

RECEIVED
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CITY OF MARLBOROUGH

2014 DEC 11 P 1:14

1. Minutes of the City Council Meeting, DECEMBER 1, 2014.
2. PUBLIC HEARING On the Petition of NGrid and Verizon New England, Inc. to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames St. Also to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames St. Conduit system will be installed 3' back of curb on the north side of the roadway. This installation is required to provide electrical service to new multifamily residential development – The Preserve at Ames, Order No. 14-1006034.
3. PUBLIC HEARING On the Petition of National Grid and Verizon New England, Inc. to relocate joint owned P.5 on Norwood St. 4' north and install sidewalk guy. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance, Order No. 14-1006012.
4. PUBLIC HEARING On the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011, X03-10047B.
5. Communication from the Mayor re: Mitigation Payment Acceptance from Atlantic Management in the amount of \$150,000.00 which moves funds from Undesignated to Sewer Maintenance to fund needed sewer upgrades for redevelopment project at 200 Forest St.
6. Communication from the Mayor re: Fire Department transfer request in the amount of \$53,214.30 which moves funds from Fringe to Sick Leave Buy Back to fund the sick leave buy back for a retiring member of the Fire Department.
7. Communication from the Mayor re: Sustainable Materials Recovery Program Municipal Grant in the amount of \$19,100.00 and Clean Energy Project Grant in the amount of \$26,300.00 awarded to DPW for purchasing recycling containers & related public education materials and replacement of the boiler at the Millham Water Treatment Plant respectively.
8. Communication from the Mayor re: "Panther Trail" Conceptual Plan.
9. Communication from the Mayor re: Order of Taking by Eminent Domain and Order of Acceptance of Public Way regarding Cul-De-Sac on D'Angelo Dr.
10. Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Order to Grant an Easement to the Massachusetts Electric Company.
11. Communication from Brian Falk of Mirick O'Connell requesting that the PUBLIC HEARING on the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011, X03-10047B, be rescheduled to a future date.
12. Communication from Brian Falk of Mirick O'Connell re: Application for Sign Ordinance Special Permit; Digital Federal Credit Union, 865 Donald Lynch Blvd.
13. Minutes, Board of Assessors, June 3, 2014.
14. Minutes, Traffic Commission, October 28, 2014.
15. Minutes, Zoning Board of Appeals, November 18, 2014.
16. Minutes, Conservation Commission, October 16, & November 6, 2014.
17. Minutes, Marlborough High School Council, December 3, 2014.
18. CLAIMS:
 - a. Elaine Alden, 70 Kelleher St., pothole or other road defect.
 - b. Doris Montoya, 479 Farm Rd., residential mailbox claim 2(a)

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.

- c. James Burgarella, 76 O'Grady Rd., residential mailbox claim 2(b)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

19. **Order No. 14-1005998 – Transfer \$1,363,198.00 from Undesignated Funds to fund Department Equipment.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$1,363,198.00 from the Undesignated Funds account for DPW, Police and Emergency Management department equipment. The \$93,420.00 request for defibrillators was reduced by \$6,570.00 (new total of \$86,850.00) due to smaller sized units for the Police motorcycles. **The Finance Committee voted 5 - 0 to approve the transfer of \$1,356,628.00 for department equipment.**
20. **Order No. 14-1005999 – Transfer \$23,992.00 to Fund Senior Clerk Position in Council on Aging.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$23,992.00 from the Council on Aging Clerk position and DPW Finance Assistant position to fund a Senior Clerk position in the Council on Aging. **The Finance Committee voted 5 - 0 to approve the transfer.**
21. **Order No. 14-1006000 – Transfer \$20,000.00 to Fund Contract Services in the Board of Health.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$20,000.00 from the Mayor Audit Services account and Comptroller Senior Clerk account to fund the contract services account in the Board of Health to cover food compliance and inspectional services and plan reviews of new food establishments. **The Finance Committee voted 5 - 0 to approve the transfer.**
22. **Order No. 14-1006026 – Transfer \$159,777.53 to Fund Fire Department Retirements and Overtime.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$159,777.53 from the following accounts to cover a retirement and overtime:
- Transfer \$25,138.43 from Firefighter account to Overtime
 - Transfer \$65,940.30 from the Fringe account to Sick Leave Buy Back
 - Transfer \$68,698.80 from the Fringe account to Firefighter account
- The Finance Committee voted 5 - 0 to approve the transfer.**
23. **Order No. 14-1006027 – Transfer \$24,630.00 to Fund the Retirement of a DPW Employee.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$24,630.00 from the Fringe account to the Water Department Sick Leave Buy Back account to cover the retirement of a DPW employee. **The Finance Committee voted 5 - 0 to approve the transfer.**
24. **Order No. 14-1005997 – Turf Field Bond for \$3,855,059.00.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 for bond request in the amount of \$3,855,059.00 to fund the city's first synthetic turf athletic field at the Whitcomb Middle School. Funding for this bond will be from the local option meals tax that is dedicated to the city parks and recreation facilities. The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to table the order. **The Finance Committee requested the following information be made available for the next Finance Committee meeting:**

From Legislative and Legal Affairs Committee**25. Order No. 14-1005962 - An Amendment to the City Code Relative to the Municipal Finance Department Appointment Terms.**

The committee discussed amending the city code to change the length of term for the Comptroller/Treasurer from a two year appointment and the City Collector from a one year appointment to three year appointments each. The committee recommended a three year term for the Comptroller/Treasurer and a two year term for City Collector and additional changes to wording as indicated.

“The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of three years to expire the day following his/her approval by the City Council.”

"Tax Collector; appointment, terms, and duties", is hereby amended by deleting the word “annually” and inserting in place thereof the words “for a two year term to expire the day following his/her approval by the City Council.”

The text of §67-11 contains the language “He shall perform all the duties required of him as set forth in the General Laws of the commonwealth”, in addition to changing “He” to “The Tax Collector”, it was requested “him” be changed to “him/her” so the sentence reads, “The Tax Collector shall perform all the duties required of him/her as set forth in the General Laws of the commonwealth.”

Recommendation of the Legislative and Legal Affairs Committee is to approve as amended, the Comptroller/Treasurer to a three year term, the Tax Collector to a two year term, and with amendments as to wording.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

26. Order No. 14-1006006 - Downtown Zoning Committee Parking Recommendation.

The committee discussed the recommendation of the Downtown Zoning Committee to increase the parking fine from \$15 to \$25 with regards to all areas where parking is prohibited or regulated excluding fire lane violations which remains unchanged.

Recommendation of the Legislative and Legal Affairs Committee is to approve the increase of the parking fine from \$15 to \$25.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

27. Order No. 14-1006009A - Proposed Order to Grant an Easement from the City to Massachusetts Electric Company for the Purposes of Providing New and Updated Service for Ward Park from South Street to New Street.

The committee discussed the order to grant an easement from the City of Marlborough to Massachusetts Electric Company for the placement of poles and transformers and all necessary associated equipment to provide new and updated service for Ward Park from South Street to New Street.

Recommendation of the Legislative and Legal Affairs Committee is to approve the requested easement as proposed.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

Motion made by Councilor Delano, seconded by the Chair, to request a suspension of the rules at the next regular meeting of City Council to send to the legal department for proper legal form.

Motion Passed: 3-0



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

DECEMBER 1, 2014

Regular meeting of the City Council held on Monday, DECEMBER 1, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy, and Landers. Meeting adjourned at 9:32 PM.

ORDERED: That the minutes of the City Council meeting NOVEMBER 17, 2014, **FILE;** adopted.

ORDERED: That the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, DECEMBER 01, 2014 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2015. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, all were heard who wish to be heard, hearing recessed at 8:59 p.m.

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

ORDERED: That the transfer of \$46,230.00.00 (forty six thousand two hundred thirty dollars) from Sale of Graves to Offset the FY2015 Tax Levy, **APPROVED;** adopted.

FROM:

Acct. # 27000-33020 \$46,230.00
Sale of Graves

TO:

To Offset 2015 Tax Levy \$46,230.00

Suspension of the Rules requested – granted to allow Comptroller/Treasurer Brian Doheney to speak.

ORDERED: That the transfer of \$500,000.00 (five hundred thousand dollars) from Acquirer Protection to Offset the FY2015 Tax Levy, **APPROVED;** adopted.

