shall employ Local Inspectors as necessary to support mission and duties of the Building Department, which Local Inspectors shall be under the direction of the Building Commissioner. Local Inspectors shall meet the requirements and qualifications established by the Massachusetts Board of Building Regulations and Standards and as defined by Section 3 of Chapter 143, of Massachusetts General Laws.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE AND ORDERED ADVERTISED**; adopted.

ORDERED: That the Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: IPG Photonics Corporation's TIF Proposal, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Proposed Easements to Massachusetts Electric Company for Senior Center, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Proposed Acquisition of Indian Hill and Callahan State Park Access Easement, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main St. in proper legal form, Order No. 14-1005785B, **MOVED TO ITEM 35**; adopted.

Councilor Delano recused.

ORDERED: That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE PRIMARY ELECTION** will be held in the polling locations as noted below on **SEPTEMBER 9, 2014** as follows: Senator in Congress, Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney & Registrar of Probate,

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1 Main/Newton Sts.), rear	Masonic Hall, 8 Newton St. (corner of
WARD THREE: Prec. 2 103	Raymond J. Richer School, 80 Foley Rd., Room
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2 Main/Newton Sts.), rear	Masonic Hall, 8 Newton St. (corner of
WARD SIX: Prec. 1 and 2 Library	1LT Charles W. Whitcomb School, 25 Union St.,
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

FILE; adopted.

ORDERED: That the Application of Yan Chun Zhang d/b/a Japan Car Service for renewal of Livery License at 197 Boston Post Road West, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That Communication from Attorney Falk of Mirick O'Connell re: Notice of Representation (City Council Order No. 91-3822A), refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That Communication from Central MA Mosquito Control Board re: Investigating Resident's Complaints on following dates: August 6, 13, 20 & 27, **FILE**; adopted.

ORDERED: That Communication from Central MA Mosquito Control Board re: Mosquito Control Update, **FILE**; adopted.

ORDERED: Communication from USAA on behalf of Marshall Falk, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: Communication from USAA on behalf of Robert Pierce, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: Communication from Amica on behalf of John Farias, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: Communication from Hanover Insurance Group on behalf of Skinner Inc., refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Minutes, License Board, June 25, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 19, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission June 24, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 7 & 21, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Youth Commission, April 15, May 6, & June 18, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, June 19, 2014, **FILE**; adopted.

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

- A. Colleen Dalton-Petillo, 11 Cobblestone Ln., Worcester, MA, pothole or other road defect
- B. Francis Poulin, 42 Blanchette Dr., residential mailbox claim 2(a)
- C. Arthur Oliveira, 14 Susan Rd. pothole or other road defect
- D. Brian Cox, 355 Bolton St., other property damage and/or personal injury
- E. Robert Michaud, 16 Brook Meadow Cir., Framingham, MA, pothole or other road defect
- F. Kavi Siegel, 1 James St., Milford, MA, pothole or other road defect claim
- G. Anna Clarke, 21 Tremont St., pothole or other road defect claim & other property damage and/or personal injury
- H. Charles Daniels, 59 Kosmas St., pothole or other road defect
- I. Kristin Ohanian, 23 Prospect St., Watertown, MA, pothole or other road defect
- J. Ricardo Goncalves, 85 Broad St., pothole or other road defect

Reports of Committees:

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

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: August 19, 2014

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

Convened: 5:32 PM

Adjourned: 6:23 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilor Delano and Councilor Robey. Also present: City Council President Pope

Also Present: Mayor Arthur Vigeant; City Solicitor Rider; School Committee Member Denise Ryan

Communication from the Mayor requesting approval of following two City Council Orders:

- 1) **Order No.14-1005908A: That the City Council of the City of Marlborough, for the purposes of the Conflict of Interest Law set forth in MGL c.268A, hereby designates Marlborough School Committee positions as special municipal employees.**
- 2) **Order No.14-1005908B: That the City Council of the City of Marlborough, having designated for purposes of the Conflict of Interest Law set forth in MGL c.268A that Marlborough School Committee positions are special municipal employees, hereby declares, pursuant to MGL c.268A s.20(d), that the financial interests of School Committee members Heidi Matthews and Denise Ryan, as set forth in their attached disclosure forms, are exempt from MGL c.268A, s.20.**

Chairman Clancy read the letter from the Mayor requesting the designation of special municipal employee for School Committee members and explaining the needs of the Cambridge Institute of International Education program for host families that lead to the request for the SME designation.

Solicitor Rider stated that the second order should be amended to remove reference to School Committee member Heidi Matthews as only School Committee member Ryan will be participating at this point.

Motion made by Councilor Robey, seconded by Councilor Delano, to deny the request for designation of Special Municipal Employee status to elected members of the School Committee.

Vote 2-1 Clancy opposed

Request by Chairman Clancy to vote on the second order – Councilor Robey asked if there was a need to vote as the first order was denied. Solicitor Rider confirmed that the second order would now be moot.

Motion made and seconded to adjourn;

Meeting adjourned: 6:23PM

Reported by: Chairman Edward Clancy

For Agenda: August 25, 2014

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

Meeting Name: City Council Urban Affairs Committee

Date: July 29, 2014

Time: 5:00 PM

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

Convened: 5:20 PM

Adjourned: 5:51 PM

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

Absent: Councilor Tunnera

Also Present: Attorney David Gadbois; William Park, SMMA; Joseph Zink, Developer

Reports of Committees cont'd:

Order No. 14-1005727B: Communication from Attorney Gadbois re: Site Plan Approval, Hilton Garden Inn, at 170 Forest Street. (Hilton Garden Plans are available for viewing in City Clerk's Office).

Chairman Delano explains the designs presented to City Council for the new Hilton Hotel have changed significantly in regards to the appearance of the hotel along with several other minor changes. Attorney Gadbois states there are no significant engineering changes but there is a change in the look of the hotel which includes the change to a flat roof from a gable roof, an increase in the guest room count, a decrease in the seating for the restaurant, and the relocation of the restaurant terrace. Due to the City Council being the approving authority as Site Plan Review for this project, any significant changes required approval of the City Council before continuation of the project.

Motion made by Councilor Clancy, seconded by Chair, to approve the changes presented to the City Council in their capacity as Site Plan Review. The changes require no further changes to the Site Plan Review Conditions however conditions set forth by the Site Plan Review Committee will become part of the conditions for the site. Carries 4-0.

Motion made by Councilor Clancy, seconded by Chair, to adjourn. Carries 4-0. Adjourned at 5:51 PM.

***Reported: Chairman Delano
For Agenda: August 25, 2014***

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

Meeting Name: City Council Public Services Committee

Date: August 5, 2014

Time: 7:30 PM

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

Convened: 7:31 PM

Adjourned: 8:07 PM

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

Order No.14-1005848: Petition of NStar Gas to install 105 ' of 4" plastic gas main as a system improvement to 31 Wellington Street in Marlborough. Joanne O'Leary, Community Relations Representative for NSTAR Gas, indicates the petition is a request from the homeowners for gas service. The homeowners are willing to pay for service to extend the gas main to their residence. **Recommendation of the Public Services Committee is to approve the petition of NStar Gas to install 105 ' of 4" plastic gas main as a system improvement to 31 Wellington Street. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

Order No.1005884: Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street. Crystal Tognazzi, National Grid Representative, explains the project is to relocate Pole 42 seven feet east due to a road widening project requested by the City. **Recommendation of the Public Services Committee is to approve the petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

Reports of Committees cont'd:

Order No.1005885: Application for Renewal of Junk Dealer's License, Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street. Police Chief Leonard has received the CORI report for Sergey Yeghiyan and has no objection to the renewal of the Junk Dealer's License. Mr. Yeghiyan explains his business as cash for gold, buying from the public. They also have a new project of a manufacturing facility in Auburn for the designing and casting of new jewelry. This new jewelry will be in their stores to provide their own designs to the public. It will be wholesale and therefore cheaper for the customers. **Recommendation of the Public Services Committee is to approve the application for renewal of Junk Dealer's License to Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

Order No.14-1005849: Petition of NGrid and Verizon re: 479 Hosmer Street for installation of new joint owned stub Pole #55-84 on public property. Pole will be set approximately 42' from existing joint owned Pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole #55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer Street that is to be removed. Customer requested to remove the tree guy. Crystal Tognazzi, National Grid Representative, explains the tree is in terrible shape and there is no other option but to remove it. The pole does need an anchor as it has three phase primary going through it and because of the height of the pole, they tend to lean. The only way to prevent that is to move the stub pole across the road, forty-two feet. The guy is placed on City property so as to not cause any more damage to the customer's property. **Recommendation of the Public Services Committee is to approve the petition of NGrid and Verizon re: 479 Hosmer Street for installation of new joint owned stub Pole #55-84 on public property. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

Order No.14-1005850: Petition of NGrid and Verizon to relocate Pole 1,2,3,4 and 12 on Simarano Drive to accommodate City of Marlborough road widening project. Chairman Landers states this project is the desire of the City of Marlborough for the Simarano Drive road widening project which will be starting soon. Crystal Tognazzi, National Grid Representative, explains the poles are on the side of the paved area so the City Engineer and Nation Grid Engineer handling the job are in coordination with each other. Chairman Landers reads standard conditions for road openings. **Recommendation of the Public Services Committee is to approve the petition of NGrid and Verizon to relocate Pole 1,2,3,4 and 12 on Simarano Drive to accommodate City of Marlborough road widening project. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

Order No.14-1005851: Petition of NGrid and Verizon to relocate Pole 22 on Simarano Drive and install new Guy Pole 21-84 to accommodate City of Marlborough road widening project. Chairman Landers states this part of the project is by Forest Street. Crystal Tognazzi, National Grid Representative, states it is all part of the same project but they were submitted separately because the distance between Poles 1, 2, 3, 4 and 12 is quite a distance from Pole 22 so they provided two plans. **Recommendation of the Public Services Committee is to approve the petition of NGrid and Verizon to relocate Pole 22 on Simarano Drive and install new Guy Pole 21-84 to accommodate City of Marlborough road widening project. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve. Carries 3 - 0.**

*Reported by: Chairman Landers
For Agenda: August 25, 2014*

Reports of Committees cont'd:

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Elder, and Irish. Councilors Pope, Landers and Delano were also in attendance. The meeting convened at 6:41 PM.

1. Order #14-1005907 – IPG Photonics Corporation Tax Increment Financing (TIF): The Finance Committee reviewed the Mayor's letter dated July 17, 2014 requesting the approval of the TIF proposal from IPG Photonics. The Finance Committee voted 4 - 0 to approve the following:

- The economic opportunity area
- The TIF plan and zone
- The TIF agreement
- Economic Development Incentive Program (EDIP) Preliminary Application
- The City Council Resolution

The Finance Committee requested the Solicitor place the IPG Photonics Corporation TIF in proper format for the August 25, 2014 City Council meeting. The Finance Committee acknowledged that if the buildings are used for a warehouse (versus research and manufacturing), the TIF would not apply.

The Finance Committee adjourned at 7:41 PM.

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: August 5, 2014

Time: 6:30 PM

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

Convened: 6:37 PM

Adjourned: 7:12 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish, Councilors Pope, Page, Clancy, and Landers

Also Present: Mayor Vigeant

Order No. 14-1005846: The Appointments of Ryan Wambolt and Santiago Vergas as youth appointees to the Youth Commission for terms of one year from date of approval. Ryan Wambolt is entering his senior year at Marlborough High School and during his time there he has provided reports to the School Committee on various school activities and has been treasurer. He would like to get fellow students involved and active in the community. **Recommendation of the Personnel Committee is to approve the Appointment of Ryan Wambolt as a youth appointee to the Youth Commission. Motion by Councilor Elder, seconded by the Chair, to approve the appointment. Carries 3 – 0. [Santiago Vergas unable to attend and remains in committee. The Mayor will review the City Code to determine the required term prior to City Council approval.]**

Order No. 14-1005864: The Appointment of Renee Perdicaro to the Cultural Council for a term to expire three years from date of City Council approval. Renee Perdicaro has been a Marlborough resident for six years and through her job and personal life she likes to give back to the community. **Recommendation of the Personnel Committee is to approve the Appointment of Renee Perdicaro to the Cultural Council. Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005876: The Appointments of Anthony Arruda and Ellen Silverstein to the Board of Assessors for terms of three years to expire from date of City Council approval and Bradford Dunn as the City's Principal Assessor for a three year term. Ellen Silverstein has been a Marlborough resident for fifteen years and is a certified appraiser in Massachusetts and has an interest in being a member of the Board of Assessors. Bradford Dunn is a West Boylston resident and has been acting as the Principal Assessor for the past 2.5 – 3 years for the City of Marlborough.

Recommendation of the Personnel Committee is to approve the appointments of Ellen Silverstein to the Board of Assessors and Bradford Dunn as Principal Assessor for three-year terms. Motion made by Councilor Elder, seconded by the Chair, to approve the appointments. Carries 3 - 0. [Anthony Arruda unable to attend and remains in committee.]

Order No. 14-1005877: The following Reappointments to the Recreation Commission for the following terms: Robert Kays for a term to expire three years from date of City Council approval; Dennis Zilembo for a term to expire two years from date of City Council approval; Thomas Evangelous for a term to expire two years from date of City Council approval; and Brenda Calder for a term to expire three years from date of City Council approval. Brenda Calder has been a resident of Marlborough for forty-six years and wants to give back to the community by continuing to serve on the Recreation Commission. Dennis Zilembo has been a resident of Marlborough for all of his 62 years and has enjoyed serving on the Recreation Commission. Robert Kays has been the Chairman of the Recreation Commission and has enjoyed his time serving on the commission as it is very active and engaged with the community. **Recommendation of the Personnel Committee is to approve the Reappointments of Robert Kays, Dennis Zilembo, and Brenda Calder to the Recreation Commission. Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments. Carries 3 - 0. [Thomas Evangelous unable to attend and remains in committee.]**

Order No. 14-1005906: The Appointment of Robin Williams to the Board of Health for a term to expire January 5, 2015. Robin Williams is an eleven year resident of Marlborough and an eight year veteran of the Army. She works full-time for the City of Newton as a Senior Environmental Health Specialist and is a registered Sanitarian. She would like to be a member of the Board of Health to give back to the community and help with new ideas. **Recommendation of the Personnel Committee is to approve the Appointment of Robin Williams to the Board of Health. Motion made by Councilor Irish, seconded by the Chair, to approve the appointment. Carries 2 - 1. (Elder opposed.)**

Order No. 14-1005687: Reappointment of Pat Winske to Disabilities Commission for a term of three years. Note: McManus, Usinas and Towle reported out of committee on February 25, 2014. [Pat Winske unable to attend and remains in committee.]

Reports of Committee cont'd:

Order No. 14-1005704: Reappointments to the Conservation Commission: Edward Clancy ex. 3/6/17; John Skarin ex. 3/7/16; and Larry Roy ex. 3/7/16. Note: Alan White, David Williams and Dennis Demers reported out of committee on April 23, 2014. John Skarin is a lifelong resident of Marlborough and has served on the Conservation Commission for fourteen years. His background is in trees, landscaping and light construction. Edward Clancy is a seventy-four year resident of the City of Marlborough and a forty-six year member of the Conservation Commission of uninterrupted service and has been the chairman for many years. It is a very important organization because much of the construction within the City is involved near wetlands which are overseen by the Conservation Commission. **Recommendation of the Personnel Committee is to approve the Reappointments of Edward Clancy and John Skarin to the Conservation Commission. Motion made by Councilor Elder, seconded by the Chair, to approve the reappointments. Carries 3 - 0. [Larry Roy unable to attend and remains in committee.]**

Order No. 14-1005667: Reappointment of Susan Laufer to Library Board of Trustees 2/6/17

Note: Ray Hale, Ray Johnson, Robyn Ripley, Janice Merk and Tom Abel reported out of committee on February 11, 2014. [Susan Laufer unable to attend and remains in committee.]

Motion made by Councilor Elder, seconded by the Chair, to adjourn.

Adjourned at 7:12 PM.

***Reported: Chairman Tunnera
For Agenda: August 25, 2014***

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

Meeting Name: City Council Operations & Oversight Committee

Date: July 29, 2014

Time: 5:30 PM

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

Convened: 5:50 PM

Adjourned: 6:35 PM

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

Also Present: John Ghiloni, DPW Commissioner

Order No. 14-1005657: The DPW Commissioner and Mayor review the hours of operation of the resident drop-off facility (Transfer Station) to possibly extend the hours until 5PM on Saturdays (currently closes at 3PM sharp), and potentially to explore some Sunday hours as well.

Councilor Delano explains this was placed on the City Council agenda since he received many complaints about the Transfer Station closing 15-20 minutes earlier than the posted 3:00 PM time on Saturdays and he would like its hours extended until 5:00 PM on Saturdays and examine the possibility of opening for a half day on Sundays. Commissioner Ghiloni does not disagree with the extended hours until 5:00 PM on Saturdays and even hours on Sunday however he would prefer to not have Sunday hours until the renovations to the Transfer Station are complete in January of 2015. Chairman Landers would prefer to review this issue once the renovations of the Transfer Station are complete and not change the hours until that time.

Motion made by Councilor Delano, seconded by Chair, to extend the hours of operation of the resident drop-off facility until 5:00 PM on Saturdays. Carries 2-1 (Landers opposed).

Motion made by Councilor Delano, seconded by Chair, to adjourn.
Adjourned at 6:35 PM.

*Reported by: Chairman Elder
August 25, 2014*

Suspension of the Rules requested – granted

ORDERED: That the Communication from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc., re: to extend time limitations on application for Special Permit, to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Road West, to October 31, 2014 until 5:00 PM, Order No. 14-1005761C, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Petition of NGrid and Verizon to relocate Pole 1, 2, 3, 4, and 12 on Simarano Dr. to accommodate City of Marlborough widening project, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Petition of NGrid and Verizon to relocate Pole 22 Simarano Drive and install new guy P21-84 to accommodate City of Marlborough widening project, **APPROVED**; adopted.

ORDERED: That the City Council Legislative and Legal Affairs Committee review the list of Special Municipal Employees so designated by vote of the City Council to determine if changes are in order. More specifically, some positions may no longer be in existence and others may have changed to make the designation inappropriate and/or inconsistent with the conflict of interest statute, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED:

MOTION made by Councilor Elder to amend the Order to read “furnish to **Operations and Oversight Committee – Carries**

That the Marlborough Economic Development (MEDC) Corporation develop a plan for a part-time Events Manager position to lead and coordinate city-wide cultural events and activities including, but not limited to, the Labor Day Parade, Home for the Holidays, Heritage Day, Festival, Mayor’s Summer Concert Series, and Halloween Horribles’ Parade, as well as the creation of a seasonal Farmers’ Market. And, Further Ordered, That the MEDC is directed to craft a proposed job description for such position along with salary range and furnish to the Public Services Committee for consideration accompanied by a transfer request from the Mayor, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED:

MOTION made by Councilor Delano to address Item 32 along with Item 33 – **Carries**

That the Communication from the Planning Board re: Favorable Recommendation Pertinent to Proposed Zoning Amendment Section 650-5, New Section 650-32 Concerning Medical Marijuana Treatment Centers, Order No. 12/13/14-1005247G, **FILE**; adopted.

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

- 1. Section 650-17, entitled “Table of Uses,” is hereby amended by adding to said section a new business use entitled, “Medical Marijuana Treatment Center,” which shall be regulated, as follows:

RR	A1	A2	A3	RB	RC	B	CA	LI	I
N	N	N	N	N	N	N	N	N	SP

- 2. A new Section 650-32, entitled “MEDICAL MARIJUANA TREATMENT CENTERS,” is hereby added, as follows:

§ 650-32 MEDICAL MARIJUANA TREATMENT CENTERS

A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws and 105 CMR 725.000 as promulgated by the Commonwealth of Massachusetts Department of Public Health, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.

B. For purposes of this chapter, the following definitions shall apply:

1. **CERTIFYING PHYSICIAN** means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy) who certifies that, in his or her professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for a qualifying patient.
2. **DEBILITATING** means causing weakness, cachexia, wasting syndrome, intractable pain, or nausea, or impairing strength or ability, and progressing to such an extent that one or more of a patient's major life activities is substantially limited.
3. **DEBILITATING MEDICAL CONDITION** shall mean cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating conditions as determined in writing by a qualifying patient's certifying physician.
4. **HARDSHIP CULTIVATION REGISTRATION** means a registration issued to a registered qualifying patient under the requirements of 105 CMR 725.035.
5. **MARIJUANA** shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.
6. **MARIJUANA-INFUSED PRODUCT (MIP)** means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Medical Marijuana Treatment Center, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.

7. **MEDICAL MARIJUANA TREATMENT CENTER** shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under Section 650-32 of this ordinance.
8. **MEDICAL USE OF MARIJUANA** shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
9. **PERSON** shall mean an individual or a non-profit entity.
10. **PERSONAL CAREGIVER** shall mean a person, registered by the Commonwealth of Massachusetts Department of Public Health, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.
11. **QUALIFYING PATIENT** shall mean a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).
12. **REGISTERED QUALIFYING PATIENT** means a qualifying patient who has applied for and received a registration card from the Commonwealth of Massachusetts Department of Public Health.

13. **REGISTRATION CARD** means an identification card issued by the Commonwealth of Massachusetts Department of Public Health to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department; that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a Medical Marijuana Treatment Center.
- C. In such zoning districts where a Special Permit is required for a Medical Marijuana Treatment Center, upon application, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include, but is not limited to, consideration of each of the following:
1. Social, economic, or community needs which are served by the proposal;
 2. Traffic flow and safety, including parking and loading;
 3. Adequacy of utilities and other public services;
 4. Neighborhood character and social structures;
 5. Impacts on the natural environment;
 6. Potential fiscal impact, including impact on City services, tax base, and employment;
 7. Hours of operation;
 8. Prohibiting the smoking or consumption of marijuana on the premises;
 9. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority;
 10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health;
 11. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health;
 12. Requiring employees to undergo a criminal background check, including but not limited to CORI, by the Police Chief who shall have the authority to disapprove the employment of any person(s) as a result of said background check;
 13. Requiring surveillance cameras in, on, or at the premises;
 14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health, including, without limitation, tobacco products, clove cigarettes or e-cigarettes;
 15. The ability for the Center to:
 - a. meet a demonstrated need;
 - b. provide a secure indoor waiting area for clients;

- c. provide an adequate pick-up/drop-off area;
- d. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
- e. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Center, and its impact on neighboring uses.

The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.

- D. A Medical Marijuana Treatment Center shall not be located:
1. within five thousand (5,000) feet of another Medical Marijuana Treatment Center, as measured in a straight line from the nearest point of the property line of the proposed Center to the nearest point of the property line of the existing Center; or
 2. within five thousand (5,000) feet of a Narcotic Detoxification and/or Maintenance Facility, as defined in and regulated by the Zoning Ordinance of the City of Marlborough, and as measured in a straight line from the nearest point of the property line of the proposed Center to the nearest point of the property line of the existing Facility; or
 3. within one thousand (1,000) feet of:
 - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
 - b. a recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - c. a park (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - e. a retirement community (as defined in § 650-5 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough; or
 - f. any residential zoning district.
- E. Nothing contained in Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a Medical Marijuana Treatment Center.
3. The effective date of these amendments shall be the date of their passage.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," WHICH AMENDMENTS SHALL SUPERCEDE SECTION 526-7N AS PROMULGATED UNDER ORDER NO. 13-1005520A, AS FOLLOWS:

1. § 526-2, entitled "Definitions," is amended by inserting the following definitions:
DIGITAL DISPLAY SIGN: A sign or portion thereof that incorporates light-emitting diode (LED), fiber optic or similar technology to allow messages to change or stay static.

ELECTRONIC MESSAGE CENTER (EMC) SIGN: An on-premises electronically-activated changeable sign or portion thereof whose variable message and/or graphic presentation capability can be electronically programmed and have the capability of changing or staying static. EMCs typically use light-emitting diodes (LEDs) as a lighting source or similar technology.

2. Chapter 526 is further amended by inserting after § 526-12 a new section, entitled "Electronic Message Center and Digital Display Signs," as follows:

§ 526-13. Electronic Message Center Signs and Digital Display Signs.

A. Applicability.

Notwithstanding any general ordinance or special law to the contrary, the following regulations governing Electronic Message Center ("EMC") Signs and Digital Display Signs shall be in effect.

The regulations in § 526-13 permit Digital Display signs and Electronic Message Center ("EMC") signs in all zoning districts except for Rural Residence ("RR") Districts, Residence ("A-1") Districts, Residential ("A-2") Districts, Residential ("A-3") Districts, Residential B ("RB") Districts, Residential C ("RC") Districts, Retirement Community Residential ("RCR") Districts, and the Downtown Business District outlined in § 526-9L., in which districts such signs are strictly prohibited. Digital Display signs and EMC signs shall be permitted with the approval of the Building Inspector, shall be subject to all other provisions governing signs in Chapter 526 of the City's sign ordinance, and shall require a special permit.

The special permit granting authority shall be the City Council. In the event of a conflict between these provisions and other provisions governing signs in Chapter 526, these provisions shall prevail.

This § 526-13 shall apply to all exterior Digital Display signs and all exterior EMC signs, and also to all such signs that are within 3 feet of the interior of a business window and that are visible from the outside of the business window. It shall not otherwise apply to signs or displays located within a commercial structure.

B. Standards.

EMC signs and Digital Display signs shall be allowed by special permit, but only pursuant to the following standards:

1. Sign Type: EMC signs shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9.
2. Number of Signs: There shall only be one (1) EMC sign permitted on each nonresidential-zoned parcel.
3. Display Area: No more than twenty-five percent (25%) of the allowable sign face shall be dedicated to the EMC portion of said sign. The EMC display portion of said sign is not to exceed a maximum of twenty-four (24) square feet.
4. Design: The EMC area must be integral to the design of the sign and shall not be the dominant element. The EMC portion of the sign face shall not be the uppermost element, but shall instead be located in the bottom one-half ($1/2$) of the sign face. Digital Display signs may be located on free standing signs and wall signs, but are prohibited on portable, temporary, awning, marquee or canopy, projecting banner, window sign, and suspended signs.
5. Automatic Dimming: No Digital Display sign or EMC sign shall be erected without an automatic light sensing device such as a light detector or photocell by which the sign's brightness can be dimmed when ambient light conditions darken.
6. Brightness and Color: The Digital Display sign or EMC sign must not display light of such intensity or brilliance so as to cause glare or otherwise impair the vision of any driver, result in a nuisance to any driver or interfere with traffic signals. From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color. From sunset to sunrise, the background or field shall be a single dark color and the message shall be a single contrasting color. The light intensity for all accessory and non-accessory EMC signs shall not exceed maximum luminance intensity levels of 350 (cd/m²) nits from sunset to sunrise and 6,000 (cd/m²) nits from sunrise to sunset. A photoelectric sensor shall be installed on the sign structure and set to register the ambient light produced at sunset on any given day. The ambient light level shall determine the cutoff between the two (2) maximum luminance intensity levels, measured in nits, set forth above. Upon installation of the sign, an employee or agent of the Building Department shall confirm compliance with the above nit levels. EMC and Digital Display signs are subject to inspection at the discretion of the Building Inspector. All lighting used to illuminate signs shall be installed so that neither direct nor reflected illumination from such lighting shall cause a public nuisance to adjacent lots or abutting streets. In addition to the maximum luminosity intensity levels set forth above, all displays should adjust brightness intensity according to ambient light conditions to ensure optimum legibility.

- a. A 100 hour break-in period for new signs, if absolutely required, shall be allowed under a special permit.
7. Inspections: Luminosity levels shall be inspected as needed by the City's zoning enforcement officer, or an agent of the City's zoning enforcement officer, using standard industry best practices for such measurement.
 8. Effects: The EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. Subject to the foregoing restrictions, temperature and time may change as necessary. The message shall be limited to alphanumeric characters, one color per message.
 9. Operational Limitations: Such displays shall contain static messages only, and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.
 - a. Sequential messages are prohibited. Only complete messages shall be allowed.
 10. Minimum Display Time: Except for time and temperature, each message on the EMC sign must be displayed for a minimum of 60 seconds.
 11. Message Change Sequence: The change of messages on an EMC sign must be accomplished with a maximum interval of no more than 0.3 seconds of time between messages.
 12. Setbacks from Residential Zoned Areas: The sign must be set back a minimum distance of two hundred feet (200') from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially-zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially- zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.
 13. Hours of Operation: EMC signs which have an undue negative impact on pre-existing residential areas may be required to be turned off after posted business hours.
 14. Malfunctioning Signs: Signs that malfunction shall be turned off immediately.

15. Spacing: Digital Display signs and EMC signs shall be at least one hundred feet (100') apart. If, because of the shape and size of a commercial lot it is not possible to place a new sign more than 100 feet from an existing EMC sign or Digital Display sign, then the Planning Board may grant a variance for closer placement. Coordinated messages between or among EMC signs and/or Digital Display signs are strictly prohibited.
16. Special Permit Criteria: Criteria for approval by the City Council of a special permit shall include, but are not limited to, the following:
 - a. All other signage on-site is in compliance with zoning requirements.
 - b. In addition to other signs on-site, the proposed sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street.
 - c. The proposed sign does not substantially block visibility of signs on abutting lots.
 - d. The proposed sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots.
 - e. The proposed illumination is appropriate to the site and is appropriately located with respect to the character of the surrounding neighborhood.
 - f. Whether the scale and/or location of a proposed Digital Display sign or EMC sign is appropriate.
 - g. Whether the dimensions of the proposed sign exceed the area limitations of this Chapter.

C. Legally Pre-Existing Non-Conforming EMC And Digital Display Signs.

Legally pre-existing non-conforming EMC signs and Digital Display signs, to the extent they have the technical capability to do so, shall be operated in conformance with the operational standards set forth in this § 526-13. In the absence of a light sensing device, sign owners shall ensure either that the signs are dimmed to meet brightness standards set forth in § 526-13 B(6.) above or that the signs are turned off from sunset to sunrise. All legally pre-existing non-conforming signs shall be brought into compliance with this amendment upon being significantly updated or replaced, as determined by the Building Inspector or a designee of the Building Inspector, or at the end of 10 years from the date of approval of this amendment, whichever is sooner.

D. Governmental Exemption.

Governmental entities are exempt from the above provisions and regulations.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain, adopted. No objection to passage in one evening.

ORDERED:

**DECISION ON A SPECIAL PERMIT
IN CITY COUNCIL**

Special Permit
Bank of America Corporation
Order No. 14-1005785C

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 14-1005785C**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to 223 East Main Street LLC (the "Applicant Landlord") and Bank of America Corporation (hereinafter "Applicant Tenant"), for an existing drive-through facility at the existing bank at 223 East Main Street, Marlborough, MA, 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 Landlord is a duly organized and existing Limited Liability Company with its principle address at P.O. Box 2158 Natick, MA 01760. The Applicant Tenant is a duly organized corporation with a principle place of business at 100 North Tryon Street, Charlotte, NC 28255, which operates locally at 223 East Main Street, Marlborough, MA and has duly filed with the City Clerk of Marlborough to operate at the subject location.
2. The Applicant Landlord owns the premises known and numbered as 223 East Main Street, Marlborough, Massachusetts and further described on Marlborough Assessor's Maps as Map 58, Lot 94 (hereinafter, the "Site"). As the operator of the existing bank and drive-through located at the Site, the Applicant Tenant proposes to modify the existing drive-through at the Site (hereinafter, the "Project").
3. Applicant Tenant has filed with City Clerk of the City of Marlborough an application for a Special Permit (hereinafter, the "Application"). Pursuant to Section 650-17 of the Zoning Ordinance of the City of Marlborough, Applicant Tenant is seeking permission for a drive-through, since they are proposing to modify the existing drive-through, and the original construction pre-dated the need to obtain a special permit.
4. The Site is located in the Business zoning district as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application, Applicant Tenant has submitted a certified list of abutters, filing fees, site plan, proposed elevations, demolition and construction plans titled "Bank of America Drive-up ATM – 223 East Main Street, Existing Site Conditions", prepared for Bank of America by Gensler, One Beacon Street, 3rd Floor, Boston, MA 02108 and dated 4/23/2014 (hereinafter, the "Plans").

6. The Plans were certified by the Building Inspector 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.
7. 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.
8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, June 16th, 2014.
9. Applicant Tenant, through its architectural consultant, presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic. No individual in attendance at the public hearing spoke in opposition to the project.
10. The Applicant Tenant intends the proposed drive-through modification to incur no change to the existing site and building beyond the drive-through as indicated on the Plans. The existing vehicle circulation around the building will remain. The drive-through modifications will include lane striping to improve vehicle circulation and safety. Under the proposed conditions, the same number of drive-through lanes will remain.

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

- A. Applicant Tenant 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 Applicant Tenant, 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 Applicant Landlord and Applicant Tenant a Special Permit to modify and operate the drive-through lanes as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on Applicant Landlord and Applicant Tenant, its successors and/or assigns:

1. Construction of all structures on the Site is to 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. 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 Applicant Tenant 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. Any changes to the Plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.
3. Applicant Tenant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant Landlord's facility.
4. The locations and design of any future 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.
5. On both sides of the exit driveway, the Applicant Tenant shall install 24" x 24" signs which prohibit a left turn, said signs to be compliant with the most recent version of the Manual on Uniform Traffic Control Devices. In addition, the Applicant Tenant shall, on the pavement of the exit driveway, paint a large "right turn only" arrow, which arrow shall thereafter be repainted by the Applicant Tenant prior to June 1 of each year and as necessary in the determination of the City.
6. All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant Tenant 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, 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. Notwithstanding condition #1 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 or increase the size of the drive-through facility shown on the Plans.
8. The hours of operation for the drive-through will continue to be 24 hours per day, 7 days per week.
9. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.