FROM:

Acct. # 61000-31200 \$500,000.00
Acquirer Protection

TO:

To Offset 2015 Tax Levy \$500,000.00

ORDERED: That the transfer of \$3,680,000.00 (three million six hundred eighty thousand dollars) from Overlay Reserve to Offset the FY2015 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 10000-32200 \$3,680,000.00

Overlay Reserve

TO:

To Offset 2015 Tax Levy \$3,680,000.00

ORDERED: That the FY2015 Residential Factor of .804390 which results in a CIP shift factor of 1.40 and produces based upon the Fiscal 2015 tax levy a residential tax rate of \$15.76 and a commercial tax rate of 27.43, **APPROVED**; adopted.

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

**AN ACT EXEMPTING CERTAIN POSITIONS
IN THE MARLBOROUGH SCHOOL DEPARTMENT
FROM THE PROVISIONS OF CIVIL SERVICE**

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

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all positions in the School Department of the City of Marlborough, classified in the Municlass Manual within the General Administrative, Clerical, and Office Services Group, identified as Occupational Group 0300; within the Manual Labor Group, identified as Occupational Group 3500; within the Food Preparation and Service Group, identified as Occupational Group 7400; and within the Equipment, Facilities and Services Group, identified as Occupational Group 1600, shall be exempt from the provisions of chapter thirty-one of the General Laws and from any civil service rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts.

SECTION 2. The provisions of section 1 of this act shall not affect the rights or status under chapter thirty-one of the General Laws of any person who was hired by the School Department of the City of Marlborough prior to July 1, 2014.

SECTION 3. This act shall take effect upon its passage.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2015 State 911 Department Support and Incentive Program Grant in the amount of \$99,805.00 and a Target Grant in the amount of \$1,000.00 awarded to the Police Department. The first Grant will be used to offset personnel costs in the dispatching center and cover fire alarm related purchases. The second Grant will be used to pair a Police Officer with a local family to choose Christmas gifts using Target gift cards.

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY
A SPECIAL PERMIT**

SPRINT

CITY COUNCIL ORDER NO. 14-1005984B

Re: 450-460 Boston Post Road East (Countryside Village Apartments)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 11/12-1003071D which had previously modified Special Permit No. 00-8479E, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter, "the Applicant").
2. The site is located at 450-460 Boston Post Road East, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Lot 31 (hereinafter, "the Site"). The owner of record for the Site is Trinity Countryside Limited Partnership.
3. On March 26, 2007, the City Council granted to the Applicant a Special Permit to locate its wireless communications facility (3 canister antennas and associated equipment shelter) on the roof at the existing building located at 450-460 Boston Post Road East, Marlborough, MA (hereinafter, "the Original Special Permit").
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility rooftop; six (6) remote radio heads onto an existing wireless communication facility rooftop; replace one (1) GPS mounted to the rooftop; replace two (2) cabinets with three (3)MM equipment cabinets on the existing steel dunnage on the rooftop; as well as remove all existing coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit").

5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and four (4) new batteries to be installed in the existing battery cabinet (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS03XC082, Site Name: Countryside Village Apartments, 450-460 Boston Post Road, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").
6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Site is located partially in the Business B Zoning District and partially in the Residential A-1 Zoning District. The Proposed WCF Project is located in the portion of the Site located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**
 - 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
 - 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey to amend D (1) from 9 to 13; adopted.

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY
A SPECIAL PERMIT**

SPRINT

CITY COUNCIL ORDER NO. 14-1005985B

Re: 115 Onamog Street (Fairmount Hill Water Tank)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 12-1004032E which had previously modified Special Permit No. 02-9506B, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter, "the Applicant").
2. The site is located at 115 Onamog Street, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 81, Parcel 238 (hereinafter, "the Site"). The owner of record for the Site is the City of Marlborough.
3. On June 10, 2002, the City Council granted to Sprint Spectrum L.P. a Special Permit to locate a wireless communications facility on the outside face of the Fairmount Hill water tank located at 115 Onamog Street, Marlborough, MA at a height of approximately eighty-three (83) feet (hereinafter, "the Original Special Permit").
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace three (3) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility water tank; six (6) remote radio heads onto the water tank; replace one (1) GPS mounted to the water tank; replace two (2) cabinets with three (3) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with four (4) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit"). The Modified Special Permit is recorded in the Middlesex South District Registry of Deeds at Book - 59065, Page 93.

5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and eight (8) new batteries to be installed in the existing battery cabinet (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS54XC930, Site Name: Fairmount Water Tank, 115 Onamog Street, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").
6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Proposed WCF Project is located in the Residence A Zoning District. Wireless communication devices are allowed by grant of Special Permit in Residence A Zoning Districts.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**
 - 1) Applicant agrees that conditions 1 through 13 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
 - 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

Yea: 11 – Nay: 0

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

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY
A SPECIAL PERMIT****SPRINT****CITY COUNCIL ORDER NO. 14-1005986B**

Re: 2 Mount Royal Avenue

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 12-1004064C which had previously modified Special Permit No. 97-7270, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter "the Applicant").
2. The site is located at 2 Mount Royal Avenue, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Lots 33 and 33B (hereinafter, "the Site"). The owner of record for the Site is Mount Royal Associates, a Massachusetts limited partnership, c/o Haynes Management Inc., 34 Washington Street, Wellesley, MA 02481.
3. On December 8, 1997, the City Council granted to Sprint Spectrum L.P., d/b/a Sprint PCS, a Special Permit to locate a wireless communications facility on the roof of the building at the Site (hereinafter, "the Original Special Permit"). The Original Special Permit allowed up to nine (9) antennas and additional equipment to be installed. The Original Special Permit is recorded in the Middlesex South District Registry of Deeds ("the MSDRD") at Book 28034, Page 514.
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace three (3) CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; six (6) remote radio heads; replace one (1) GPS mounted to the rooftop; replace one (1) cabinet with two (2) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit"). The Modified Special Permit is recorded in the MSDRD at Book 59065, Page 67.

5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) new rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing BTS cabinet, and four (4) new batteries to be installed in the existing battery cabinet (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS03XC081, Site Name: Silgo [sic] Hill, 2 Mount Royal Avenue, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/1/14, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").
6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Proposed WCF Project is located in the Business Zoning District. Wireless communication devices are allowed by grant of Special Permit in the Business Zoning District.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**
 - 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
 - 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

Yea: 11 – Nay: 0

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

Motion by Councilor Clancy to amend D (1) from 9 to 8 adopted.

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY
A SPECIAL PERMIT****SPRINT****CITY COUNCIL ORDER NO. 14-1005987B**

Re: 157 Union Street (Marlborough Hospital)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 11/12-1003072D which had previously modified Special Permit No. 99-8205B, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter "the Applicant").
2. The site is located at 157 Union Street, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter, "the Site"). The owner of record for the Site is Marlborough Hospital.
3. On December 6, 1999, the City Council granted to Nextel Communications a Special Permit to locate and operate a wireless communications facility at the existing building located at the Site (hereinafter, "the Original Special Permit"). The Original Special Permit allowed up to nine (9) antennas and additional equipment to be installed. The Original Special Permit is recorded in the Middlesex South District Registry of Deeds ("the MSDRD") at Book 30970, Page 260.
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace six (6) CDMA antenna with three (3) Network Vision antenna and install six (6) RRH; install two (2) new BBU cabinets and replace one (1) existing CDMA cabinet with one (1) MM-BTS cabinet, replace existing GPS with a new GPS, remove existing coax cable and install three (3) hyperflex cables ("the Modified Special Permit"). The Modified Special Permit is recorded in the MSDRD at Book 59064, Page 394.
5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS13XC625, Site Name: Marlborough Hospital, 157 Union Street, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").

6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Proposed WCF Project is located in the Residential A-3 Zoning District. Wireless communication devices are allowed by grant of Special Permit in the Residential A-3 Zoning District.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**

- 1) Applicant agrees that conditions 1 through 8 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Robey

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Amendment to Zoning Code (Chapter 650) regarding New Marlborough Village District, Order No. 14-1005947B, **MOVED TO REPORTS OF COMMITTEES;** adopted.

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation to Accept Long Dr. as a Public Way, refer to **PUBLIC SERVICES COMMITTEE;** adopted.

ORDERED: That the Communication from Mark Donahue of Fletcher Tilton to **WITHDRAW WITHOUT PREJUDICE** Application for Special Permit on behalf of Chick-Fil-A, Inc. 230 Boston Post Rd. West. Order No. 14-1005761F, **APPROVED;** adopted.

Councilor Elder requested to be recorded in opposition.