10. During construction, no vehicles shall be staged on public ways.

11. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant Tenant, 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 Applicant Tenant, its successors and/or assigns has applied to the Building Inspector for a building permit concerning the Project. Applicant Tenant, its 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 – Abstained: 2

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

Abstained: Delano & Clancy

ORDERED: That the Building Department transfer request in the amount of \$33,580.00 which moves funds from Contract Services to various accounts as noted on the attached spreadsheet to fulfill obligation to Avalon Bay, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Building Department				FISCAL YEAR:		2015			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance			
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:	Available Balance	
\$75,000.00	\$33,580.00	12410004	53140	Contract Services			\$10,400.00	12410001	50970	Assistant Wiring Insp.	\$3,750.00
Reason:		Funds available through Avalon Bay mitigation payment				Necessary to complete add'l inspections for Avalon Bay					
					\$16,000.00	12410001	50250	Deputy Inspector		\$10,000.00	
	\$33,580.00	Total		Necessary to complete add'l inspections for Avalon Bay							
					\$6,250.00	12410001	50960	Assistant Plumb Insp		\$5,000.00	
		Necessary to complete add'l inspections for Avalon Bay									
					\$930.00	12410006	57100	Instate Travel		\$4,420.00	
		Necessary to reimburse inspectors for use of personal vehicle									
	\$33,580.00	Total									

ORDERED: That the recommendation **AGAINST** the reduction of the approved \$6,500,000.00 Bond and the approved Partners Healthcare gift in the amount of \$750,000.00 be available towards the expenses of the Senior Center, **APPROVED**; adopted.

ORDERED: That the Informational Letter Concerning City Towing Contracts, **FILE**; adopted

ORDERED: That the Communication from Jean & Michael Morrissey, 43 Sonia Drive re: Baby Safe Haven Signs, **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the following Order of Acceptance of Deeds in the area known as Deer Foot Park, **APPROVED**; adopted.

That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by deeds of conveyance, to certain parcels of land located within the area known as Deer Foot Park, which is located off of Concord Road, said deeds to be recorded herewith at the Middlesex County South Registry of Deeds, an appropriation of money for said purposes having been heretofore approved and presently available in Account No. 30046006-58160 and in Account No. 11510006-57600.

GRANTOR: Deborah Schreiber Rodriguez

Those certain lots numbered 624, 625, 646, and 647, being approximately 0.23124426 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.

GRANTOR: Steven J. King

Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors' Map of the City of Marlborough.

GRANTORS: Robert A. Barden and Alice C. Barden

That certain lot numbered 384, being approximately 0.07805326 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors' Map of the City of Marlborough.

GRANTOR: Robert A. Barden

That certain lot numbered 385, being approximately 0.0573921 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors' Map of the City of Marlborough.

GRANTOR: George Lohmiller

Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors' Map of the City of Marlborough.

GRANTOR: Bernard Collins

Those certain lots numbered 176 and 177, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.

GRANTOR: Gerard Coolbrith

Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.

Yea: 10 – Abstain: 1

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

Abstained: & Clancy

ORDERED: That the following Order of Taking by Eminent Domain in the area known as Deer Foot Park, **APPROVED**; adopted.

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that certain portions of land located off of Concord Road in the area known as "Deer Foot Park" as more particularly described herein, be taken in fee for conservation purposes and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

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

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

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

DESCRIPTION OF LAND TAKEN

OWNER: Deborah Schreiber Rodriguez
11942 St. Francis Way
Michelleville, MD 20721

Those certain lots numbered 624, 625, 646, and 647 being approximately 0.23124426 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Bernard Collins
4 Gigante Drive
Stoneham, MA

Those certain lots numbered 176 and 177 being approximately 0.11478421 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Gerard Coolbrith
56 William Ward Street
Uxbridge, MA

Those certain lots numbered 115, 116, and 117 being approximately 0.12913223 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Raymond Perkins
720 California Street
Tallahassee, FL

That certain lot number 87 being approximately 0.06473829 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors' Map of the City of Marlborough.

OWNER: Charles E. Elliot
65 Mechanics Street
Camden, ME

Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors’ Map of the City of Marlborough.

OWNER: Amy Demerse
P.O. Box 1052
Eagle River, AK

Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors’ Map of the City of Marlborough.

OWNER: Joseph Hayes
13 Blake Street
Beverly, MA

That certain lot number 21 being approximately 0.02066116 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors’ Map of the City of Marlborough.

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA (+/- Acres)</u>	<u>AWARD</u>
Deborah Schreiber Rodriguez	3/28	0.23124426	\$0.00
Bernard Collins	3/17	0.11478421	\$0.00
Gerard Coolbrith	3/13	0.12913223	\$0.00
Raymond Perkins	3/10	0.06473829	\$1,000.00
Charles E. Elliot	3/6	0.08482553	\$1,000.00
Amy Demerse	3/6A	0.10927456	\$1,000.00
Joseph Hayes	3/16	0.02066116	\$1,000.00

Yea: 10 – Abstain: 1

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

Abstained: & Clancy

ORDERED: That the following Order Transferring Care, Management and Control to the Conservation Commission in area known as Deer Foot Park, **APPROVED;** adopted.

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 recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following lots in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

1. Those certain lots numbered 624, 625, 646, and 647, being approximately 0.23124426 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors’ Map of the City of Marlborough.
2. Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors’ Map of the City of Marlborough.
3. That certain lot numbered 384, being approximately 0.07805326 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors’ Map of the City of Marlborough.
4. That certain lot numbered 385, being approximately 0.0573921 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors’ Map of the City of Marlborough.

5. Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors' Map of the City of Marlborough.
6. Those certain lots numbered 176 and 177, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.
7. Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.
8. That certain lot number 87 being approximately 0.06473829 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors' Map of the City of Marlborough.
9. Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors' Map of the City of Marlborough.

10. Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors' Map of the City of Marlborough.
11. That certain lot number 21 being approximately 0.02066116 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors' Map of the City of Marlborough.

Yea: 10 – Abstain: 1

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

Abstained: & Clancy

ORDERED: Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that the easement interests in certain portions of land located on Simarano Drive and Ames Street, as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

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

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

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

DESCRIPTION OF LAND TAKEN**1. Street address: 200 Forest Street, Marlborough, MA 01752**

Permanent easements: Being portions of the property located on Simarano Drive, with a street address of 200 Forest Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and described as follows, all parcel references being to Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc.":

- (1) Parcel E-01: 1,010 S.F. for sidewalk purposes;
- (2) Parcel E-02: 3,335 S.F. for sidewalk and guardrail purposes;
- (3) Parcel D-01: 540 S.F. for drainage improvements purposes; and
- (4) Parcel D-02: 864 S.F. for drainage improvements purposes.

Temporary easement for grading purposes: Being a 12,000 S.F portion of the property located off Simarano Drive and of Ames Street, Marlborough, MA, known and numbered as Map 101, Parcel 2A on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-03 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 13,630 S.F portion of the property located on Simarano Drive, with a street address of 200 Forest Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-06 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 225 S.F portion of the property located off Simarano Drive and of Ames Street, Marlborough, MA, known and numbered as Map 101, Parcel 2A on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-19 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Atlantic-Marlboro Realty LLC
205 Newbury Street
Framingham, MA 01701

2. Street Address: 257 Simarano Drive, Marlborough, MA

Temporary easement for grading purposes: Being a 1,185 S.F. portion of the property located at 257 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 4 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-09 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being an 1,465 S.F. portion of the property located at 257 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 4 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-10 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: 257 Simarano LLC
5 Mount Royal Avenue, Suite 200
Marlborough, MA 01752

3. Street Address: 377 Simarano Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 470 S.F. portion of the property located at 377 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 675 S.F. portion of a parcel located at 377 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-14 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: 377 Simarano Drive LLC
377 Simarano Drive
Marlborough, MA 01752

4. Street Address: 445 Simarano Drive, Marlborough, MA 01752

Permanent easement for drainage purposes: Being a 799 S.F. portion of the property located at 445 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel D-03 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Permanent easement for sidewalk purposes: Being a 200 S.F. portion of the property located at 445 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-05 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 1,080 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-15 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 2,275 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-16 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 730 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-17 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: 445 Simarano Drive Marlborough LLC
c/o RAM Management Co., Inc.
200 U.S. Route One, Suite 200
Scarborough, ME 04074

5. Street Address: 107 Simarano Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 2,930 S.F. portion of the property located at 107 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 12 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-12 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: BP Crane Meadow LLC
c/o Boston Properties
800 Boylston Street
Boston, MA 02199

6. Street Address: 400 Value Way, Marlborough, MA 01752

Permanent easement for roadway, sidewalk and guardrail purposes: Being a 8,390 S.F. portion of the property located on Simarano Drive with a street address of 400 Value Way, Marlborough, MA, known and numbered as Map 112, Parcel 6A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-04 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 6,950 S.F. portion of the property located on Simarano Drive with a street address of 400 Value Way, Marlborough, MA, known and numbered as Map 112, Parcel 6A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-08 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701

7. Street Address: 300-350 Value Way, Marlborough, MA 01752

Permanent easement for roadway, sidewalk and guardrail purposes: Being a 2,325 S.F. portion of the property located on Simarano Drive with a street address of 300-350 Value Way, Marlborough, MA, known and numbered as Map 112, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-03 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being an 8,235 S.F. portion of the property located on Simarano Drive with a street address of 300-350 Value Way, Marlborough, MA, known and numbered as Map 112, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-07 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701

8. Street Address: 292 Ames Street, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 920 S.F. portion of the property located at 229 Ames Street, Marlborough, MA, known and numbered as Map 89, Parcel 99 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-02 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Marlborough/Northborough Land Realty Trust
1 Wall Street
Burlington, MA 01803

9. Street Address: 11 Atkinson Drive

Temporary easement for grading purposes: Being a 910 S.F. portion of the property located on Ames Street with a street address of 11 Atkinson Drive, Marlborough, MA, known and numbered as Map 89, Parcel 80 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-01 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Marlborough/Northborough Land Realty Trust
1 Wall Street
Burlington, MA 01803

10. Street Address: 100 Campus Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 2,420 S.F. portion of the property located on Simarano Drive with a street address of 100 Campus Drive, Marlborough, MA, known and numbered as Map 100, Parcel 19 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-04 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 5,520 S.F. portion of the property located on Simarano Drive with a street address of 100 Campus Drive, Marlborough, MA, known and numbered as Map 100, Parcel 19 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-05 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Hines Global REIT Marlborough Campus II LLC
2800 Post Oak Boulevard, Suite 800
Houston, TX 77056

11. Street Address: 377 Simarano Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 3,200 S.F. portion of the property located on Simarano Drive with a street address of 377 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 10A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-11 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Synopsys, Inc.
700 East Middleford Road
Mountain View, CA 94043

12. Street Address: Off Simarano Drive

Temporary easement for grading purposes: Being a 21,850 S.F portion of the property located off Simarano Drive, Marlborough, MA, known and numbered as Map 101, Parcel 2A on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-18 on Sheet 4 of 17 of a set of plans dated June 18, 2014, revised August 19, 2014, and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Avalon Marlborough LLC
51 Sleeper Street, Suite 750
Boston, MA 0221

Yea: 11 – Abstain: 0

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

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd., **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:11 PM.



City of Marlborough
Office of the Mayor

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 SEP -4 A 11:30

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 4, 2014

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

- RE: (1) Order of Acceptance of Layout And Eminent Domain Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision;**
- (2) Order Transferring Care, Management and Control Of the Streets And Easements In Carisbrooke I and Carisbrooke II To the Department of Public Works;**
- (3) Order of Acceptance Of Deeds In Lieu Of Foreclosure;**
- (4) Order Transferring Care, Management and Control To the Conservation Commission**

Dear President Pope and Council Members:

Enclosed, herewith, please find the above captioned four proposed orders relating to the taking of streets and easements in the Carisbrooke I and Carisbrooke II subdivisions; the transfer of care, management, and control of said streets and easements to the Department of Public Works; acceptance of a deed in lieu of foreclosure for certain parcels of open space; and the transfer care, management, and control of said parcels to the Conservation Commission.

In addition, no appropriation is necessary for the award of damages identified in the Taking Order, the bond for the Sudbury Street Sewer Project (Account No. 30544701-58614) being available for that purpose.

I am available to answer any questions that you may have concerning this matter. Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant

Mayor

ORDERED:

**ACCEPTANCE OF LAYOUT AND EMINENT DOMAIN ORDER OF TAKING
OF WAYS AND EASEMENTS IN THE CARISBROOKE I SUBDIVISION AND IN THE
CARISBROOKE II SUBDIVISION**

I. CARISBROOKE I SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this ___ day of _____ 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke I, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the ___ day of _____ 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke I, including the streets named Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, and Woodcock Lane, the sidewalks and curbs, and the utilities therein and thereunder said streets including water, sewer, and drain lines and appurtenant structures, as described on the plans accompanying this Order entitled as follows:

“Plan of Municipal Easements In Marlborough, Massachusetts on Farrington Lane, Prepared For The City of Marlborough, Sheet 1 of 2, scale: 1 inch = 40 feet, date: _____”, recorded herewith as Plan _____ of 20___;

“Plan of Revised Drainage Easements on Farrington Lane & Woodcock Lane Marlborough, Massachusetts, Lot A, Lot 63, Lot 64, Lot 65, Lot 83, Lot 84, Prepared For The City of Marlborough, scale 1” = 40 Feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20___;

“Acceptance Plan Land In Marlborough, Massachusetts of Harper Circle And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Hawkins Lane And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 1 of 2, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 2 of 2, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Stetson Drive And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: [_____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Woodcock Lane And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

The total land area being taken in fee for the purposes of a public way or public ways consists of approximately 327,681 SF. For title, the assumed owners of the roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

Assumed Owner & Name of Street(s)

Middlesex Registry
Book Page Cert. (if any)

Paul M. Zarella & Frederick K. Heim,
FDBA Gristmill Construction, Inc.

Harper Circle

16413 352 N/A
16860 277 N/A
17581 418 N/A
16754 44 N/A
16892 271 N/A

Woodcock Lane Registered portion

172695
177320

	Recorded portion	16398 133	
		17046 348	
		16562 41	
		16508 559	
Hawkins Lane	Registered portion		172695
		PL 2370C 993 145	
	Recorded portion	16552 486	
		17268 139	
		16723 338	
Prendiville Way			172695
			177320
		PL 5374L 993 145	
Stetson Drive			172695
			177320
		PL 2370C 993 145	
N/F Alison Crouse & Gregory Garson			
36 Harper Circle			
	Portion of Harper Circle (to centerline)	47717 98	
N/F Karen M. Chesler & Robert P. Rivet			
142 Prendiville Way			
	Portion of Prendiville Way (to centerline)	LC Lot 65 PL 5374L 993 145	232260
N/F Julie Shepherd & Brian Shepherd			
35 Prendiville Way (LC Lot 77)			
	Portion of Prendiville Way (to centerline)	LC Lot 77 PL 5374L 993 145	227238

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land and utilities so taken.