ORDERED: That the Minutes, Recreation Commission, October 8, 2014, **FILE;** adopted.

ORDERED: That the Minutes Conservation Commission, October 2, 2014, **FILE;** adopted.

ORDERED: That the Minutes, Planning Board, November 3, 2014, **FILE;** adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, October 21, 2014, **FILE;** adopted.

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

- A. Gilbert Schiappa, 59 Minehan Lane, pothole or other road defect.
- B. Paul & Heather DiGregorio, 32 Tremont St., other property damage and/or personal injury

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday November 24, 2014
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Elder, Oram and Irish. Councilors Pope, Landers, Delano and Clancy (for agenda item #7) were also in attendance. The meeting convened at 5:32 PM.

1. **Order No. 14-1005998 – Transfer \$1,363,198.00 from Undesignated Funds to fund Department Equipment.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$1,363,198.00 from the Undesignated Funds account for DPW, Police and Emergency Management department equipment. The \$93,420.00 request for defibrillators was reduced by \$6,570.00 (new total of \$86,850.00) due to smaller sized units for the Police motorcycles. **The Finance Committee voted 5 - 0 to approve the transfer of \$1,356,628.00 for department equipment.**
2. **Order No. 14-1005999 – Transfer \$23,992.00 to Fund Senior Clerk Position in Council on Aging.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$23,992.00 from the Council on Aging Clerk position and DPW Finance Assistant position to fund a Senior Clerk position in the Council on Aging. **The Finance Committee voted 5 - 0 to approve the transfer.**
3. **Order No. 14-1006000 – Transfer \$20,000.00 to Fund Contract Services in the Board of Health.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$20,000.00 from the Mayor Audit Services account and Comptroller Senior Clerk account to fund the contract services account in the Board of Health to cover food compliance and inspectional services and plan reviews of new food establishments. **The Finance Committee voted 5 - 0 to approve the transfer.**
4. **Order No. 14-1006025 – Transfer \$226,392.31 to Fund Police Command Officers Contract for FY13, 14 and 15.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$226,392.31 from Reserve for Salaries (\$82,581.00) and Undesignated Funds (\$143,811.31) to fund the Police Command Officer Contract for FY13, 14 and 15. The Finance Committee voted 5 - 0 to approve the transfer. **The Finance Committee agreed to recommend suspending the rules at the December 1, 2014 City Council meeting to report the order out to the full Council.**

Reports of Committees cont'd:

5. **Order No. 14-1006026 – Transfer \$159,777.53 to Fund Fire Department Retirements and Overtime.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$159,777.53 from the following accounts to cover a retirement and overtime:
- Transfer \$25,138.43 from Firefighter account to Overtime
 - Transfer \$65,940.30 from the Fringe account to Sick Leave Buy Back
 - Transfer \$68,698.80 from the Fringe account to Firefighter account
- The Finance Committee voted 5 - 0 to approve the transfer.**
6. **Order No. 14-1006027 – Transfer \$24,630.00 to Fund the Retirement of a DPW Employee.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$24,630.00 from the Fringe account to the Water Department Sick Leave Buy Back account to cover the retirement of a DPW employee. **The Finance Committee voted 5 - 0 to approve the transfer.**
7. **Order No. 14-1005997 – Turf Field Bond for \$3,855,059.00.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 for bond request in the amount of \$3,855,059.00 to fund the city's first synthetic turf athletic field at the Whitcomb Middle School. Funding for this bond will be from the local option meals tax that is dedicated to the city parks and recreation facilities. The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to table the order. **The Finance Committee requested the following information be made available for the next Finance Committee meeting:**
- **A breakdown of the costs that make up the \$3,855,059.00 bond for the turf field.**
 - **A list of options to the use of rubber filler material for the turf.**
 - **The options associated with installing a spray system.**
 - **Evaluation if there would be any cost savings with installing more than one turf field.**

The Finance Committee adjourned at 7:52 PM.

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

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: November 18, 2014

Time: 5:30 PM

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

Agenda Item(s) addressed:

Convened: 5:45 PM

Adjourned: 6:32 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilors Robey and Delano; Councilor Landers

Also Present: Mayor Arthur Vigeant; Brian Doheny, Comptroller/Treasurer; Police Chief Mark Leonard; John Ghiloni, Commissioner of Public Works

Reports of Committees cont'd:

Order No. 14-1005962 - An Amendment to the City Code Relative to the Municipal Finance Department Appointment Terms.

The committee discussed amending the city code to change the length of term for the Comptroller/Treasurer from a two year appointment and the City Collector from a one year appointment to three year appointments each. The committee recommended a three year term for the Comptroller/Treasurer and a two year term for City Collector and additional changes to wording as indicated.

"The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of three years to expire the day following his/her approval by the City Council."

"Tax Collector; appointment, terms, and duties", is hereby amended by deleting the word "annually" and inserting in place thereof the words "for a two year term to expire the day following his/her approval by the City Council."

The text of §67-11 contains the language "He shall perform all the duties required of him as set forth in the General Laws of the commonwealth", in addition to changing "He" to "The Tax Collector", it was requested "him" be changed to "him/her" so the sentence reads, "The Tax Collector shall perform all the duties required of him/her as set forth in the General Laws of the commonwealth."

Recommendation of the Legislative and Legal Affairs Committee is to approve as amended, the Comptroller/Treasurer to a three year term, the Tax Collector to a two year term, and with amendments as to wording.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

Order No. 14-1006006 - Downtown Zoning Committee Parking Recommendation.

The committee discussed the recommendation of the Downtown Zoning Committee to increase the parking fine from \$15 to \$25 with regards to all areas where parking is prohibited or regulated excluding fire lane violations which remains unchanged.

Recommendation of the Legislative and Legal Affairs Committee is to approve the increase of the parking fine from \$15 to \$25.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

Reports of Committees cont'd:

Order No. 14-1006009 - Proposed Order to Grant an Easement from the City to Massachusetts Electric Company for the Purposes of Providing New and Updated Service for Ward Park from South Street to New Street.

The committee discussed the order to grant an easement from the City of Marlborough to Massachusetts Electric Company for the placement of poles and transformers and all necessary associated equipment to provide new and updated service for Ward Park from South Street to New Street.

Recommendation of the Legislative and Legal Affairs Committee is to approve the requested easement as proposed.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

Motion made by Councilor Delano, seconded by the Chair, to request a suspension of the rules at the next regular meeting of City Council to send to the legal department for proper legal form.

Motion Passed: 3-0

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

Motion Passed: 3-0

Meeting Adjourned: 6:32 PM.

***Reported by: Chairman Clancy
For Agenda: December 1, 2014***

Suspension of the Rules requested – granted

ORDERED: That the Police Department transfer request in the amount of \$226,392.31 which moves funds from and to various accounts as noted on the attached spreadsheets to fund the City’s contract with the Police Command Officers Union, Local 366, for fiscal years 2013, 2014, and 2015, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT: Police					FISCAL YEAR: 2015				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$82,581.00	\$82,581.00	11990006	57820	Reverse for Salaries & Bene	\$21,045.04	12100001	50500	Police Captains	\$106,501.13
	Reason:	Surplus in account				Police Command Contract			
\$6,103,681.00	\$143,811.31	10000	35900	Undesignated Fund Balance	\$47,614.35	12100001	50510	Police Lieutenants	\$244,201.85
	Reason:					Police Command Contract			
					\$81,336.09	12100001	50820	Police Sergeants	\$418,123.71
	Reason:					Police Command Contract			
					\$1,724.63	12100003	51360	Police OT - Training	\$35,974.63
	Reason:					Police Command Contract			
					\$13,391.34	12100003	51310	Police OT - Regular	\$102,298.49
	Reason:					Police Command Contract			
					\$514.65	12100003	51370	Police OT - Celebrations	\$3.21
	Reason:					Police Command Contract			
					\$183.73	60080003	51380	Police OT Water/Sewer	\$294.29
	Reason:					Police Command Contract			
					\$615.56	61090003	51380	Police OT Water/Sewer	\$0.00
	Reason:					Police Command Contract			
					\$2,777.27	12100003	51320	OT- Court Time	\$139,382.91
	Reason:					Police Command Contract			
					\$118.34	12100003	51319	OT - Cell Watch	\$3,523.71
	Reason:					Police Command Contract			

					\$23.71	12100003	51329	On - Call Pay	\$8,090.64
	Reason:							Police Command Contract	
					\$7,728.53	12100003	51920	Sick Leave Buy Back	\$153,658.00
	Reason:							Police Command Contract	
					\$6,008.23	12100003	51490	Holiday Pay	\$208,690.95
	Reason:							Police Command Contract	
					\$9,077.51	12100003	51342	Longevity	\$118,185.50
	Reason:							Police Command Contract	
					\$30,702.79	12100003	51440	Educational Incentive	\$360,206.91
	Reason:							Police Command Contract	
					\$3,256.15	12100003	51450	Night Shift Differential	\$82,083.76
	Reason:							Police Command Contract	
					\$274.39	12100003	51410	First Responder	\$38,043.96
	Reason:							Police Command Contract	
	\$226,392.31	Total			\$226,392.31	Total			

Suspension of the Rules requested – granted

ORDERED: That the City of Marlborough grant a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “NGrid”), as described in the attached Grant Of Easement and as shown on the sketch attached to said Grant as “Exhibit A,” entitled “Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro, Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479,” for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating the transmission of high and low voltage electric current and for the transmission of intelligence by means of overhead and underground systems, consisting of, but not limited to, a line of six (6) poles with wires and cables strung upon and all necessary anchors, guys and appurtenances, consisting of buried wires and cables and lines of wires and cables installed in underground conduits, manholes, transformers, and vaults, said overhead and underground systems being further described in the attached Grant Of Easement which shall be recorded at the Middlesex South District Registry of Deeds, and as located in, through, over and across and upon certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown on Assessor’s Map 69, Parcel 394 and on Assessor’s Map 81, Parcel 190A.

Refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM;** adopted.

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE MASSACHUSETTS 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. A. 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.

Recording Studio/Live/Work Space

The use of all or a portion of a structure for both habitation and work by persons engaged in sound recording and mixing, which studio may be used to record musicians, voice-over artists for advertisements or dialogue replacement in film, television or animation, or to record their accompanying musical soundtracks, to be stored on tapes, records, compact discs, computers or other storage devices.

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 Commissioner. 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 relevant 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-thru 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 § 650-17, Table of Use Regulations, for a particular zoning District, located on the same lot and 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.

B. Chapter 650 is hereby amended by deleting from paragraph B. of § 650-5, entitled "Definitions, word usages", the definition of "Retail Sales and Services" and inserting in place thereof the following new definition:

Retail Sales 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 insurance, optometry, 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 Sales 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:
Marlborough Village District MV
- III. Chapter 650 is hereby amended in 650 Attachment 1 (§ 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 "Y" 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".
 - (9) Under the heading entitled "Residential Use", by inserting a new Use category as follows: "Recording Studio/Live/Work Space", and by inserting beneath the district abbreviations the letters "N" and "Y" 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 who participate in administrative Site Plan Review as provided under § 270-2. See in § 650-33 (B) special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District.

(42) Mixed Use development, including multi-family residential uses, shall not be subject to special permit provisions for Multi-Family uses.

(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 after paragraph A (3) of § 650-26, entitled "Affordable housing", the following new paragraph (4):

(4) The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.

- VIII. 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 and recruit 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; and increase in area of on-site parking or loading areas. (See § 270-2 (3)).
- (b) Site Plan Review shall be conducted administratively, as provided in § 270-2, except for hotel uses and for those projects over 10,000 square feet, which projects shall undergo site plan review by the City Council.

(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 extended stay to be permitted beyond thirty days with approval of the Building Commissioner. 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 be 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.

(3) Provisions for Projects over 10,000 sq. ft.

- (a) Within the Marlborough Village District, all site plan review for projects over 10,000 square feet shall be conducted by the City Council, which may delegate in part or in whole its site plan review to appropriate Department staff who participate in administrative Site Plan Review under § 270-2. This provision applies to new construction, rehabilitation, or alterations that will result in a total project size of over 10,000 square feet.

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) 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.
 - (b) In performing Site Plan Review, the City Council may employ the services of qualified professional consultants as provided under M.G.L. c. 44, § 53G, as amended, entitled "Employment of outside consultants." These services may include those of an urban designer, architect and/or landscape architect.
- (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 facade 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.

[2] The standards for acceptable masonry construction are as follows:

[a] 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.

[b] Utilize bricks which are sound, hard, well burnt with uniform color shape and size.

[c] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.

[d] Frogged bricks shall be laid with the frogs pointing upwards.

[e] Mortar specifications shall comply with relative ASTM standards.

[f] The properties of masonry units shall comply with the requirements of relevant ASTM Standards. Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.

(e) Awnings and Canopies:

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.

(f) Reflective Materials:

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.

(g) Transparent Windows at Ground Floor of Commercial Buildings:

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.

(h) 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 Boulevard parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within downtown Marlborough.

(i) 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.

(j) Vehicle and Pedestrian Features:

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

(k) 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.

(l) 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.

(m) Sustainable Building Design:

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

(n) 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.

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

(2) 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 the 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, or such account as the City Council shall deem appropriate, 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, or such account as the City Council shall deem appropriate, shall be filed with the City Council and referred to the appropriate committee of the City Council, which committee shall have 60 days to forward its 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.

(3) 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. Height limits do not include roof mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-33 D (2) (b), shall be subject to Site Plan Review and Design Standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this ordinance.

G. Residential Development:

- (1) The maximum number of residential units for which building permits may be issued 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.
- (2) Not more than 10% of the units in any proposed development within the Marlborough Village District shall be more than 2 bedrooms in size.

H. Private Open Space:**(1) Minimum Open Space:**

The minimum amount of Private 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 private 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 made 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.

(4) City Council Waiver Under Site Plan Review:

In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Private Open Space per unit, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of private open space for other reasons, the City Council, as part of Site Plan Review, may negotiate with the developer and may set other conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision.

I. Signage:

- (1) 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.

(a) 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.

(b) Other Business Signs:

To maximize parking and strengthen the business environment, "A" frame valet parking signs may be licensed by the City Council after review by the Public Services Committee. An application fee will be required.

(c) Projecting (blade) signs:

It is the intent of this ordinance to allow for the installation of high quality, artistic, visually appealing projecting (or blade) signs that will enhance the quality of the visitor/patron experience in the Marlborough Village district. 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 or using materials other than those specified may be allowed by Special Permit.

- [1] 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.
- [2] 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.
- [3] 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.
- [4] 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.

- [5] Projecting signs may only be externally lit; no internally lit signs shall be allowed. Lighting shall be properly screened so as to have no impact on abutting properties or any residential or commercial units above the business associated with the blade sign.
- [6] All such projecting signs shall be wood, or have the visual impression of being made of wood, and shall be painted, stained, varnished or otherwise sealed. External finishing of the signs shall be maintained in its original quality; if not, the sign may be ordered to be removed as being in violation of its permit.
- [7] Projecting signs which include 3-dimensional elements that symbolically indicate the type of business being advertised are encouraged and may be allowed by Site Plan Review whether by the City Council or under § 270-2. Any such 3-dimensional element may add up to 33% of the allowed sign area; the size of the 3-dimensional element to be measured as a cross section of the element perpendicular to the street.
- [8] The area of the blade or projecting sign, but not the additional area occupied by any 3-dimensional element of the sign, shall count towards the total sign area (square footage) allowed under Chapter 526, the City of Marlborough sign ordinance.
- IX. 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.
- X. Chapter 650 is hereby amended by inserting into 650 Attachment 2 (§ 650-41), entitled "Table of Lot Area, Yards and Height of Structures," such amendments as provided in Exhibit "B" attached hereto.
- XI. Chapter 650, is hereby amended by inserting into § 650-47 the following:
- (1) By deleting paragraph E (1)(a)[2] in its entirety and inserting in place thereof the following new paragraph E (1)(a)[2]:
- [2] Multi-family dwellings (except multi-family 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 E (1)(a)[3], entitled "Nonresidential use and districts" in their entirety and inserting in place thereof the following new paragraphs [a], [b], and [c]:
- [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.
- [c] Other districts: 15 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 after the word “widths” in the sentence “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.
- XII. 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 three 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 shall be shown on site plans.
- XIII. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “C”). The newly established Marlborough Village District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors’ Map and Parcel Number):