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough, the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by the applicable provisions of Chapters 82 and 79 of the Massachusetts General Laws and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, we take by Eminent Domain the all of the permanent easements located in the Carisbrooke I subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of access, laying, operating, altering, constructing, maintaining, replacing, operating, altering, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

**Assumed Holder of Easement Street Name Middlesex Registry
(& Fee Owner, If Registered) & Address Book Page Cert. (if any)**

Farrington Lane

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 31 17009 570

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 41 18224 570

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 51 15905 049

Paul M. Zarella &
 Frederick K. Heim,

FDBA Gristmill Construction, Inc.	65	16374	089	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	81	16594	079	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	82			174417
N/F Brian Hendrix & Gail Hendrix LC Lot 18 PL 2370C	993	145		232654
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	106	16545	193	
N/F Steven M. Burnett & Monica M. Burnett LC Lot 19 PL 2370C	993	145		221168
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	122	16552	148	
N/F Frederick M. Ferris & Ann M. Ferris LC Lot 20 PL 2370C	993	145		197220

Harper Circle

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	27	16413	352	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	45	16860	277	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	49	17581	418	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	24	16754	044	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36	16964	418	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	10	16892	271	
N/F Joseph F. Delano & Lisa A. Delano LC Lot 67 PL 5374L	993	145		194911

Hawkins Lane

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 40 16552 486
930515
N/F John D. Condon &
Elaine M. Condon LC Lot 25 PL 2370C 993 145 198072

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 62 233839
N/F Michael G. Huether &
Colleen M. Heuther LC Lot 26 PL 2370C 993 145 257189

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 80 16552 478

Prendiville Way

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 36 174418
N/F Doug L. Kratzer &
Carrie-Ann M. Farrell LC Lot 58 PL 5374L 993 145 241413

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 142 176909
N/F Robert P. Rivet &
Karen M. Chesler LC Lot 65 PL 5374L 993 145 232260

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 141 175083
N/F Paul G. Bamberg &
Cherry F. Bamberg LC Lot 71 PL 5374L 993 145 193219

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 127 173204
N/F Debra Conrad Gigas LC Lot 72 PL 5374L 993 145 206970

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 113 175242
N/F James P. Sweeney &
Christine L. Sweeney LC Lot 73 PL 5374L 993 145 254633

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 91 175244
N/F Jeffrey S. Cernak &
Christine M. Cernak LC Lot 74 PL 5374L 993 145 231272

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 55 174094
N/F Mary P. Meany &
Kevin M. Meany LC Lot 76 PL 5374L 993 145 228860

Stetson Drive

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 12 175917
N/F Lawrence R. Lewis &
Barbara G. Lewis, Tr.
Barbara G. Lewis
1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755
N/F Ronald Lewis &
Barbara G. Lewis, Tr.
Ronald Lewis
1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 28 174094
N/F Frank E. Wadas &
Barclay M. Wadas LC Lot 22 PL 2370C 993 145 220189

Woodcock Lane

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 29 16398 133 172695
N/F Ronald F. Hall &
Patricia Hall LC Lot 68-PL 5374L 993 145 179134

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 9 1005 133 229949
N/F Anton P. Teodorescu
& Mariana Teodorescu LC Lot 69 PL 5374L 993 145 192025

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 36 24118 003

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 48 1652 041

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

II. CARISBROOKE II SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this ___ day of _____ 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke II, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the ___ day of _____ 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke II, including the streets named Belmore Place, Sheffield Terrace, Littlefield Lane, Flint Drive, Farrington Lane, Hamilton Circle, Haskell Lane, and Graham Path as described on Exhibit "A" attached herewith and further described on the plans accompanying this layout entitled as follows:

"Plan of Acceptance of Belmore Place And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999", recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Sheffield Terrace And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Littlefield Lane And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Flint Drive And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Farrington Lane And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Hamilton Circle And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Haskell Lane And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___; and

“Plan of Acceptance of Graham Path And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20 ___.

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans. For title, the assumed owners of the roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

<u>LC</u> <u>Lot No.</u>	<u>Assumed Owner In Fee & Name of Streets</u>	<u>Middlesex Registry</u>		
		<u>Book</u>	<u>Page</u>	<u>Certificate (if any)</u>
153	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Hamilton Circle, Littlefield Lane, Belmore Place, Graham Path, Haskell Lane, Sheffield Terrace	1016	170	177320
50	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Portions of Graham Path and Farrington Lane	1016	170	177320
154	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Portion of Belmore Place	1048	156	183706
	Paul M. Zarella & Frederick K. Heim FDBA Gristmill Construction, Inc. Flint Drive	19264	534	

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land so taken.

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough, the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by the applicable provisions of Chapters 82 and 79 of the Massachusetts General Laws and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke II subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of access, laying, operating, altering, constructing, maintaining, replacing, operating, altering, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

<u>Assumed Holder of Easement</u> <u>(& Fee Owner, If Registered)</u>	<u>Street Name</u> <u>& Address</u>	<u>Middlesex Registry</u> <u>Book Page Cert. (if any)</u>
--	--	--

Belmore Place

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	22	187141
N/F LeRoy Jackson & Cynthia Jackson	LC Lot 103 PL 5374R	1016 170 219785

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 38 187141
N/F Thomas Gatzunas &
Taslene Gatzunas LC Lot 102 PL 5374R 1016 170 250651

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 56 187141
N/F Victor Terra &
Katherine Terra LC Lot 106 PL 5374R 1016 170 247404

Farrington Lane

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 151 183478
N/F Patrick O'Brien &
Debra O'Brien LC Lot 32 PL 2370F 1016 170 217400

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 167 183478
N/F Kevin Paquin &
Karen Paquin LC Lot 34 PL 2370F 1016 170 195263

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 199 183478
N/F Dianne K. McHugh LC Lot 38 PL 2370F 1016 170 223216

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 215 183478
N/F Kartik Raghupathi &
Nicole Wedick LC Lot 39 PL 2370F 1016 170 247265

Flint Drive

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 7 19264 559

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 8 19333 258

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 26 20463 470

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 38 20580 205

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 52 9931 566

Graham Path

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 12 183478
N/F Beth Kelly LC Lot 126 PL 5374R 1016 170 235619

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 13 186365
N/F Daniel Ortiz &
Marni H. Ortiz LC Lot 130 PL 5374R 1016 170 234572

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 26 183478
N/F Craig K. Campbell &
Donna M. Baldiserri LC Lot 131 PL5374R 1016 170 226886

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 85 1926 559 183478
N/F Joseph N. Joyce &
Nancy C. Joyce LC Lots 137 and 37 PL 5374R 1016 170 213149

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 86 183478
N/F William Wing &
Virginia Wing LC Lot 135 PL 5374R 1016 170 225818

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 104 183478
N/F Joseph Habberger &
Katherine Habberger LC Lots 136 and 36 PL 5374R 1016 170 208693

Hamilton Circle

Paul M. Zarella &
Frederick K. Heim,

FDBA Gristmill Construction, Inc. 65 188596
N/F John Jewett &
Isabel Jewett LC Lot 148 PL 5374R 1016 170 217311

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 74 189261
N/F Joanne Gravina LC Lot 147 PL 5374R 1016 170 192265

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 77 177320
N/F Joseph Grimaldo LC Lot 149 PL 5374R 1016 170 188660

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 89 189261
N/F Kenneth Brown &
Ann Gillespie LC Lot 150 PL 5374R 1016 170 250537

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 101 177320
N/F Robert Davis &
Susan Davis LC Lot 152 PL 5374R 1016 170 186555

Haskell Lane

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 11 192357
N/F Gala Del C. Moreno &
Jorge Moreno LC Lot 140 PL 5374R 1016 170 229649

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 32 192357
N/F Jeffrey Koester &
Laura Koester LC Lot 139 PL 5374R 1016 170 211134

Littlefield Lane

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 28 183880
N/F Regiane Santos De Medeiros LC Lot 107 Plan 5374R 1016 170 248198

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 37 183510

N/F Chanchala Patil LC Lot 108 PL 5374R 1016 170 249486

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 46 183510
N/F Mariusz Krawiec &
Beata Sweryda-Krawiec LC Lot 109 PL 5374R 1016 170 238535

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 61 183880
N/F Karl Andersson &
Karrie Henighan LC Lot 110 PL 5374R 1016 170 235220

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 62 183510
N/F Yamata Akihito &
Maria Akihito LC Lot 111 PL 5374R 1016 170 216918

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 82 183880
N/F Greg Mitrakas, Tr.,
Littlefield Realty Trust LC Lot 112 PL 5374R 1016 170 250977

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 91 183479
N/F Richard Santos &
Ellen Santos LC Lot 113 PL 5374R 1016 170 233760

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 101 183479
N/F George Jensen &
Donna Jensen LC Lot 115 PL 5374R 1016 170 207800

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 102 183880
N/F Terry Saunders &
Jane Saunders LC Lot 114 PL 5374R 1016 170 250652

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 119 183880
N/F David McCarthy &
Patricia McCarthy LC Lot 117 PL 5374R 1016 170 222971

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 163 183478
N/F Elaine B. Dohan
& Lawrence J. Dohan LC Lot 123 PL 5374R 1016 170 253907

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 178 183478
N/F Brad Higgins &
Sandra Higgins LC Lot 124 PL 5374R 1016 170 237666

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 203 183478
N/F Richard Fredette &
Sandra Fredette LC Lot 128 PL 5374R 1016 170 212682

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 225 189261
N/F Theodore Faigle LC Lot 129 PL 5374R 1016 170 229376

Sheffield Terrace

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 30
N/F Gail Lauter LC Lot 101 Plan 5374R 1016 170 249022

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 33
N/F Donald Watson &
MaryEllen Deering LC Lot 100 Plan 5374R 1016 170 241279

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 65
N/F Nicholas Tolan &
Nicole Tolan LC Lot 96 Plan 5374R 1016 170 254479

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. 66
N/F Michael Kovacs &
Tolice Lovacs LC Lot 97 Plan 5374R 1016 170 254882

Paul M. Zarella &

Frederick K. Heim,
FDBA Gristmill Construction, Inc. 84
N/F Robert Mahaney &
Lisa Mahaney LC Lot 95 Plan 5374R 1016 170238673

Paul M. Zarella &
Frederick K. Heim,
FDBA Gristmill Construction, Inc. Being a portion of 83 177320
N/F Ravenswood Properties, Inc.
627 Sudbury Street
Marlborough, MA 01752 LC Lot 94 Plan 5374R 1016 170 251318

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

AWARD OF DAMAGES

We determine that the total damages sustained by the owners, being Paul M. Zarella and Frederick K. Heim, FDBA Gristmill Construction, Inc., of the land and utilities so taken by this Eminent Domain Order of Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision are as agreed to between the City and said owners, being in the amount of \$114,999.00. We also determine that the total damages sustained by the owners of the land so taken in the Carisbrooke I subdivision, being that portion of Harper Circle located directly in front of 36 Harper Circle to the centerline of the way, being N/F Alison Crouse and Gregory Garson; that portion of Prendiville Way located directly in front of 142 Prendiville Way, to the centerline of the way, being N/F Karen M. Chesler and Robert P. Rivet; and that portion of Prendiville Way located directly in front of 35 Prendiville Way, to the centerline of the way, being N/F Julie Shepherd and Brian Shepherd; to be in the amount of \$1.00 for each of said owners.

ADOPTED
In City Council
Order No. 14 -
Adopted

Lisa M. Thomas, Clerk of the
City Council

Approved by Mayor
Nancy E. Stevens, Mayor
Date:

Arthur G. Vigeant, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the City

ORDERED:

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers care, management and control to the Department of Public Works of the City of Marlborough for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, operating, altering, repairing, and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II subdivisions, including the utilities, structures, appurtenances, sidewalks, curbs, and other things identified in the Order of Acceptance of Layout And Eminent Domain Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision, Order Number _____.

ADOPTED

In City Council
Order No. 14-

Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

ORDERED:

That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deeds of in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and Paul Zarella, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc., certain parcels of land as described herein, as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

ADOPTED

In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

DEED IN LIEU OF FORECLOSURE

We, FREDERICK HEIM of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and PAUL ZARELLA, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc.,

for consideration paid and in full forgiveness of the present outstanding tax liability on the herein conveyed properties

hereby grant, transfer and deliver unto the City of Marlborough, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, (“Grantee”) with Quitclaim covenants

All of our right, title and interest in and to the fee in those certain parcels described as follows:

That certain parcel known and numbered on the Assessors’ Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex South Registry of Deeds at Book 12951, Page 719, and shown as Parcel A on a plan entitled “Plan of Revised Lots in Marlborough, Mass. Owned By Various Owners, scale: 1”=40’, dated January 17, 1977” which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 478 of 1977;

That certain parcel known and numbered on the Assessors’ Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex South Registry of Deeds at Book 1019, Page 106 and shown as Lot 10 on Sheet 2 of plans entitled “Gristmill Estates III Definitive Plan of Lots, scale: 1”=100’, dated August 24, 1984” which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 1454 of 1984; and

That certain parcel known and numbered on the Assessors’ Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex South Registry of Deeds at Book 1016, Page 170 and shown as Lot 141 on Sheet 18 of plans entitled “Definitive Carisbrooke II Plan of Land in Marlborough, Massachusetts, Prepared for Gristmill Construction, Inc., 910 Boston Post Road, Marlborough, Mass., dated March 13, 1987,” which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 1079 of 1988.

WITNESS our hand and seal this _____ day of _____, _____.

By: _____
Frederick Heim

By: _____
Paul Zarella

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named FREDERICK HEIM, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

, Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named PAUL ZARELLA, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

, Notary Public
My Commission Expires:

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 recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcels, pursuant to Mass. Gen. Laws c. 40, § 8C:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

ADOPTED

In City Council
Order No. 14-

Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

2014 SEP -4 A 11:30

Patricia Bernard
EXECUTIVE SECRETARY

September 4, 2014

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

Re: SCRPT Program Informational Update

Honorable President Pope and Councilors:

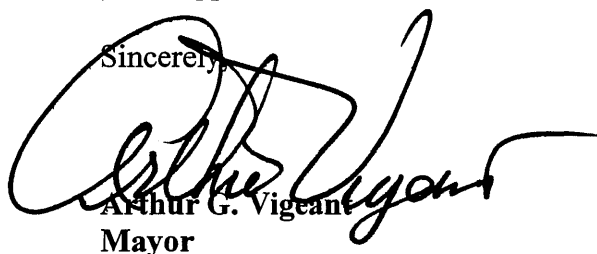
I am pleased to report that the City of Marlborough completed its second successful year of the Senior Citizen Property Tax Work-off Program earlier this summer ("SCRPT") and are on the cusp of beginning our third season later this month. Enclosed for your information is the roster of participants from this past year.

Our seniors have endeared themselves to this program and the opportunity it affords them to make meaningful contributions to their community while earning a reduction of their property tax bill. Your support of this program since its inception is instrumental to its success.

In closing, I wish to provide the Council with a reminder that the funding of this program comes through the overlay account, which will be provided during the tax rate recap process.

Please do not hesitate to let me know if you have any questions or concerns. Thank you again for your support.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED DONALD V. RIDER, JR.
CITY CLERK'S OFFICE CITY SOLICITOR
CITY OF MARLBOROUGH
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
2014 SEP -4 A 11:52
ELLEN M. STAVROPOULOS
PARALEGAL

September 4, 2014

Patricia Pope, President and Members
Marlborough City Council

RE: Proposed Order To Amend Chapter 650 of the Zoning Code of the City of Marlborough

Dear President Pope and Members:

Attached for your consideration is a proposed Order, submitted at the request of President Pope and Councilor Delano, to amend Chapter 650 of the Zoning Code of the City of Marlborough to include a new downtown district to be known as the Marlborough Village District. Said order is in proper form for consideration by the body.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin

Enclosure

Cc: Tim Cummings, MEDC
Arthur G. Vigeant, Mayor

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Chapter 650, is hereby amended by inserting in paragraph B. of § 650-5, entitled "Definitions, word usages", the following new definitions:

Artist Studios/Live/Work Gallery Space

The use of all or a portion of a structure for both habitation and work by persons engaged in the creation, manufacture or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking, or the composition of music (but not to include Adult Entertainment). Sales of artist-created work are also permitted in a portion of the space.

Bed and Breakfast

An owner-occupied dwelling unit in which 8 or fewer rooms without kitchen facilities are let on an overnight basis, as a temporary sleeping quarters for persons who have their residence elsewhere. Food and beverage service is limited to breakfast for registered, paying overnight guests at no additional cost. The length of occupancy by a registered guest does not exceed 14 days. Hotels, motels, boarding, lodging or rooming houses are not classified as Bed and Breakfast establishments. Extended stay may be permitted beyond fourteen days with the approval of the Building Inspector. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested.

Brew Pub

Restaurants which are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the farmer's brewers statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and/or ale on the premises which may be sold wholesale to other establishments, but not more than 20% of the production capacity.

Hotel

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is through the lobby and interior corridors. This definition does not include boarding, lodging or rooming houses.

Motel

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is directly from parking spaces or by an exterior walkway.

Drive-thru Facilities

The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-in facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Mixed Use

A combination of Permitted (Y) or Special Permit (SP) Residential/Business Uses as listed in the Table of Use Regulations for particular zoning District, on the same lot, arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

The mix of uses shall be balanced and compatible and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses such as retail or restaurant.

Ground floors of buildings fronting streets or public access ways shall be reserved for non-residential uses, except as specified below:

Dwelling units shall be allowed on ground floors of buildings if:

- a) The building is set behind another building that has commercial uses on the ground floor, OR
- b) The residential portion of the ground floor if a building is set behind street-front non-residential uses within the same building,

Retail Stores and Services

Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as banks; dry-cleaning and laundry drop-off stations; hairdressers and barbers; health clubs, gyms, dance or yoga studios; repair services for appliances, shoes, etc; catering and similar. Retail Stores and Services do not include Adult Entertainment; check cashing services; pawn shops; gold exchange shops; medical marijuana facilities or drug treatment facilities.