69-209A; 69-210A; 69-211; 69-216; 69-216A; 69-217; 69-218; 69-218A; 69-219; 69-222;
69-368A; 69-369A; 69-370; 69-371; 69-372; 69-373; 69-374; 69-375; 69-375A; 69-376;
69-377; 69-377A; 69-378; 69-379; 69-381A; 69-381B; 69-382; 69-390; 69-390A; 69-390B;
69-390C; 69-394; 69-395; 69-395A; 69-396; 69-397A; 69-422A; 69-430; 69-431; 69-431A;
69-431B; 69-452; 69-455; 69-457; 69-458; 69-459; 69-460; 69-461; 69-462; 69-463; 69-465;
69-466; 69-477; 69-479; 69-480; 69-481; 69-482; 69-483; 69-492; 69-494; 69-531; 70-24;
70-25; 70-26; 70-28; 70-29A; 70-29B; 70-30; 70-30A; 70-31; 70-32; 70-33; 70-33A; 70-34;
70-77; 70-77A; 70-78; 70-79; 70-80; 70-82; 70-103; 70-122; 70-123; 70-124; 70-125; 70-126;
70-127; 70-128; 70-129; 70-130; 70-131; 70-131A; 70-132; 70-133; 70-134; 70-135; 70-135A;
70-136; 70-137; 70-139; 70-140; 70-140A; 70-140B; 70-141; 70-142; 70-143; 70-143A; 70-145;
70-145A; 70-145B; 70-147; 70-149; 70-150; 70-151; 70-152; 70-153; 70-154; 70-155; 70-156;
70-158; 70-201; 70-202; 70-203; 70-204; 70-206; 70-208; 70-212A; 70-213; 70-215; 70-216;
70-217; 70-218; 70-219; 70-220; 70-221; 70-222; 70-223A; 70-224; 70-226; 70-227; 70-228;
70-229; 70-230; 70-231A; 70-236; 70-237; 70-238; 70-239; 70-240; 70-248; 70-250; 70-251;
70-251A; 70-254A; 70-255; 70-256; 70-257; 70-258; 70-259; 70-260; 70-261; 70-267; 70-277;
70-277A; 70-278; 70-280; 70-281; 70-282; 70-283; 70-284; 70-285; 70-289; 70-291; 70-292;
70-293; 70-294; 70-373; 70-377; 70-378; 70-379; 70-380; 70-381; 70-382; 70-383; 70-527;
70-528.

XIV. 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: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:32 PM.



IN CITY COUNCIL

NOVEMBER 17, 2014

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon New England, Inc. to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames St. Also to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames St. Conduit system will be installed 3' back of curb on the north side of the roadway. This installation is required to provide electrical service to new multifamily residential development – The Preserve at Ames

Be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 14-1006034



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 3, 2014

ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** Petition of National Grid and Verizon New England, Inc. to relocate joint owned P.5 on Norwood St. 4' north and install sidewalk guy. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance.

Be and is herewith refer to **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 14-1006012



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 3, 2014

ORDERED:

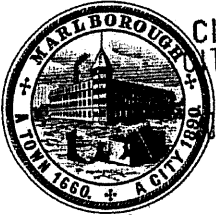
That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Digital Federal Credit Union to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, Order No. 03-10047B, to remove Condition #7 prohibiting LCD signs on the property, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

Councilor Delano recused.

Ninety days after public hearing is 03/15/15 which falls on a Sunday, therefore 03/16/14 would be considered the 90th day.

ADOPTED

ORDER NO. 14-1006011
X03-10047B



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CITY OF MARLBOROUGH

14 DEC 11 A 11:40

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 11, 2014

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

Re: Mitigation Payment Acceptance and Related Transfer Request

Honorable President Pope and Councilors:

Enclosed for your acceptance is a check in the amount of \$150,000.00 from Atlantic Management Corp., the entity responsible for the redevelopment project located at 200 Forest Street. The payment results from mutually agreed to mitigation payments to fund needed sewer upgrades in that area.

Once accepted, I would ask the Council to approve the following transfer request to allow the funds to be expended for the necessary sewer upgrades.

- 1) Transfer in the amount of \$150,000.00 from 10000-35900 (Undesignated Fund) to 19300006-55650 (Sewer Maintenance)

Included in this correspondence are memos from City Solicitor Don Rider and City Engineer Evan Pilachowski with further information. In the meantime, please do not hesitate to let me know if you have any additional questions. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW

FISCAL YEAR: 2015

FROM ACCOUNT:

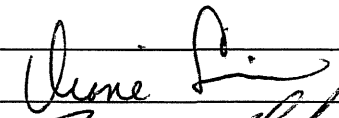
TO ACCOUNT:


Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$5,959,869.69</u>	<u>\$150,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund Balance</u>	<u>\$150,000.00</u>	<u>19300006</u>	<u>55650</u>	<u>Sewer Maintenance</u>	<u>\$0.00</u>
	Reason:	_____				Sewer upgrades associated with Atlantic project			
_____	Reason:	_____			_____	_____	_____	_____	_____
_____	Reason:	_____			_____	_____	_____	_____	_____
_____	Reason:	_____			_____	_____	_____	_____	_____
_____	Reason:	_____			_____	_____	_____	_____	_____
	\$150,000.00	Total			\$150,000.00	Total			

Department Head signature:

Auditor signature:

Comptroller signature:







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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

December 4, 2014

Evan Pilachowski, P.E.
City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752

RE: Atlantic Marlboro Realty LLC –
MEPA Sewer Mitigation Payment

Dear Evan:

Enclosed is a check I received today from Timothy Coskren of Atlantic Marlboro Realty LLC in the amount of \$150,000.00, as a payment for sewer upgrades to mitigate the impacts of Atlantic's 200 Forest Street project. Per the Auditor's instructions, it is my understanding your office will be depositing this check as general fund revenue (Misc. Mitigation) followed by a transfer request to an appropriate capital projects account.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Mayor's Office
Council Office
DPW Commissioner
Auditor
Conservation Officer

Atlantic Marlboro Realty LLC

C189

City of Marlborough

DATE	INVOICE NO.	DESCRIPTION	ACCOUNT	INVOICE AMOUNT
10-10-14	12/13-1005	MEPA- Mitigation Pmt	080-000-1953	150000.00
CHECK DATE	12-03-14	CHECK NUMBER	1035	TOTAL > 150000.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

Atlantic Marlboro Realty LLC

Atlantic Marlboro Realty LLC
c/o Atlantic Management Corp
205 Newbury Street
Framingham, MA 01701
508-626-0025

Middlesex Savings Bank
6 Main Street
Natick, MA 01760

53-7122
2113

DATE: December 3, 2014
CHECK NO.: 1035
AMOUNT: *\$150,000.00

Pay:*****One hundred fifty thousand dollars and no cents

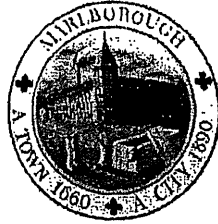
PAY TO THE ORDER OF
City of Marlborough
Attn: Trish Bernard
140 Main Street, 4th Fir
Marlborough, MA 01752-3898

Vivene J. Guber



⑈000001035⑈ ⑆211371227⑆ 163549309⑈


Details on back
Security Features Included



CITY OF MARLBOROUGH
Department of Public Works
Engineering Division
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

MEMORANDUM

TO: DIANE SMITH, CITY AUDITOR

FROM: EVAN PILACHOWSKI, CITY ENGINEER 

CC: JOHN L. GHILONI, DPW COMMISSIONER

DATE: DECEMBER 10, 2014

RE: ATLANTIC-MARLBORO REALTY SEWER MITIGATION

We received a payment from Atlantic-Marlboro Realty, LLC for \$150,000 for sewer mitigation made necessary by the full build out of their property at the intersection of Simarano Dr and Forest St. The payment was agreed to between the Department of Public Works and Atlantic-Marlboro during the summer of 2013 after investigating sewer capacities along Ames St and Glen St. I have reviewed the sewer modeling and projections (attached), and I concur that the proposed sewer mitigation payment will be adequate to correct the projected sewer restriction on Glen St.

The Engineering Division will be completing the design for the sewer system improvement this winter with the expectation of completing construction early in 2015. We respectfully request that these funds sent to the City of Marlborough by Atlantic-Marlboro Realty, LLC for sewer mitigation be transferred into a capital project fund to pay for the planned improvements.