II. Section 7 of Chapter 650, entitled "Districts Enumerated," is hereby amended as follows:

- (1) By deleting from the first sentence the number "11" and by inserting in place thereof the number "12".
- (2) By inserting at the end of the list of District types, the following:

- III. Chapter 650, is hereby amended in § 650-17, entitled “Table of Uses,” as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:
- (1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “MV”, and by inserting beneath the new district abbreviation MV the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (2) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Artist Studio/Live/Work/Gallery Space”, and by inserting beneath the district abbreviations the letters “N” and “SP” as shown on said Exhibit “A”.
 - (3) Under the heading entitled “Business Use”, by deleting from the Use category entitled “Hotels and motels” the words “and motels”, and by inserting after the word “Hotel” the following number: (41).
 - (4) Under the heading entitled “Business Use”, by inserting the word “Motels”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (5) Under the heading entitled “Business Use”, a new Use category as follows: “Mixed Use Development”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (6) Under the heading entitled “Business Use”, a new Use category as follows: “Brew Pubs”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (7) Under the heading entitled “Business Use”, by inserting new Use categories as follows “Copy shops, newspaper offices”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (8) Under the heading entitled “Business Use”, by inserting a new Use category entitled “Drive-thru facilities”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- IV. Chapter 650, is hereby amended by inserting at the end of paragraph A(4) of § 650-18, entitled “Conditions for uses,” the following sentence: The above provision shall not apply to mixed-use or multi-family developments within the Marlborough Village District.
- V. Chapter 650, is hereby amended by inserting in paragraph (31) of § 650-18, entitled “Conditions for uses,” the following new paragraph [6]:
- [6] Within the Marlborough Village District, a Special Permit may be granted to allow for roof-top, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.
- VI. Chapter 650, is hereby amended by inserting after paragraph (40) of § 650-18, entitled “Conditions for uses,” new paragraphs numbered (41), (42), and (43) as follows:

- (41) Hotels within the Marlborough Village District are by right subject to Site Plan Approval by the City Council, with input from Department staff administrative Site Plan Review under § 270-2. See special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District in § 650-33 (B).
- (42) Mixed Use development containing multi-family residential and commercial uses shall not be subject to special permit provisions for Multi-Family uses that are a component of the Mixed Use development.
- (43) A combination of permitted Business Uses is allowed, such as a coffee shop in a bookstore, or a restaurant in a food/wine shop, or entertainment/arcade elements accessory to a restaurant.

VII. Chapter 650, is hereby amended by inserting a new § 33, entitled “Special Provisions Applicable to the Marlborough Village District (MV)”, as follows:

§ 650-33. Special Provisions Applicable to the Marlborough Village District (MV)

Within the Marlborough Village District (MV), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this Section shall apply.

A. Purpose and Vision

The purpose of the Marlborough Village District is to implement smart growth principles with development that is compatible with the character of Downtown Marlborough. The Marlborough Village District is envisioned as the hub of community gathering places that reflects and celebrates the existing historic character and enhances the traditional village atmosphere. The vision is to build value and to support our employers with a Downtown that attracts visitors and helps to retain employees while creating new housing opportunities.

B. Site Plan Review

Projects within the Marlborough Village District shall be subject to Site Plan Review as provided in § 270-2, entitled “Site Plan Review And Approval”, of the City Code.

(1) Applicability.

(a) Site Plan Review applies to both as of right and uses available by grant of a special permit within the Marlborough Village District. Site Plan Review applicability includes, but is not limited to new construction of any building or structure; addition to an existing building or structure; increase in area of on-site parking or loading areas. (See § 270-2 (3)).

(b) Site Plan Review shall be conducted as outlined in § 270-2, except for hotel uses.

(2) Provisions for Hotel Site Plan Review

- (a) Within the Marlborough Village District, all hotel site plan reviews shall be conducted by the City Council. Site plan approval may contain conditions on the design and uses. The occupancy of the hotel may be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. The approval may allow that extended stay may be permitted beyond thirty days with approval of the Building Inspector. The extended stay approval may be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay may permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

C. Special Permit Granting Authority

The City Council shall be the Special Permit Granting Authority within the Marlborough Village District.

D. Design Standards:

- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any Site Plan Review and Approval.
 - (a) To provide additional guidance, the Urban Affairs Committee of the City Council may promulgate more detailed design standards which shall be amendments to this section subject to approval by the City Council.
 - (b) Non-mandatory Design Guidelines which will complement the design standards of this section, and which will provide a guide to the desired appearance and quality of design in the Marlborough Village District, will be available at the Building Department and/or on the official website of the City.
- (2) All Site Plan review and approval applications in the Marlborough Village District shall be subject to the following Design Standards.

(a) Building Scale:

- [1] New buildings and/or substantial alterations shall be pedestrian-oriented and shall reflect the community preference for moderate-scale structures that are in harmony with the existing historic brick structures. Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and architectural details.

[2] Buildings shall relate to the pedestrian scale by:

[a] Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.

[b] Articulating the base, middle, and top of the facade by cornices, string cornices, step-backs or other similar features.

[c] Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces are discouraged. Continuous blank walls in excess of 50% of the wall frontage are not allowed. If windows cannot be installed, the façade should include different materials or a design element to vary the frontage.

(b) Roof Form:

[1] Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.

[2] Adverse impacts on abutters from vents, HVAC, etc. are to be minimized.

(c) Entrances:

[1] For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

[2] Doors shall not extend beyond the exterior facade into pedestrian pathways.

[3] Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

(d) External Materials and Appearance:

[1] Predominant wall materials shall be red brick, stone, or pre-cast concrete panels; wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. If painted, or coated, a non-metallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements such as turrets. Materials designed to “imitate” brick are not permitted.

(e) Acceptable Masonry Construction:

[1] Acceptable masonry construction will be of standard fired clay brick units bonded

together with mortar. Acceptable applications include building components such as walls, stairs, columns, arches, planter beds etc.

- [2] Utilize bricks which are sound, hard, well burnt with uniform color shape and size.
- [3] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.
- [4] Frogged bricks shall be laid with the frogs pointing upwards.
- [5] Mortar specifications shall comply with relative ASTM standards.
- [6] The properties of masonry units should comply with the requirements of relevant ASTM Standards. Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.
- [7] Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings, if any.
- [8] Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.
- [9] Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 35% of the facade surface.

(f) Landscaping and Sidewalk Amenities:

To the maximum extent possible projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Window boxes are encouraged. Large windows that open up to provide the experience of “open air dining” are encouraged. Site landscaping shall be maximized. Links/sidewalks designed to connect Granger Street parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within downtown Marlborough.

(g) Service Areas, Utilities and Equipment:

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses.

(h) Vehicle and Pedestrian Features:

Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized.

(i) Parking:

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

(j) Bicycle Parking:

Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

(k) Sustainable Building Design:

It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council).

(l) Historic District:

Proposed structures or alterations to existing structures within any Historic District shall be allowed the design waivers under § 650-29 but shall otherwise be as consistent as possible with both the Historic District (as determined by the Marlborough Historic District Commission) and these Design Review criteria.

(m) Other Historic or Landmark structures:

Historic structures not in the Historic District but which contribute to the character of the Marlborough Village District shall to the maximum extent possible be preserved.

E. Parking Requirements for the Marlborough Village District

(1) General Parking Requirements:

The following provisions are applicable within the Marlborough Village District.

(a) Residential Projects:

[1] For Residential and the residential component of Mixed Use projects:

Studio and 1 bedroom units	.75 space per unit
Two bedroom units	1.25 spaces per unit

[2] Spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

(b) Retail, Restaurant, other Business Uses:

- [1] Eliminate parking minimums per the existing Off-Street Parking (§ 650-48).
- [2] A maximum of 3 spaces per 1,000 sq. ft. for these uses.

(c) Public Assembly:

For legal occupancy of up to 200 persons, no parking required. Over 200 persons legal occupancy, no parking required for the first 200; thereafter, a minimum of 1 space per 6 legal occupants and a maximum of 1 space per 4 legal occupants, except that parking may be reduced by special permit if the developer can show that there is adequate public parking available to service the place of assembly during the time that the facility will be used.

(d) Hotel:

Minimum of .75 spaces, maximum 1.0 spaces per room, no parking required for employees. For hotels with 30 rooms or less, spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

(3) Payment in Lieu of Parking:

In the Marlborough Village District, any new commercial or mixed use structure that is required to provide parking spaces may make payments to the City of Marlborough in lieu of providing for all or part of this on-site required parking.

- (a) Payment made to the City of Marlborough in-lieu of providing some or all of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall be allowed by-right, subject to Site Plan and Design Review.
- (b) A one-time fee to be paid shall be \$10,000 per parking space, which shall be paid prior to the receipt of an occupancy permit.
- (c) Fees in-lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account to be used solely for expenses related to maintenance and capital repairs to the existing parking garages, improving the utilization of existing parking spaces (e.g., signage, parking management activities), reducing the need for new parking to serve the Marlborough Village District (e.g., bicycle parking, improved transit), or expenses (e.g., land acquisition, design/engineering services and construction costs) related to adding parking spaces. Requests to appropriate funds out of this Reserve Account shall be filed with the City Council and referred to the City Council, which shall have 60 days to forward their comments and

recommendations before a City Council vote of the appropriation is taken. Fees collected are not to be used for routine parking lot maintenance, such as sweeping or plowing snow, or for salaries of municipal staff.

(4) Additional Reduction in Parking Requirements:

Required on-site parking may be reduced by 10% if one of the on-site spaces is dedicated to use by a car-share service (such as ZIP Car) and an agreement with a car-share service to place a vehicle at the site is provided as part of the Site Plan Approval process.

F. Heights of Structures:

To encourage redevelopment and re-use of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 70 feet except for where a proposed structure is within 50 feet of a residential lot boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height may be increased to 80 feet.

G. Residential Development and Density:

The maximum number of residential units that may be constructed in a calendar year in the Marlborough Village District is one-hundred (100), including units developed as part of a mixed use development. This upper limit may be increased by Special Permit from the City Council.

H. Usable Open Space:

(1) Minimum Open Space:

The minimum amount of Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc., and shall not include the required buffer strips/plantings. Up to 50% of the required open space may be placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area.

(2) Ground Level Open Space:

All or a portion of ground level open space may be reserved for residents of the development, or available for public use.

(3) Joint Open Space:

Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 ft. of participating developments.

I. Signage:

A. In addition to the provisions of Chapter 526 of the Marlborough City Code, the following regulations apply within the Marlborough Village District. If the provisions of Chapter 526 conflict with this Chapter, the regulations in this Chapter apply.

(1) Display:

The City Council may grant a license to display, on the sidewalk, items for sale in the adjacent business, for example flowers and plant materials. The displays must enhance the pedestrian experience and not detract from the Village character.

(2) Other Business Signs:

To maximize parking and strengthen the business environment, "A" frame valet parking signs may be licensed by the City Council. The City Council may also license restaurant signage designed to allow for short-term parking for "take-out" orders (e.g., 10-15 minutes). These spaces may be shared by two or more establishments.

(3) Projecting (blade) signs:

Within the Marlborough Village District, one projecting sign per establishment shall be permitted by right, provided it meets the standards below. All projecting sign applications shall be subject to Site Plan Review and approval. Projecting signs exceeding these dimensions may be allowed by Special Permit.

- (a) The sign may not exceed six square feet in area (not including the area of the supporting bracket or hanger); the area of a hanging sign with but two (2) parallel display surfaces not over six (6) inches apart shall be determined by the measurement of a single face; for all other configurations, the area of a hanging sign shall be the sum of the areas of all display surfaces.
- (b) For single-story structures, the sign shall not project above the roofline or 18 feet, whichever is lower; for multistory structures projecting signs may not extend vertically above the window sill of the second story;
- (c) The projecting sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four (4) feet from a building or one-third the width of the sidewalk, whichever is less;
- (d) The projecting sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.
- (e) Projecting signs which include 3-dimensional elements may be allowed by Special Permit.

VIII. Chapter 650 is hereby amended by inserting at the end of paragraph (B) of § 650-44, entitled “General off-street requirements”, the following sentence: Nothing herein shall prevent owners of abutting properties from jointly setting aside and managing an area for storage of refuse and like matter.

IX. Chapter 650, is hereby amended by inserting into § 650 Attachment 2, entitled “Table of Lot Area, Yards and Height of Structures” as provided in Exhibit “B” attached hereto.

EXHIBIT “B”

X. Chapter 650, is hereby amended by inserting into § 650-47 the following:

- (1) By deleting paragraph E in its entirety and inserting in place thereof the following new paragraph E:

Multi-family dwellings (except multifamily dwellings and mixed use structures in the Marlborough Village District): the minimum width of the required front yard.

- (2) By deleting paragraphs [a] and [b] of paragraph [3], entitled “Nonresidential use and districts” in their entirety and inserting in place thereof the following new paragraphs [a] and [b]:

[a] Along Main Street in the Marlborough Village District: 0 feet

[b] Commercial and Automotive Districts, and for all portions of the Marlborough Village District not fronting on Main Street: 10 feet.

- (3) By inserting in paragraph E(1)(b) after the words “In nonresidential districts” the followings parenthetical words: (except in the Marlborough Village District).
- (4) By inserting in paragraph F and the words “Side line planting areas are required with the following minimum widths,” the following words: except for where structures are built according to 0-foot side yard setbacks as allowed in the Marlborough Village District.
- (5) By inserting at the end of paragraph P of § 47 the following sentence: Within the Marlborough Village District, where significant topographic change or other site conditions on the development lot or the abutting parcel would eliminate the benefits of the above landscaping and screening requirements on the abutting parcels, other more appropriate measures may be approved as part of Site Plan Review and approval.

XI. Chapter 650, is hereby amended by inserting into § 48, entitled “Off-Street parking”, the following:

- (1) By inserting beneath the title heading the following paragraph:

Except as may be superseded by the provisions of § 650-33 for the Marlborough Village District, the following provisions apply within all zoning districts in the City of Marlborough.

- (2) By inserting at the end of paragraph (A)(6) the following sentences: All new commercial and mixed use buildings shall construct loading facilities. Renovated structures shall provide for loading facilities insofar as possible. Provision for loading facilities will be shown on site plans.

XII. The effective date of these amendments shall be the date of their passage.

ADOPTED
In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



CITY OF MARLBOROUGH
COMMISSION ON DISABILITIES

140 Main Street
Marlborough, Massachusetts 01752
Tel (508) 460-3699 Facsimile (508) 624-6504 TTY (508) 460-3610

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 AUG 28 A 9:30

8/1/2014

Marlborough City Council

Marlborough City Hall

140 Main Street

Marlborough, MA 01752

Marlborough City Council:

The Marlborough Commission on Disabilities would like to inform the City Council of the implementation of a "Handicapped Parking Enforcement and Education Program" which will include the hiring of police details pursuant to Chapter 40 Section 21.

Sincerely,

Debra McManus, Co-Chairperson



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 SEP -2 P 3: 12

27 August, 2014

PO Box 187
Sudbury, Mass. 01776

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

Dear Ms. Thomas,

By this letter, The Sudbury Companies of Militia and Minute request permission to place a temporary sign on city property at the corner of U.S. Rt. 20 and Hagar Road at the Wayside Inn turn from September 20, 2014 to September 28, 2014.

Said Companies' petition for placement of the sign in order to advertise and give direction to the 2014 Colonial Faire and Muster to be held on September 27, 2014. As in years past, the signs will ease traffic flow through this area by providing direction to the event to be held at the Wayside Inn.

The Colonial Faire and Muster celebrates and honors our colonial heritage and patriotic past with over two dozen Fyfe and Drum companies, living history demonstrators, re-enactments, children's games and crafts. The members of the Sudbury Companies, many of whom live in this area, freely give of their time and treasure to keep the importance of our first struggle for liberty always before the citizenry, through demonstrations, encampments and re-enactments of the events surrounding April, 1775.

Your assistance, by granting this request, would be very much appreciated. Should you require any additional information please contact me by phone at 508 7557988 or, e-mail at L_R_Leonard@hotmail.com.

On behalf of The Sudbury Companies of Militia and Minute I am

Your Obedient Servant,



Lawrence Leonard

2502
(one H)
9/4/14



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 SEP -4 A 10:39

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: _____

To the City Council:

Owner Name: Thomas Zampini

Residential Address: 8 Shady Lane, Framingham, MA 01701

Telephone Number: 508-879-3934

Business Name: Metal Man Recycling

Business Address: 44 Brook St.

Business Telephone Number: 508-479-1736

Owner Signature: *Thomas Zampini*

The above signed THOMAS ZAMPINI respectfully requests that he/she be granted a Junk Dealers license.

Marlborough MA

In City Council

Zoning Board of Appeals
Minutes

July 8, 2014

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 AUG 22 P 1:35

Approval of Minutes: The Board voted 5-0 to accept the June 3, 2014 minutes with minor changes.

Members Present: Paul Giunta – Chairman, Ralph Loftin – Vice-Chairman, Thomas Golden – Clerk, Theodore Scott and Mitchell Gorka.

Public Hearings:

7:00 PM 90 Onamog St. (Continuation) – ZBA Case # 1426-2014

The hearing was continued to July 8th from the June 3rd meeting. The hearing notice was read by Tom Golden-Clerk.

The Board received a letter from Atty. Bergeron (the applicant's representative, dated July 7, 2014) requesting to "withdraw without prejudice" their petition before the Board. Letter was read and placed on file.

There was no one in the audience this evening for this hearing.