July 11, 2013

Mr. Thomas E. Cullen, P.E.
City Engineer
City of Marlborough - Department of Public Works
135 Neil Street
Marlborough, MA 01752

Re: Forest Park
Sewer System Capacity

SMMA No. 11046.00

Dear Mr. Cullen:

This letter summarizes an analysis performed by SMMA regarding the Ames Street / Glen Street sewer system capacity. The Forest Park project proposes a mixed-use development at the existing 200 Forest Street site that includes a proposed sewer connection at the intersection of Forest Street and Ames Street. As requested in our meeting of April 10, 2013, SMMA performed a system capacity analysis described below:

- Pipe lengths, slopes, sizes and materials as well as manhole identification numbers were taken from the City of Marlborough GIS
- City of Marlborough Assessors Online Database was used to determine square footage of development contributing to the sewer system. Residential loading is based on 3 bedrooms per house. Twenty employees were assumed for the industrial warehouse at 85 Ames and five doctors were assumed at the medical office building at 441 Lakeside
- MassDEP 314 CMR 7.00 Sewer System Extension and Connection Permit Program loading rates were applied to proposed Forest Park uses and existing uses contributing to sewer system
- Peak flow factors were applied to design flows to determine the design discharges

Information and mapping extracted from the City of Marlborough GIS was used to obtain contributing areas to the manhole along the main trunk line of the Ames Street / Glen Street sewer system. The contributing residential houses and commercial development was tabulated along with their corresponding loading rate and peak factor to determine the design flow. Manning's equation was used with the pipe information to determine the full flow pipe capacity of the main trunk line. The design flow (Q_d) was compared to the full flow pipe capacity (Q_f) to determine the percent of full flow capacity.

The analysis shows the sewer system capacity will not be exceeded with the additional flows from the proposed Forest Park project. As shown on Table 1 the system operates at less than 50% of design capacity for most of its length. The highest percent of full flow (88%) occurs in the 113 foot section of 8-inch asbestos cement pipe at 0.5% slope between SMH089-1122 and SMH089-1105. This is primarily from the contribution of flow from the residential neighborhood at SMH089-1122. Despite the increased flow from development to the north, the system capacity increases at the intersection of Glen Street and Ripley Avenue where an acute bend occurs as the sewer system flows

Mr. Thomas E. Cullen, P.E.

July 11, 2013

SMMA

to the west and is increased to a 12-inch cast iron pipe at 1.84% slope. The percent of full flow in this section drops to 20%.

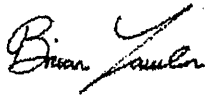
The acute bend at Glen Street and Ripley Avenue has been identified as a possible improvement project as part of the Forest Park MEPA EENF filing. Conceptually, an intermediate manhole will be installed along the 113-foot 8-inch asbestos cement pipe between SMH089-1122 and SMH089-1105 and connect perpendicularly to the 185-foot 12-inch cast iron pipe at another intermediate manhole installed between SMH089-1105 and SMH089-1106, thereby bypassing the existing acute angle at SMH089-1105. As part of the Sewer Improvement Project the City may want to consider replacement of the existing pipe exiting SMH089-1122 with a cast iron pipe with increased diameter and slope in order to increase the capacity.

From the results of this sewer system capacity analysis, it is the opinion of SMMA that the Ames Street / Glen Street sewer system has adequate capacity to accept the increased flow from the proposed Forest Park project. As part of the sewer realignment at Glen Street and Ripley Avenue, SMMA recommends that the City consider increasing the capacity of the pipe section referenced above.

Please contact me via email or phone at 617-520-9224 if you have any question or comments.

Very truly yours,

SMMA | Symmes Maini & McKee Associates



Brian Lawlor, P.E.
Principal

cc: Mr. Ron LaFreniere, PE - Commissioner of Public Works; Joe Zink, John Sullivan - Atlantic Management, William Park, (MF)

enclosures: Sewer System Capacity Analysis – Table 1 & Figure 1

BWL/BWL /P:\2011\11046\20-CALCS\Civil\Sewer\Cullen.docx

July 18, 2013

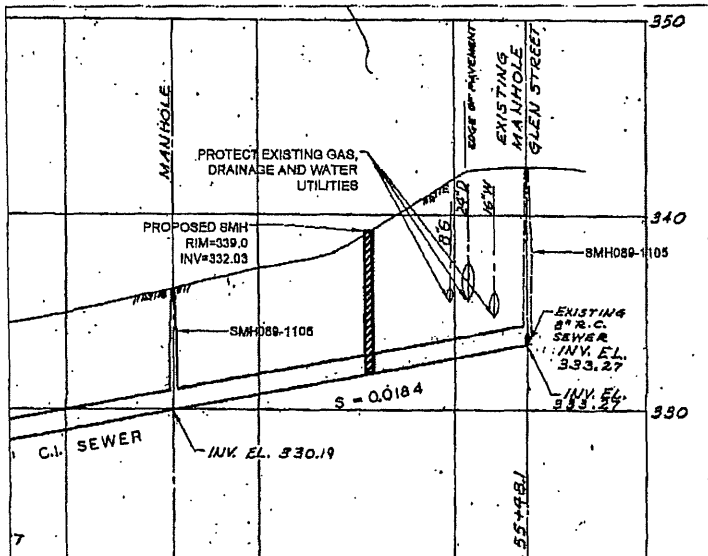
The attached conceptual sketch shows the proposed sewer improvement project at the intersection of Glen Street and Ripley Avenue. The sketch shows the following:

- The proposed 84-ft section of sewer is shown on the attached figure in green and is proposed as 12-inch cast iron. The proposed sewer pipe is shown cored into existing SMH089-1122. We will analyze the constructability of this connection to determine if a new manhole structure is required.
 - This alignment abandons the pipe section between SMH089-1122 and SMH089-1105 which resolves the capacity issue identified in our letter report dated July 11, 2013.
 - We have shown on the plan the invert information for the drain crossing we previously discussed. This invert will need to be confirmed prior to detailed design. The additional utilities shown in the profile do not appear to be an issue.
- William Park, PE
Civil Engineer, SMMA

//P:\2011\11046\08-CODES\Sewer\m-sewer improvement project.doc



PLAN
SCALE: 1"=50'



PROFILE - MILLHAM BROOK SEWER

SCALE: HOR. 1"=50'
VERT. 1"=6'

NOTES:

1. NOT ALL UTILITIES AND FEATURES SHOWN.
2. EXISTING CONDITIONS COMPILED FROM RECORD PLAN PREPARED BY METCALF & EDDY, INC., ENTITLED "MILLHAM BROOK SEWER - PLAN AND PROFILE - STA. 44+00 TO STA. 55+38", DATED FEBRUARY, 1968, LAST REVISED JULY 30, 1973 (GIS REF. B-448); PLAN PREPARED BY EWALD & MASCHL, INC., ENTITLED "PLAN AND PROFILE OF GLEN STREET", DATED NOVEMBER 18, 1985 (GIS REF. G-93).
3. INFORMATION SUPPLEMENTED BY CITY OF MARLBOROUGH GIS
4. AERIAL PROVIDED BY MASSACHUSETTS GIS
5. UTILITY DISCREPANCIES EXIST BETWEEN VARIOUS RESOURCES. FIELD VERIFICATION IS REQUIRED PRIOR TO FINAL DESIGN

FIGURE 2

DATE: 7/17/2013
ISSUE:
SCALE: 1"=300'
REF:
DR BY: WWP
CK BY: BWL

FOREST PARK
MIXED-USE DEVELOPMENT

Forest Park
Forest Street / Simarano Drive
Marlborough, MA
JOB NO.: 11046.00

SMMA

AMES STREET / GLEN STREET
SEWER IMPROVEMENT SKETCH

SEWERAGE & WATER ASSOCIATION
100 Massachusetts Avenue
Cambridge, Massachusetts 02139
PH: 617-352-5810 FAX: 617-352-5811