On a motion by Mitch Gorka and seconded by Ralph Loftin to accept the request to "withdraw without prejudice". The Board voted 5-0 to accept the request to "withdraw without prejudice".

7:30 PM 110 Brimsmead St. – Nova & Christopher Hodge – ZBA Case #1427-2014

Petition: The applicant is proposing a second driveway opening. According to Section 650-49(2)a - There shall be no more than one driveway street connection for lots with less than 200 ft. of frontage; Section 650-49(2)c - Distance from property line. The edge of the driveway shall be located no closer than the minimum distance governing parking areas as provided for under §650-48C(5) - 5 feet; Section 650-49(2) - Distance from building. No driveway shall be located within 5 ft. of a building, except for driveways intended for drive-up window service which shall be subject to site plan approval.

The applicants, Nova and Christopher Hodge were present this evening.

Tom Golden, Clerk, read into the file the notice of hearing and a letter of denial from Pamela Wilderman, Code Enforcement Officer, dated May 23, 2014 RE: Driveway Permit.

Plan presented: Hand drawn by applicant onto a city's GIS map.

Topography and size of lot:

- Lot contains some 4,062 sq. ft. with 50 ft. of frontage
- As you face the house, the lot slopes slightly from left to right according to the city's GIS map.
- There is a telephone pole close to the entrance of the proposed curb opening.

The applicant, Christopher Hodge stated the reason he is before the Board is, because he is requesting a second driveway. The city is in the process of adding sidewalks, curbing and re-paving of Brimsmead St. Currently, they have been using this dirt second driveway as a means of keeping their cars off the street. The city's engineering department suggested they apply for a zoning variance in-order to keep this second dirt driveway opening. If the applicant cannot receive a variance, the city will install a sidewalk and curbing. The applicant has been using this dirt second driveway for 10 yrs.

Hardship as stated by the applicant:

- They have 2 cars and one driveway that only accommodate one car. Currently, with no sidewalks and curb openings on Brimsmead St., they did not have to worry about parking their second car on their front lawn area during winter parking ban. Now with this new paving and sidewalks, they will not have a place for their second car.
- There is an existing garage, but it cannot accommodate a car, it is too small. They use it for storage.
- This is an old house in an old neighborhood, where homes are close and lots are small.
- Their house is located closest to the street than any other houses in the neighborhood, thus making it unique to other homes in the neighborhood.
- City parking ban from Dec. to March will be extremely hard for them if they lose this second parking space.

Suggestions by the Board:

- A Board Member suggested widening the existing driveway and get a 24 ft. curb opening. But, it was suggested that this may not be possible because the house's door entrance is at the right of the existing driveway and some of the widening of the existing driveway may be too close to the side lot line. Not having a survey plan, the setbacks are hard to calculate.
- The application stated that if they are granted a variance, a gravel driveway may be best to control water run-off.
- Knock down the side of the garage and create a car port affect. That is not possible because the side is of brick construction.

- Cannot expand the existing driveway, because there is a porch at the next door house, # 106, which may make it difficult to park cars and open car doors.
- Maybe the applicant can ask the city's engineering dept. if they have any front yard measurements or any other surveyed measurements the applicant can work off of.
- Remove the existing driveway and create a double driveway where the dirt driveway is located. The applicant stated they would have to re-grade the lot.
- Telephone pole – will the pole remain? Will this pose a problem?
- Try to utilize the existing garage for a car and construct storage space at the rear.
- Ask their neighbor at #125 to use their driveway to access the rear of their property for additional parking? No...may require an easement

With no certified plot plan submitted for the Board to review, the Board found it difficult to determine if the proposed 15' long \pm x 9' wide \pm driveway will actually fit in this location and if a vehicle will hang over the new sidewalk. With no plans showing the topography of the land, the Board feared it may cause some water run off to the neighboring lot or even to the applicants' home.

The applicants are anxious that the road work and sidewalks will be completed before they can get a variance, if a variance is granted.

Some of the Board Members felt they cannot act on this issue until the lot is surveyed.

Board Member, Ted Scott, sees there is a hardship as stated by the applicant:

- The lot is unique; the existing house is closer to the street front yard setback than other homes in the area, thus leaving the applicant with less area to work with.
- The existing driveway cannot be expanded, because of the side lot line and the location of the existing front doorway/walkway.
- Ted Scott would like a certified plot plan to include a property line survey. This survey needs to be tied into the city's street control, because the engineering plans show the proposed sidewalk and curb moving closer to the centerline of the street.

Board member, Ralph Loftin, felt the city has created the hardship by repaving and installing curbing, thus the city should be receptive to a solution.

Ralph Loftin made the following motions:

- The applicant will come back to the Board with a certified plot plan showing the setbacks of the house to the lot lines. The plan will show the measurement from the house to their front property line to make sure a car will not hang over the sidewalk.
- The applicant will get back to the Board about the utility pole on the sidewalk that it will not be a problem for the proposed new curb opening and driveway.
- The plan will show the topography of the lot, i.e. the hedges and stonewall to see what impact, if any, to the proposal.
- The plan will show how the proposed driveway will fit onto the lot.
- The applicant will check with the city's engineering dept. to see if they have a survey plan of this lot's front yard setback to the proposed sidewalk. Maybe the applicant can tie into the city's survey information.


Tom Golden seconded the above motions. The Board voted 5-0 to accept the above motions.

The Board voted 5-0 to continue the public hearing to August 19th at 7:30 in order for the applicant to acquire the information as mentioned above in the "motions".

There was no one in the audience to speak in favor or in opposition to the petition.

The public meeting was adjourned at 9:00 PM

Respectfully submitted,


Paul Giunta - Chairman

Zoning Board of Appeals
Minutes

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CITY OF MARLBOROUGH

August 19, 2014

2014 SEP -3 P 1:37

Minutes: July 8, 2014 – the Board voted 4-0 to approve the minutes with minor changes.

Members Present: Paul Giunta – Chairman, Thomas Golden – Clerk, Theodore Scott and Mitchell Gorka-arrived at 7:30 PM (He did not sit on 55 Highland St.; had a conflict of interest.)

Public Hearings:

7:00 PM

55 Highland St. – Gonzalo Sanchez – ZBA Case #1428-2014

To construct a 15 ft. x 16 ft. attach addition on the side of the existing house which will increase the current non-conforming residential use by greater than the maximum required 30 percent. (Chapter 650 Article VII) The existing lot coverage is 41 percent and the proposed addition will increase Lot Coverage at 45 percent. The property is located in Zoning District Residence B, being Map 56 Parcel 236 of the Assessor's Maps, also known as 55 Highland St.

The Board informed the applicant that only 3 members of the Board were present this evening. The Board needs 4 members to hear and vote on a case. With the applicant's approval, the Board voted 3-0 to continue the public hearing to Sept. 2, 2014 at 7:00 PM.

7:30

110 Brimsmead St. – Christopher Hodge (Continuation)

ZBA Case #1427-2014

The applicant is proposing a second driveway opening. According to Section 650-49(2)a - There shall be no more than one driveway street connection for lots with less than 200 ft. of frontage; Section 650-49(2)c – Distance from property line. The edge of the driveway shall be located no closer than the minimum distance governing parking areas as provided for under §650-48C(5) – 5 feet; Section 650-49(2) – Distance from building. No driveway shall be located within 5 ft. of a building, except for driveways intended for drive-up window service which shall be subject to site plan approval.

The Board waited to re-open the public hearing to 7:40 PM. in hopes the applicant was late. The applicant did not arrive. The

Board's secretary, Susan Brown, informed the Board she did not receive a call from the applicant about not being present this evening.

Mitchell Gorka made a motion to **deny** the petition. Thomas Golden seconded that motion.

Discussion: Mr. Gorka stated that the applicant did not present to the Board a survey plot plan of their lot, as requested at the July 8th meeting. He also stated it is difficult to know if the proposed second driveway will encroach onto the neighboring lot.

Mr. Giunta stated he went to the site this morning to take some measurements of the existing hedge on the left side of the existing driveway for a possible expansion of the existing driveway. He felt that if the hedge was removed, the existing driveway can gain at least 2 ft. with the possibility of parking 2 cars side by side, and the existing driveway opening can be widened. Mr. Giunta also went to the city's engineering dept. to get a plan of the area with the lot in question showing.

With the applicant not being present, a motion was made by Mitchell Gorka and seconded by Thomas Golden to **Deny** the petitioner's request for a variance.


The Board voted 4-0 to **Deny** the petition.

There was no one in the audience.

On a vote of 4-0, the public hearing was closed.

With no other business, the public meeting was adjourned.

Respectfully submitted,


Paul Giunta
Chairman

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

July 17, 2014 (Thursday)

Marlborough City Hall - 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2014 AUG 27 A 8:01

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

Absent: none

Approval of Minutes: The minutes of June 19, 2014 were reviewed and approved 7-0 as written.

Public Hearings:

Request for Determination of Applicability

173 Lakeshore Dr. - Jo-Ann Brady

Ms. Brady was present and explained that she proposes to install a walkway and patio with a small 5' x5' fire pit near Ft. Meadow Reservoir. Pavers will be added to accomplish this small amount of excavation which is necessary to put this in, but the yard is flat so erosion or problems are not anticipated. Work will be within 10' of the lake. The Commission found no issues with this plan and closed the hearing. The Commission voted unanimously 7-0 to issue a Negative Determination with NO conditions, so the work may proceed.

Notice of Intent

47 O'Malley Rd. - Claude and Mary Clerc

Mr. Terry Tvrdik the builder and the owner Ms. Mary Clerc were present. Mr. Tvrdik explained that the owners are proposing to add an additional garage bay to their existing house and includes expanding the driveway as well. Work is proposed to be 40 ft. from the wetland and will include a 4' frost wall and minimal excavation and grading. The back yard is a lawn and is relatively flat. The Commission discussed the construction process then determined that the project would not impact the adjacent wetland. The Commission closed the hearing and voted unanimously 7-0 to issue a standard Order of Conditions for this garage addition.

Notice of Intent -

330 Berlin Rd. - Keith Gilchrest- Owner

(Dennis Demers abstained from this hearing due to a conflict of interest)

Tim Bauchman, the project engineer and Keith Gilchrest, the owner were present. Mr. Bauchman explained that they want to demolish the existing house and build a new house further away from the wetland. Work is proposed within the buffer zone and riverfront area of North Branch/Millham Brook. The existing house is entirely within the first 100' riverfront zone. The new building will be in the outer 100' riverfront area which will be an improvement. The existing house is in disrepair and has lots of trash and debris all

around the house which they will be cleaning up. Erosion controls are proposed on the downslope side below the old house to be demolished. They will follow the Building Dept. demolition check list and will fill in the existing foundation once properly prepared. The new building will be constructed closer to the street in keeping with the other homes on the street. The old septic system will be removed and properly filled in per Board of Health requirements. The new house will be on public sewer and water. Erosion controls consisting of straw wattles will be installed around the old building to protect the stream. After additional discussion about stabilization, the Commission closed the hearing and voted unanimously 6-0 (Dennis Demers abstained from the discussion) to issue a standard Order of Conditions with special conditions including the installation of boundary markers at the 20' buffer zone and standard notification etc.

Notice of Intent

84 D'Angelo Dr. - The Mass. Water Resources Authority

William Sullivan, Cristina Crespo and Pam Heidell from the MWRA and Erica Lotz from Fay Spofford and Thorndike were present. Mr. Sullivan explained that 4 years ago there was a major leak in the pipeline which required the MWRA to use the Sudbury Reservoir as a backup water supply for the Boston area. Since then they have prepared a redundancy plan, so that water can be treated and redirected into one of the alternative aqueducts to avoid the boil water order etc. Therefore, they are proposing to construct a 240 million gallon per day capacity pumping station at the John J. Carroll Water Treatment Plant site to pull water from the Wachusett aqueduct. They also propose to make some modifications to the Hultman intake and site entrance at 84 D'Angelo Dr. Each of these items has a wetland component, so he stepped through each one individually.

They must construct the 240 million gallon per day pump station, because the Wachusett aqueduct was built in 1890s and was lined in 2002; but the system cannot withstand any pressure given its age and type of construction. The pressure is needed to get it up to the Carroll Treatment plant building. Therefore, a building 122' x 68' is to be constructed to house 7 pumps with 40 Million Gallon Per Day (MGPD) capacity. Total pumping capacity will be 240 MGD. The work includes the building, distribution pipe, solar array (it will be a net zero energy building- so will generate as much energy as it will use), an intake area along the bank of the open channel and overflow structure, parking area and detention basin. Wetlands are behind this building near the southern channel which will be protected with compost filter tubes.

The second part of the work includes modifications to the Wachusett open channel at the end of the fore bay. They will need to lower the level of the fore bay to allow for 240 MGD of water to be able to flow through. They are proposing to construct a bypass around the circular dam; this will only be used during these emergency situations. They will place some stone in the bottom of the channel to prevent erosion during these times.

In this area, the temporary impacts are for 640 sq. ft. of land under water. The work on this section will occur when the channel is dry.

The third part of the project involves the construction of a new controlled access gate for better security. It will also control access to the city's pump station as well. The gate will impact 50 LF of bank and 170 sq. ft. of land under water. These impacts are minor, but are required to accommodate this new gate. All other locations had greater impact.

The last item is the removal of the soil on top of the storage tank to replace the membrane. They need to remove the top soil, put on the membrane, bring in sand and waterproof the system. A very small portion of this work is within the wetland buffer zone, so it was included. After some discussion about timing and construction sequencing and phasing, the Commission requested Ms. Ryder to get comments from the City Engineer prior to the next meeting on Aug. 7th. Several members were also interested in doing a site walk prior to final approval. Ms. Ryder will work with the MWRA staff to set up the site walk. The meeting was continued to the August 7th meeting.

Notice of Intent

424 South St. - South Street Realty Trust

Shane Oats from Coneco Engineering & Scientist along with Neil and Linda Fossile were present representing Tribune Construction Co. They are proposing to build a brook crossing with a prefab bridge structure, which they already have on the site. They propose a 20' wide and 26' span and 350 linear feet of roadway. They are proposing a detention basin as well, which will be designed to accommodate the future development. Impacts will be temporary for the bank, but permanent for portions of the buffer zone and bordering vegetated wetland. Ms. Ryder noted that she and the DEP had reviewed the plans and there is a lot of information missing as it relates to: Riverfront area calculations, wetland replication area, compensatory storage within the floodplain, and a question about what this bridge will be servicing- what is proposed on the other side of the stream. Mr. Demers asked whether the water and sewer were being installed at this time and where they would come from. After some further discussions, it was determined that the Commission would do a site visit on Saturday August 2nd at 8:00 AM and that the hearing would be continued to the August 7th meeting to allow the applicant ample time to provide the additional information needed.

Notice of Intent (Continuation) – **Review “draft” Order of Conditions**

19 Cullinane Dr. - Candy Hill Realty, LLC

The applicant wasn't present, but had provided a revised architectural plan showing the changes requested by the Commission. The Commission determined that in this case an engineered plan stamped by an engineer would be required for this lot. Ms. Ryder will convey. This hearing was continued to the August 7th meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicants request this item was continued to the August 21st meeting.

Draft Order of Conditions

- DEP 212-1128 525 Maple St. – proposed Dunkin Donuts.
The Commission reviewed the draft Order of Conditions for this project. The Commission voted unanimously 7-0 to issue the Order as drafted and amended.

Certificates of Compliance:

- DEP 212-1121 NA Forest St. Public Roadway (between Martinangelo Dr. and Bartlett St.) – Mass Electric Co. d/b/a National Grid.
Ms. Ryder reported that this project has been completed and is stable and they met the conditions of the order. The Commission voted unanimously 7-0 to issue a Full Certificate of Compliance for this work.

Discussion

- DEP 212-1117 Ames St. Preserve @ Ames – Pre-construction meeting discussion as required by Order of Conditions. At the applicants' request this item was continued to the August 7, 2014 agenda, so they could be first.

Project Updates:


Correspondence/Other Business: The following correspondence was reviewed and the Commission voted to accept and place on file.

- Wetland Restoration/Wetland Pre-Replication Field Report #2 – Allen & Major Associates, Inc.

Meetings – Next Conservation Commission meetings – August 7th and August 21st, 2014 (Thursdays)

Adjournment - There being no further business the meeting was adjourned at 8:35 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

July 29, 2014 RECEIVED
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CITY OF MARLBOROUGH

2014 AUG 29 A 9:58



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, July 29, 2014 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: City Engineer Evan Pilachowski, Assistant City Engineer Tim Collins and Jonathan Tripp, the Environmental, Health, Safety and Security Manager for IEP Technologies. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, July 29, 2014.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2a) 413-417 South St. blind driveway.

Jon Tripp, Safety Manager for IEP Technologies, was in attendance for this issue. The Mayor's office has received complaints from employees who find it difficult to exit the driveway onto South Street due to sight distance concerns. Mr. Tripp presented a photo of the driveway opening which shows "zero to no warning" of vehicles coming down South Street.

Chief Leonard agreed that this is a very difficult driveway to exit and that there is a constant battle with speed enforcement here. He suggested three things that would hopefully help.

- 1) Blind Driveway Sign
- 2) Trimming back vegetation
- 3) Petition National Grid for a mirror on the pole (Pole #48) at the end of the driveway.

The police department can also try to get the speed board out there to at least highlight that there is a concern.

Tim Collins noted that the driveway has been there for so long with the actual site being vacant and that people are not used to vehicles exiting from this location. Hopefully, over time, the situation will also improve on its own.

The blind driveway sign would be considered an "advisory sign" and does not require any vote or approvals. Engineering can determine the appropriate location for placement. It appears that National Grid would need a letter from the City requesting the mirror. Mr. Pilachowski advised that he just received a copy of a letter from the mayor's office making this request.

Commissioner Ghiloni said that he actually thinks the situation will get worse. The tenants going in only occupy 1/3 of the space. The population here will soon go over 150. Fire Chief Fortin asked about extending the 2 lanes up further from the light so vehicles could take a right without being in the through lane on South Street. Mr. Pilachowski advised that this is something that Engineering can look into. Tim Collins presented a diagram showing that there is "plenty" of roadway in the layout. There might actually be enough room to re-line it without having to actually widen the road. Commissioner Ghiloni asked who would pay for any widening. This is something that should have been discussed at Site Plan. It was discussed that this site was supposed to be a warehouse without much traffic. The site has been "under construction" for about 12 years.

Chief Leonard said that the site is actually "a ways up from the intersection" and that by adding a second lane we could actually be creating an issue. Left lane traffic out of the driveway would now be crossing two lanes of traffic. He advised that he would really like to address the foliage issue first. The neighboring property owner would be responsible for cutting back the foliage on their property. We may have to involve Pam Wilderman from a Code Enforcement standpoint.

Jon Tripp gave a little overview of the activity at the site. They have about a dozen shipping and receiving trucks entering and exiting. They have 45 to 50 people working an extended shift from 6am to 6pm. He also said that another company, Sunbelt, is scheduled to move in soon and this will entail mostly truck traffic in the early am to job sites.

In summary, Chief Leonard said that we do have to address this issue now as it is a current safety concern. The existing driveway is a blind driveway and should have an advisory sign. He will follow up with the mayor's office on the foliage issue and involve Pam Wilderman if necessary. Evan Pilachowski will forward a request to the DPW to install the proper signage. The mayor's office has made the request to National Grid for the mirror on the pole. Jon Tripp advised that he would now follow up with National Grid and the Mayor's office to help move the process along. Mr. Pilachowski said that he would take a look at the widening of the road and follow up at the next meeting. Mr. Pilachowski and Mr. Tripp exchanged business cards and will work together on the issue.

MOTION was made, seconded, duly VOTED to REFER to engineering on the blind driveway signage and potential widening of the roadway and to Chief Leonard to follow

up with the mayor's office on the foliage issue and speed issues. Engineering will work directly with Jon Tripp, as necessary, to expedite the request for the mirror on the pole.

2b) Extension of parking restriction on Hosmer St. near Memorial Beach.

Parking is currently restricted near Memorial Beach from June 15th to September 15th, this includes Stevens Street and Causeway Street. Parking is restricted on Causeway Street Ext. all the time. The Traffic Commission has been asked to remove the time frame from the restriction so that the parking restrictions are in effect all year. Chief Leonard advised that he thinks this request is appropriate and that he will prepare a new regulation that will repeal the existing regulation and make the restrictions effective year round.

There was also a request from a Hudson resident inquiring about a "no left turn" out of the beach lot onto Causeway Street Ext. Commissioner Ghiloni said that the road loops right back to Causeway and that people may be going up there for pick-up possibly of a handicapped person. He would prefer to leave it the way it is. It does also appear that people are dropping off up there, however, the Commissioner advised that he is not promoting this. Tim Collins said that Causeway Street extension is actually a private road in Hudson, though it is also part of a subdivision in Marlborough. Tim Collins said that this lot falls under Commissioner Ghiloni's control and he does not need to come before the Traffic Commission for approval.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to prepare the revised regulation that would make the parking restrictions around Memorial Beach effective year round.

2c) Parking issues on Liberty Street.

This issue has previously been discussed by the Traffic Commission. At the time, it was thought to be more of a neighborhood issue. It has now been brought up by Officer Wicks. He sent an e-mail to Chief Leonard noting continued parking problems here. He advised that the new residents of house #51, appear to have more cars than spaces. Vehicles are often parking on the sidewalk in front of the houses. He has heard complaints from several residents especially now that school busses will be running and sidewalks are blocked by cars. Officer Wicks asked if any parking restrictions are in place here as there are no signs to this effect.

Chief Leonard said that he did go out and look at the area and noted that the parking situation does make the area very tight. It does at least make sense to restrict parking between Ringold and Granger. There are no houses and no driveways on the Ringold side. Every resident on the other side has a driveway. The initial request from a local resident was to have no parking allowed on either side. In reviewing the situation further, Chief Leonard feels it makes sense to restrict parking on one side.

Mr. Pilachowski said that it makes sense to restrict parking on the driveway side as there are actually more available spots on the opposite side. Tim Collins said that he had also previously recommended restricting parking on the side with the houses. Chief Leonard said that this has now become more of a public safety issue and he is not trying to maximize parking. All residents have driveways and there is parking available on the

street. The only parking restriction now is way down by the South Street end. Chief Leonard asked if we could hold off and have Engineering take a look at the whole street and see what makes sense and advise at the next meeting.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review again and make a recommendation at the next meeting.

2d) Appointing Lisa Thomas as administrator of TC webpages to include creation, design, content & implantation of procedural stages.

Lisa Thomas advised that she has worked with other departments on their webpages and would like the TC webpage to be consistent with the others. She would set it up with a similar format, however, would not be responsible for the content. The webpage could have the agenda for the next meeting with a complete agenda packet included. It could also include the draft of the minutes from the previous meeting. Once the packet is available someone could bring it up to her or Chief Leonard could scan the entire document to here and she would format it properly using the Adobe Edit product. The site could include links to other agenda packets and minutes.

She also asked that Chief Leonard prepare a short Mission Statement for the Traffic Commission that would be put on the page and possibly an e-mail link where residents could e-mail items they would like to see on future agendas. Chief Leonard advised that there is a general mail account for the department in addition to his personal e-mail. He would actually prefer that it came to his personal e-mail. Chief Leonard could then "weed through" the e-mails to see what is appropriate for the agenda. Lisa Thomas would also create a docushare account (an internal account for all members to access information). This would allow someone to do a key word search. If she gets all of the information she can get this set up for the next meeting.

Ms. Thomas also asked if Engineering had anything else they would like to see added to the site to let her know. She also said that advertisements could also be done through this site in one collective area.

MOTION was made, seconded, duly VOTED to appoint Lisa Thomas as administrator of the TC Webpages. (Note: Lisa Thomas abstained from voting.)

MOTION was made, seconded, duly VOTED to REFER to CHIEF Leonard to prepare the mission statement and the agenda packet for the next meeting.

2e) Request for right turn lane at 445 Simarano Dr.

Mr. Pilachowski advised that Engineering received a request form 445 Simarano Dr. for an exclusive right turn lane into their parking lot as part of the Simarano Drive Roadway Improvement Plan. He presented a diagram to the group prepared by Vanasse Hangen Brustlin, Inc. He advised that he tends to agree that this is a good idea. The only driveway access they have is on Simarano and it's about 1,000 feet from the center of the interchange to their driveway. They are proposing to widen the lane and also include a bike lane. Mr. Pilachowski is now presenting it to the Traffic Commission to see if there are any concerns at this point.

Chief Leonard noted that he would have to put a regulation together under the section for required turns and Lisa Thomas would have to advertise it. It is a private entity but we are talking about a public way.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to prepare the regulation for the next meeting.

3-Old Business

3a) Municipal off street parking regulation.

Tim Collins and Chief Leonard have discussed this issue. Tim Collins presented a large diagram of the Downtown Parking Layout with a draft of the proposed regulation for Municipal Off-Street Parking Areas. The first section addresses no parking between 2:00 am and 5:00 am. This restriction is in place due to snowplowing and includes the ability to tow.

It was discussed that there are some spots that have been signed saying they are reserved for certain businesses. If there are no regulations in place for this the signs should be removed. The businesses would need to come before the Traffic Commission and make a formal request.

The proposed regulation also lists lots that are restricted from 2:00 am to 7:00 am and specifically addresses commercial vehicles.

It was also noted that there is no signage in front of City Hall restricting parking. Chief Leonard said that he thought the entire street was 2 hour parking. Commissioner Ghiloni said that the entire street should be consistent with the 2 hour parking. It was also noted that some lots weren't posted as no parking from 2:00 am to 5:00 am that that this would be corrected. There are also areas where parking is allowed all day i.e. for the bus stop to Boston near Chins.

The goal is to make all municipal lots consistent with No Parking from 2:00 am to 5:00 am for snowplowing. Other time limit changes also have to be made very clear. Certain lots have availability for all day parking.

There was also discussion regarding the parking decks. Commission Ghiloni asked if there were any restrictions on the upper floors. Tim Collins advised only with regard to commercial vehicles. Commissioner Ghiloni asked about long term parking as he knows we have had issues with this in the past. There were two vehicles here with car covers on them in the winter. Chief Leonard advised that we could have a local restriction stating no parking for more than 72 hours. He said that the Police Department does also have an abandoned vehicle statute but that also entails having to find the owner and notify them. He also said that what if it was a long weekend and someone parked there for four days without moving their car. It really only appears to be an issue when a snow storm is predicted. A section would have to be created in the regulation for "No Car Storage."

There was also discussion about the lot at Bigelow School and the new senior center. Tim Collins said it was better off not to post this as a municipal lot as it would take spots

away from the senior center. If it is a "Municipal Lot", however, it can be regulated. Commission Ghiloni asked what does "Municipal Lot" actually mean. Tim Collins advised that it means owned by the city and controlled by the regulations created by the Traffic Commission.

Commissioner Ghiloni really wants to have clear rules established for snowplowing. He wants there to be clear rules as to when vehicles can be towed. Chief Leonard advised that he would have to look up the Tow Regulations. If there are no signs posted the police cannot ticket. There have to be clear violations that they can check off on the ticket. Commissioner Ghiloni explained that his plow drivers get very frustrated when vehicles are not moved for plowing. He mentioned a car on the corner of Washington and Prospect that was buried in snow for four days. He wants to avoid this problem in the upcoming winter. Chief Leonard advised that the Police Department would always need to contact the owner first.

There was also discussion about parking for the elderly, how many spaces housing has and how many vehicles. Also what about handicapped spots and can they be reserved for certain people rather than a straight handicapped spot where you lose space because there needs to be an access area for a wheelchair. Tuesdays and Thursdays the street sweeper is on Main Street and they have had a problem with a specific handicapped parking issue where the person is not moving his car between 2:00am and 5:00am. It was discussed that maybe this individual can be notified of the sweeping schedule and move his car accordingly. More and more issues continue to come up as the municipal lots are discussed.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to go back through the regulations and make sure that actual regulations and signage match. Also to "clean up the regulations" and remove some of the timeframes and make the two hour parking consistent downtown. The hardcopy of the downtown diagram is very large. Tim Collins advised that he could make it available in an electronic file.

3f) Communication from Mayor's office, re: Feasibility of making entire length of Hayden Street one-way.

Tim Collins passed out a diagram of the area indicating the proposed one way flow with a red arrow. It would cause more traffic to come through Water Street. It was discussed that it seems more appropriate to put a sign for Ward Park at the top of Hayden to direct drivers to the park. People take the wrong turn and then can see the field but are unsure how to get to it.

If the main complaint is that people can't find the field, the first step should be to put a directional sign in place. At least this way anyone coming from the west would be directed to Orchard Street to get to Ward Park. We can do this first and monitor the situation and see if it gets any better. The entire area will be changing soon anyways with the new senior center.

MOTION was made, seconded, duly VOTED to REFER to the DPW to add directional signage to Ward Park.

3c) Stop signs on Bigelow Street.

Chief Leonard advised that he may have found a potential funding source for the solar powered speed signs discussed previously for Bigelow Street. He asked Engineering if they could again look into the cost. He would need a formal quote to give to the source. The Traffic Commission had discussed purchasing four signs, but at least two with one in each direction. It was discussed that Northboro has a few of these signs and would maybe be able to provide some input. Hopefully, the company they are purchased from would provide also provide the best location for them and installation services.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to obtain formal quotes.

3b) High School parking regulations.

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

3d) Traffic Commission rules and regulations update.

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

3f) Communication from Kraft Tire & Auto regarding Brigham/Maple/Walker St. intersection.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:57 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, July 29, 2014 (Including City of Marlborough Meeting Posting.

-E-mail chain between the Mayor's office (Trish Bernard) and Chief Leonard, from 6/24/14 to 6/30/14, re: traffic at the driveway for 413-417 South Street.

-E-mail from Officer Wicks to Chief Leonard, dated 6/25/14, re: Liberty Street.

-E-mail from Lisa Thomas to Chief Leonard, dated 7/17/14, re: appointing City Clerk Lisa Thomas as administrator of the TC webpages.

-E-mail from Evan Pilachowski to Chief Leonard, dated 7/21/14, re: 445 Simarano Drive.

Additional Handouts

-Memo from City Clerk Lisa Thomas outlining her responsibilities as administrator of the TC webpage.

-Diagram of South Street.

-Photo of driveway opening at 413-417 South Street.

-Proposed Municipal off-street parking areas.

-Diagram of 445 Simarano Drive, prepared by Vanasse Hangen Brustlin, Inc., illustrating dedicated right turn lane.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Marlborough Board of Health Meeting July 15, 2014

There was a meeting of the Marlborough Board of Health on Tuesday, July 15, 2014, 8:00 AM at City Hall, 3rd floor, Memorial Hall. Meeting convened at 6:30 PM. 2014 SEP 2 10 3: 28

Board Members Present: Chairman John Rowe; Member John Curran, M.D., & Member James Griffin.

Board of Health Staff: Assistant Sanitarian Deirdre O'Connor, Public Health Nurse Nancy Cleary, & Secretary Linda Goodwin.

Also Present: Mayor Arthur Vigeant, Executive Aide Mike Berry, Halfway Café Representative Steve Allegro, Marlboro Super Buffet Representatives Jack & Andy Zheng and Consultant Pamela Ross-Kung.

NEW BUSINESS:

1: Halfway Café – Review Recent Food Complaint & Inspection Results

Deirdre O'Connor stated this complaint emanated from a food borne illness report, a confirmed salmonella case in which a person was admitted to the hospital. The full inspection transpired on June 27th at 4.00 pm. It was extremely hot in the upstairs kitchen. The basement kitchen including the walk-in and food preparation area has had water and grease trap issues. The upstairs kitchen has little ventilation and the heat does affect the cold holding temperatures for hot food. Deirdre spoke with Manuel Sanchez, Person in Charge (PIC), he did not seem knowledgeable (may have been nervous and/or not forthcoming). The restaurant closed for several hours, allowing them to do a major cleaning, etc. They reopened that day. This is not the first time in which the restaurant was closed and is very disconcerting. The restaurant owners requested outside assistance. Deirdre asked what changes have been implemented since reopening.

Steve Allegro from Corporate agreed that the company failed at the switch. They made improvements right away so by the re-inspection, all items were corrected. They checked and logged the temperature of the refrigeration unit in the a.m. as well as p.m. They noticed the temperatures were not holding correctly, so a new unit was ordered immediately. The company implemented a new training program for all employees. All managers are ServSafe trained and certified now all employees who handle food will be ServSafe trained and certified. New training program will address temperature logs, sanitation, food handling, and personal hygiene. Temperature logs are now located on top of each unit. Foods which require cooking will no longer be stored on ice. Sanitizers with pumps will be placed at every cooking station and monitored and changed with every shift change.

Deirdre questioned the ventilation in the upstairs kitchen which needs to be addressed.

Steve Allegro: Yes, we are addressing ventilation problems right now. We have scheduled a company to come in and evaluate the kitchen and give us some ideas how we can address the ventilation issue. Right now we have two exhaust fans in place, we may need stronger motors, etc. we will know more after the evaluation.

Deirdre: You may want to consider hiring an outside auditor, sometimes a new set of eyes, new people doing the education, etc. I do have a list of auditors/trainers if you are interested.

Dr. Curran: Questioned the building infrastructure? Ventilation is a big issue in a hot kitchen; this event was very significant to have a patient in the hospital for a week. This needs to be addressed immediately.

Steve Allegro: I agree. We now have temperature logs in place; ambient temperature of the kitchen does not affect food temps. We are open to audits, engineers checking on the ambient heat in the kitchen.

Dr. Curran questioned if equipment is in place and working?