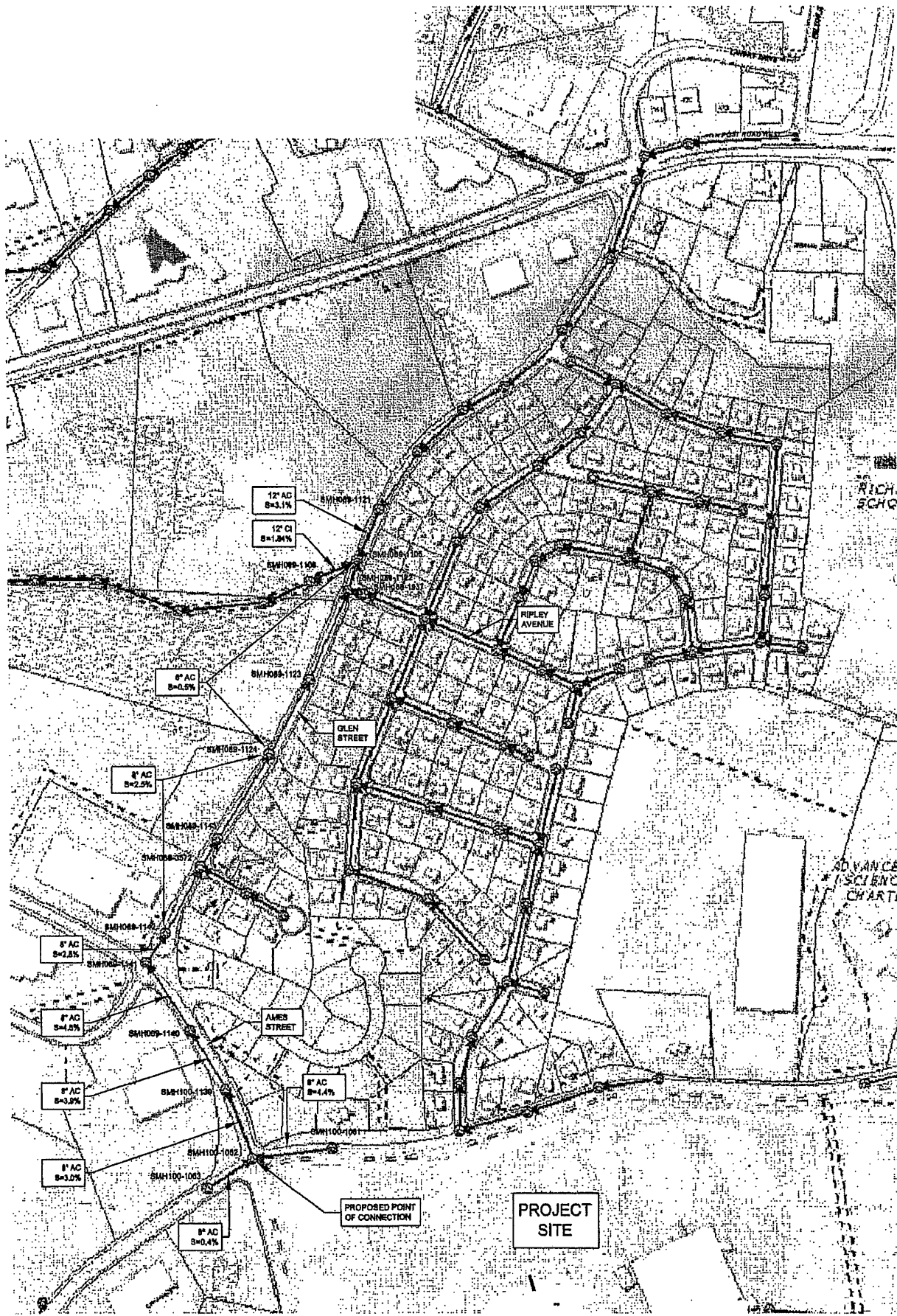


FIGURE 1

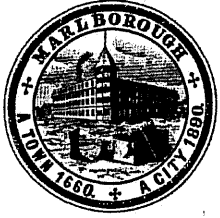
AMES STREET / GLEN STREET
SEWER CAPACITY ANALYSIS

DATE: 7/9/2013
 ISSUE:
 SCALE: 1"=300'
 REF:
 DR BY: WVP
 CK BY: BWL

FOREST PARK
MIXED-USE DEVELOPMENT
 Forest Park
 Forest Street / Simerano Drive
 Marlborough, MA
 JOB NO.: 11048.00

SMMA

DYNAMIC DESIGN & ENGINEERING ASSOCIATES
 100 Massachusetts Avenue
 Cambridge, Massachusetts 02138
 PH: 617.547.5400 FAX: 617.548.4499



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 DEC 11 AM 10:20

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 11, 2014

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

Re: Transfer Request – Fire Department

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$53,214.30 to fund the sick leave buy back for a retiring member of the Fire Department.

Included in this correspondence is a detailed letter from Chief James Fortin providing further information regarding this request. In the meantime, please do not hesitate to let me know if you have any additional questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS 01752

December 1, 2014

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, Ma. 01752

Re: Transfer Request

Dear Mayor Vigeant,

I am submitting for your approval a transfer request to fund sick leave buy back for an upcoming retirement. This retirement will occur shortly after the department sick leave buy back is paid in January at which time, our sick leave account will not have funding. Retirements are not figured into our sick leave buy back line item.

\$53,214.30 from 11990006-51500 (Fringe) to 12200003-51920 (Sick Leave)

Please feel free to contact me if you have any questions.

Sincerely,

James M. Fortin
Fire Chief



City of Marlborough

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 DEC 11 A 11: 20
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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 11, 2014

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

Re: DPW Grant Acceptance (2)

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant award from the Massachusetts Department of Environmental Protection to the City of Marlborough in the amount of \$19,100.00.

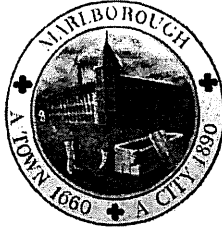
These funds come from the Sustainable Materials Recovery Program and will be utilized for the purchase of recycling containers and related public education materials.

Also enclosed is an additional grant acceptance in the amount of \$26,300.00 from the Massachusetts Department of Energy Resources. The grant will help fund the replacement of the boiler at the Millham Water Treatment Plant.

Enclosed is the relevant backup information and paperwork from DPW Commissioner John Ghiloni. I respectfully request your acceptance of these grants so they may be utilized for their intended purposes.

Sincerely,

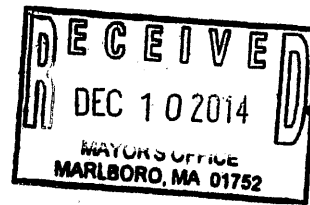
Arthur G. Vigeant
Mayor



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

December 10, 2014

Mayor Arthur G. Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752



RE: DEP Sustainable Materials Recovery Program Municipal Grant

Mayor Vigeant:

The Massachusetts Department of Environmental Protection has awarded the Department of Public Works a grant in the amount of \$19,100.00. This Sustainable Materials Recovery Program Municipal Grant is for the purchase of roll-off containers and educational materials.

Attached is a copy of the grant approval letters. I am requesting that the grant awards be forwarded to the City Council for approval.

Should you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

John L. Ghiloni
Commissioner



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

October 16, 2014

Mayor Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the City of Marlborough a Sustainable Materials Recovery Program Municipal Grant. The City of Marlborough will receive up to \$7,500 for a roll-off container for the collection and recycling of carpet; up to \$5,500 for a roll-off container for the collection and recycling of bulky rigid plastic items; up to \$1,000 for education materials to publicize the carpet and plastics recycling programs; and up to \$1,500 for a Targeted Small Scale Initiative.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The SMRP solicitation, issued April 1, 2014, offered funding to cities, towns and regional entities - as well as certain non-profit organizations that provide services to them - for recycling, composting, reuse and source reduction activities that will increase diversion of municipal solid waste and household hazardous waste from disposal. MassDEP received applications from 185 municipalities, regional groups and non-profits. With \$3.8 million in requested funds, the evaluation and award process was extremely competitive.

The terms and conditions of your grant are outlined in the attached document, which contains key dates and deadlines specific to your award. This information has also been provided to the municipal recycling contact copied below. Should you have any questions, please call Tina Klein at (617) 292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

David W. Cash
Commissioner

cc: Mr. Tom Temple, Assistant Commissioner



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

September 16, 2014

Mayor Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded Recycling Dividends Funds to the City of Marlborough under the Sustainable Materials Recovery Program. The City of Marlborough has earned 6 points and will receive \$3,600.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The SMRP solicitation, issued April 1, 2014, included an exciting new opportunity – the Recycling Dividends Program (RDP) – which provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The terms and conditions of this award are outlined in an RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at (617) 292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

David W. Cash
Commissioner

cc: Mr. Tom Temple, Assistant Commissioner

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 10-Dec-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Tom Temple

NAME OF GRANT: Sustainable Materials Recovery Program Municipal Grant

GRANTOR: Department of Environmental Protection

GRANT AMOUNT: \$19,100

GRANT PERIOD: July 1, 2014 - April 30,2015

SCOPE OF GRANT/
ITEMS FUNDED Increase Solid Waste and Recycling
Purchase of roll-off containers and educational materials

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO

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



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

December 10, 2014

Mayor Arthur G. Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: DOER Grant for boiler replacement at Millham Water Treatment Plant

Mayor Vigeant:

The Massachusetts Department of Energy Resources has awarded the Department of Public Works a grant in the amount of \$26,300.00. This grant is for the replacement of the boilers at the Millham Water Treatment Plant.