Steve Allegro: Yes, in place and working.

Deirdre: Keep checking those temperature logs; if off, address immediately do not wait. If kitchen remains so hot, going to have the same problems.

John Rowe: I would like to make a recommendation within the next 3 weeks I would like to see an outside firm check the refrigeration units; and a written report from an engineer checking the ventilation in the kitchen. Keep constant check on the temperatures on a chart that we can verify.

James Griffin: I agree 3 weeks seems to be a reasonable amount of time to have a company come in and have a written report done. Bring reports to office for Deirdre to verify.

Board agreed that a re-inspection will occur within the next 5 days. If these problems persist your license for a food establishment could be suspended or revoked.

Motion made to receive written reports within 3 weeks regarding inspection of ventilation system; and refrigeration equipment. Pass upcoming inspection which will be done within the next 5 business days. Motion made by James Griffin, seconded by John Curran. Motion carried 3-0

2: Marlboro Super Buffet – Review Recent Food Inspection Results

Deirdre O'Connor: I was called to Marlboro Super Buffet by Ms. Lee our contract food inspector regarding the conditions of this restaurant; overall uncleanliness, mouse droppings everywhere, food solution (drippings) mopped into cracks in floor, large amount of raw chicken out in the open, warm and out of temperature, no sanitizer in the whole restaurant. Very lucky no one sickened. I closed immediately. They hired a consultant Pamela Ross-Kung; at re-inspection of restaurant it was like a new place, so clean, a great job.

Pamela Ross-Kung addressed the Board. I have been hired for a minimum of 3-months, longer if necessary. I decide if necessary. Restaurant owners just need guidance, sometimes lose sight of things quickly. Knowledge needs to be reinforced.

Jack Zheng owner of restaurant. I apologize to the Board for what happened. Everything just got out of hand. We are all retrained using temperature logs, cleaning, etc. this will not happen again.

Pamela Ross-Kung: All training paper work is provided in English, Chinese and will soon be available in Spanish. Personally, I like to demonstrate, performing these tasks over and over themselves, they get it. They really appreciate it more by doing, then reading how to.

John Rowe: Who is the watch dog when you are not there?

Pamela Ross-Kung: The two owners are now in charge Andy Zheng is in charge in Hudson, and Jack Zheng is in charge in Marlborough. Holding them the owners both responsible not employees.

Board questioned how treated by our inspector Deirdre O'Connor during and after inspection?

Pamela Ross-Kung: Awesome, utmost respect, I knew she was happy at the re-inspection as I promised her she would be. The look on her face told it all. Consultant shared before and after pictures with Board. With the right cleaning products, and equipment, you can clean anything. But you only have one shot with me; you have to show me you really want to improve.

Board is very happy with the results. We want to see progress continuing especially when consultant is no longer present. Motion made to accept report by James Griffin, seconded by John Curran. Motion carried 3-0

3: Communication from Mayor Vigeant re: P/T Public Health Nurse – Discussion of Regional Prevention Wellness Grant with Dr. Wong

Mike Berry, Mayor's Executive Aide: Communication from Mayor was sent to Board regarding P/T Nurse Position. Once the Municipal Agreement is in place, Dr. Wong will begin his assessment. Dr. Wong should be available to come into the office by Tuesday July 22nd depending on his schedule. With Dr. Wong's guidance hopefully we can make the decision which Nursing direction is best for the City of Marlborough.

Board had several questions for Dr. Wong.

Mike Berry: Dr. Wong will discuss with Nancy Cleary the BOH nursing needs, etc. It is not appropriate to discuss at this moment until municipal agreement is in place. Dr. Wong is here tonight to meet the Board and to discuss the Prevention and Wellness Grant that Marlborough is a participant in. At this time I ask the Board to wait for future discussions until Dr. Wong's contract is in effect.

4: Examine Funding Source to Cover Flu Vaccine Order

Nancy Cleary: I had earlier requested additional funds from the Mayor's office to cover the increase in our order of Flu Vaccine for the upcoming flu season. A stronger vaccine is available that covers more strains of the flu, but the price had increased. This funding request was not addressed. I do have an order in place, but I may have to cancel if I do not know where the funds are coming from. There is a real concern that I may not be able to re-order. The company ran out of vaccine last year, because the demand is so high. The State provides this vaccine for seniors and people at risk. I have several clinics scheduled for residents, employees, the Convoy of Hope, etc. I may not have enough vaccine for all of these clinics.

Mike Berry: I cannot authorize a transfer without knowing where the funds are coming from; this should have been addressed at budget time.

Nancy Cleary: I worked with Bob Landry and we sent a letter addressing these concerns and asking for this increase to cover this increase in vaccine. We had not heard back, so thought it was being addressed.

Board asked Mike Berry to discuss with the Mayor to see if funds can be designated for this important issue. We do not want to cancel any flu clinics.

- 5: Appointment of Health Agents
Communication from the Mayor regarding appoints of Dr. Sam Wong and Maureen Lee as Health Agent/Inspectors for the City of Marlborough.

Mayor Vigeant: We had hoped to have the Municipal Agreement in place by this meeting but it should be approved by full City Council at Monday's meeting. It was just approved by the Committee reviewing it. We have been in the process of reviewing the whole department, not just Nursing Services. We have hired an outside Food Consultant Maureen Lee for 60-days. She has performed at least 60 food inspections at this point. Her software is now in place allowing her to send her food inspections to us electronically. GEO TMS is now in place and Board of Health staff has been trained enabling communication with other city departments. Lisa Thomas the City Clerk, has been asked to step in and help computerize Board of Health office, working with Linda who I understand is doing a great job. All of these changes will help to ease the day to day operation of the office. I have been working with the Town Administrator of Hudson to allow Dr. Wong to help us out during this transition, until Bob Landry is back up on his feet. Our Nursing needs will be addressed with Dr. Wong once he is on board.

Nancy Cleary had several questions regarding funding that is in place for p/t nurse position?

Mayor Vigeant: Again we are now looking at the department as a whole, to see what deficiencies exist and nursing services are included in this review. Once we have Dr. Wong in place he will review and give us his professional opinion on this department as a whole.

Mike Berry: Maureen Lee was unable to attend tonight's meeting but she will be at next month's meeting to introduce herself to the Board, and will be available for all monthly meetings. This appointment gives her the authority to act on the behalf of the City in an emergency basis. A yes vote: If she is at an inspection and she feels she needs to take action, she could close immediately. A no vote: She would have to contact Ms. O'Connor before taking any action, a good example why this is really needed is last week Ms. O'Connor was attending training out of state, and would not have been available.

John Curran: I have worked with Dr. Wong and believe he would be a great asset to the City during Bob's absence and would vote yes with no hesitation.

John Rowe: What is Deirdre's roll in the office?

Mayor Vigeant: She will continue to do all miscellaneous inspections, pools, housing, etc.

Jim Griffin: I agree the City will be well served with Dr. Wong's guidance. I do not know Ms. Lee, but look forward to meeting her and working with her in the coming months.

Motion made to appoint Dr. Sam Wong and Maureen Lee as Health Agent/Inspector for the Marlborough Board of Health and to authorize them to take any action on behalf of the Board of Health to act in the best interests of the health and well-being of the community. Motion made by James Griffin, seconded by John Curran. Motion carried 3-0

6: Draft Local Legislation for Food Establishments

Mayor Vigeant: The current regulations on file do not have any teeth; I have met with MEDC who works with all the restaurants in town to discuss these new regulations that we want to implement as soon as possible. We discussed the fee structure: \$100/re-inspection; \$200-\$300/return inspection required; or close and/or fine up to \$500.

MEDC did ask for leniency the first year, realizing that most restaurants will require a re-inspection. I agreed but the second year they will go full force in effect, doubling re-inspection fees and will remain at that level. We have also enlisted the help of a consultant to provide guidance for any restaurant owners that need any issues, questions, etc. This service will be at no charge. They can call and get any guidance etc., and no written reports or lists of any owns that had any issues will be sent to the City.

Once approved and advertised a letter will be sent to all Food Establishments with a copy of the new regulations. At the end of the year, if any money is owed to the City, their permits will not be renewed until such fees are paid.

Mike Berry: We would like to get your feedback, this is a starting point. We need to advertise for 7-days before anything can go into effect. Advertising will be done by the City Clerk.

Deirdre O'Connor stated: Board of Health should be crafting the regulations, as well as the timeframe. Once regulations are crafted they should be sent to Attorney Cheryl Sabora from the State to review.

Motion made to review draft regulations with Dr. Wong once he has been officially appointed. And will be discussed at the next monthly meeting once Board has had time to review. Motion carried 3-0

Continuation of Item #3

Mike Berry: Dr. Wong and Alexandra DePalo would like to address the Board regarding the Regional Prevention and Wellness Grant that Marlborough is a part of along with several other partners.

Alexandra De Palo addressed the Board regarding this State Grant from DPH. The funds are guaranteed for 3 ½ years, this is a sizeable project which will require some level of participation from Marlborough, as well as all partners. Dr. Wong will share his time with Marlborough, there are 9 locations including Boston, Worcester and Metro West.

The Federal Government is very impressed and watching, they are very interested in this project. MA is ahead of the curve. I am really excited to be working on this grant, as well as working with Marlborough.

Work Flow regarding this grant: I can provide more or less information about this grant, where we stand, etc. depending on the Board's wishes. We have both hard copies and website addresses.

John Rowe: Asked to please have both hard copies and website addresses for Board members.

Alexandra De Palo: I will send both forms of communication. This is a one of a kind grant for our State and U.S.

John Rowe: Bob Landry had been keeping us informed about this Grant, he had been unable to attend most meetings.

Dr. Wong: This was a very competitive process. There are 11 partners, not just Cities and Towns, but Clinical Partners, Dr. Kumar is a big contributor. We are asking for participation from Marlborough.

John Rowe: Dr. John Curran has agreed to represent Marlborough; he has been going to these meetings and is very excited about the opportunity.

John Curran: I have no problem representing Marlborough I have been attending these meetings along with my wife who is also very involved. I ask that she been approved also, in the event I cannot attend, she will be present representing Marlborough's interests.

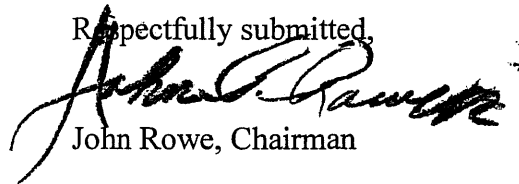
Motion made to approve Dr. John Curran and Mrs. Curran to represent the City of Marlborough on this committee. Thanked them both for being willing to attend these meetings and keep Board of Health informed of progress. Motion carried 2-0

OLD BUSINESS:

- 7: Minutes – Previous Meeting - June 3, 2014
Board reviewed, accepted and placed on file. Motion carried 3-0
- 8: Assistant Sanitarian Monthly Report – June, 2014
Board reviewed, accepted and placed on file. Motion carried 3-0
- 9: Public Health Nurse Monthly Report – June, 2014
Board reviewed, accepted and placed on file. Motion carried 3-0

Adjourned at 8:30 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Rowe", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "R".

John Rowe, Chairman

MINUTES OF THE LICENSE BOARD MEETING HELD JULY 30, 2014

RECEIVED
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CITY OF MARLBOROUGH

There was a regular monthly meeting of the License Board held on Wednesday, July 30, 2014 at 7:30 pm, City Hall, 3rd floor, Memorial Hall. WEDNESDAY, P 3:28

Attending were: Walter Bonin, Chairman; James Riessle, Member; Gregory Mitrakas, Member; Linda Goodwin, Secretary.

Meeting was called to order by Walter Bonin, Chairman at 7:30 pm.

NEW BUSINESS:

- 1: MASONIC CORP – CATERING BY TASTY HOME COOKING - **3** - ALL ALCOHOL ONE DAY PERMITS

Ed Walsh presented **3** ALL alcohol one day permit applications. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 2: ITAM – OUTDOOR PAVILLION – **4** – ALL ALCOHOL ONE DAY PERMITS

John Manning presented- **4** - ALL alcohol one day permit applications for outdoor pavilion at ITAM. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 3: MARLBORO MOOSE – OUTDOOR PAVILLION – **8** – ALL ALCOHOL ONE DAY PERMITS

Nancy Roynane presented – **8** – ALL alcohol one day permit applications for outdoor pavilion at Moose Lodge. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 4: BERTUCCI'S CHANGE OF MANAGER
FROM: MATTHEW BOURGAULT
TO: THOMAS NIPPS

Tim De Marcus Regional Manager from Bertucci's with Thomas Nipps. Tom has been in the restaurant business for 12 years, TGI Fridays, Ruby Tuesdays, etc. he has been TIPS trained and certified. There have been no violations at any location. He plans to be on site 50-55 hours a week. Motion made to approve by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

- 5: HALFWAY CAFÉ CHANGE OF MANAGER
FROM: MATTHEW MORRISEY
TO: STEPHEN TONZI

Stephen Tonzi present with owner John Grasso. Board reviewed application, no prior violations any locations. He has been TIPS trained and certified. Motion made to approve by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

- 6: TRANSFER OF ALL ALCOHOL LICENSE
FROM: MARLBOROUGH COZY CAFÉ, INC.
TO: ROBERT A. COLUMBE TRUSTEE OF RAC REALTY TRUST

Attorney James Agoritsas present with Mr. Columbe.

This has been a long ongoing process. We have enclosed a copy of the sheriff order and have vacated the premises. They are now trying to transfer liquor license to Mr. Columbe's name so they are able to sell the property or re-open if they have to, to generate some income. They thought they had the property sold, but new buyers did not want the liquor license. That deal has since fallen through. They cannot obtain a certificate of good standing, due to issues from previous owner. They do hope to work with the Department of Revenue.

Board reviewed paperwork, all appears to be in order except for Certificate of Good Standing. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 7: LTR CODE ENFORCEMENT – RE: PAUL EGIZI (M&P AUTO SALES)
LOCATED AT 37 EAST MAIN STREET

Board received a letter of complaint from Code Enforcement Officer for the City regarding this business. Neighbors are complaining about cars for sale on sidewalk, blocking view into intersection, blocking driveways, on street parking, etc.

Paul Egizi present with a plan and some pictures of his lot with cars for sale. He was not aware that there was an issue about his business, but he has talked to his workers and cars for sale will be parked properly on his lot and side street. People wishing to test drive or look at cars for sale will be asked to park on Sawin Road, in a proper parking spot. They would not park on East Main Street, to much traffic, to busy of a road.

Board members have driven by and also taken pictures at different times of the week. These pictures were discussed and will be kept on file. Cars are not allowed to overhang onto sidewalk, pedestrians should not have to go into street to get around. Drivers coming out of Sawin Road cannot see around park cars to enter onto East Main Street. These cars should not be hanging over so much. You may have to consider limiting the amount of cars for sale on this small lot. If we continue to get complaints we will address this issue by lowering the number of cars allowed on that lot. Motion made to send letter reminding Mr. Egizi that all cars must stay in his lot, not over sidewalk, blocking intersection, etc. Motion made to keep letter on file. Motion made by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

8: VALINTIN KOMAROVSKIY
d/b/a LEGA CARS – CLASS II – 305 LINCOLN STREET
DISPLAY REAR OF PROPERTY ONLY – FOR AUCTION ONLY

Valintin Komarovskiy present with application and plot plan showing layout of property. My uncle owns an antique business at this location, which includes estate sales. Our intent is to auction off cars that are part of an estate, all sales will be online only. I am applying for 5 cars at this time, there are at least 15 parking spots in the rear of the lot where these cars will be stored and on display. My application was submitted to site plan review and a letter is attached with their comments.

Board questioned if lot was paved or not? No, it is a dirt lot.

Valintin Komarovskiy: The reason I need to apply for a Class II license is to transport the cars from where they are located, to my location or to a garage if they need repairs. Some of these cars have been sitting for a long time, not started up, etc. I have also included a Certificate of Good Standing, I have been in business for 7 years. Property is in a commercial automotive (CA) zone. All repairs will be done at a garage located in Wayland, a contract is enclosed.

Motion made to approve with restrictions from site plan review committee. Motion made by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 9: ABCC ALLOWING MASS FILING – 99 RESTAURANT
CHANGE OF DIRECTOR/OFFICER

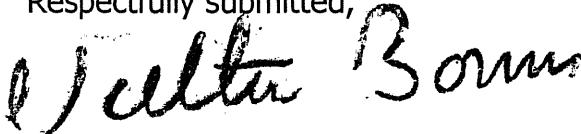
Board reviewed paperwork submitted. Motion made to approve and send to ABCC. Motion made by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

OLD BUSINESS:

- 10: MINUTES PREVIOUS MEETING – JUNE, 2014
Motion made to accept and place on file. Motion carried 3-0

MOTION MADE TO ADJOURN: 8:45 PM

Respectfully submitted,

A handwritten signature in black ink that reads "Walter Bonin". The signature is written in a cursive style with a large initial "W".

Walter Bonin, Chairman