I am requesting that the grant award be forwarded to the City Council for approval.

Should you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

John L. Ghiloni
Commissioner

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 10-Dec-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Michele Higgins

NAME OF GRANT: Clean Energy Project

GRANTOR: Department of Energy Resources

GRANT AMOUNT: \$26,300

GRANT PERIOD: July 1, 2014 - April 30,2015

SCOPE OF GRANT/
ITEMS FUNDED Replace boiler at Millham Water Treatment Plant
Boiler and piping

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Labor is provided by city employees and Assabet Students

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO

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



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 DEC 11 AM 11:21

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 11, 2014

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

Re: "Panther Trail" Conceptual Plan

Honorable President Pope and Councilors:

Enclosed for your information is a draft conceptual plan of the "Panther Trail," a 26.2 trail connecting the city's parks, public grounds and open space in one loop extending throughout the city.

Much like the "Boroughs Trail," the creation of this innovative recreational opportunity is owed to the efforts of Conservation Officer Priscilla Ryder, the Open Space Committee and the work of many volunteers. When completed, it will add another new amenity to our city that I hope will be heavily utilized by our residents and employees working throughout the community.

For your information I have included in this correspondence a map of the trail as well as a detailed narrative from Ms. Ryder.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

Edward Clancy – Chairman
Dennis Demers
Karin Paquin
Lawrence Roy
John Skarin
Allan White
David Williams
Priscilla Ryder Conservation Officer

December 10, 2014

Arthur Vigeant, Mayor
140 Main St. City Hall
Marlborough, MA 01752

RE: Proposed Panther Trail – 25+ mile trail loop through Marlborough

Dear Mayor Vigeant,

The recently approved Open Space and Recreation Plan (OSRP) 2011-2018 recommends the establishment of a trail to be called the “Panther Trail” which will loop around the city and connect many of the city’s open spaces, parks and schools with a city wide trail.

The attached plan is the conceptual plan for the Panther trail which will also serve as part of the four community Borough’s trail submitted to you a few weeks ago. As with the Borough’s trail there are several sections of the Panther trail already in place where it connects into existing trails and sidewalks. Other sections will need to be built by scouts and volunteers and still other sections are part of development plans to be constructed in the near future such as the Forest St. trail connection through the mixed use overlay district or proposed sidewalks on Hayes Memorial Dr. When all the details are worked out we are striving to get a 26.2 mile -marathon length- trail loop. Currently, the proposed trail shown in red on the attached map is approximately 25.8 miles.

The trail as shown will connect many of the city’s open space and recreation gems including the Assabet River Rail Trail, Ghiloni Park, Callahan State Park, Sudbury Reservoir Watershed land, Lake Williams, Felton Conservation land and Millham Reservoir. The vision is to have the trail marked with signage that identifies it for a well guided walk. We are envisioning signage as shown on the map with the orange Panther paw and arrow which will be placed along the way.

As outlined in the OSRP the goal is to make the city a healthy place to live by creating safe places for people to walk, jog and in some sections bike. We will be finalizing the route this winter to ensure we have legal access to make all the connections envisioned, shift the trail as needed and then embark on its implementation next spring.

I share this with you now as it is tied into the Boroughs trail loop recently submitted and is part of the larger vision for the city’s trail network. Input on this trail is encouraged at this final planning stage. I will keep you posted as this project moves forward.

Sincerely,

Priscilla Ryder
Conservation Officer

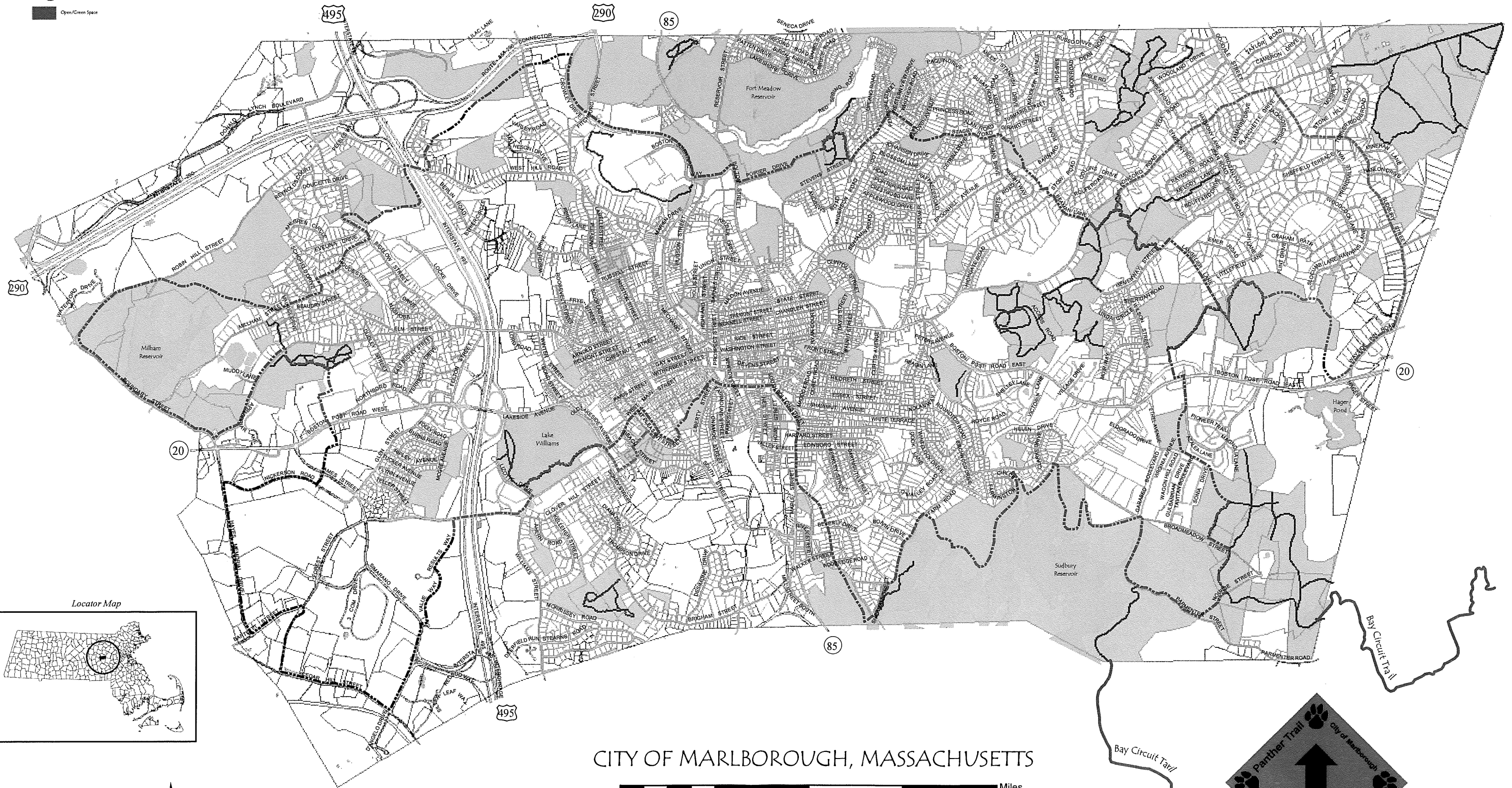
Encl.

E-mail: Planning Board; Conservation Commission; Recreation Commission

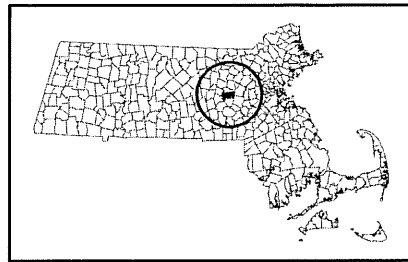
Map Explanation

-  Future "Panther Trail" (Approx. 25.8 Miles)
-  Possible Trail Alternates
-  Existing City Trails
-  Open/Green Space

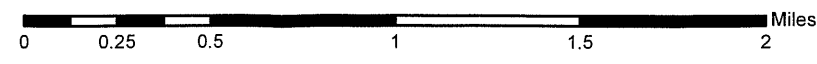
Conceptual Panther Trail 2014



Locator Map



CITY OF MARLBOROUGH, MASSACHUSETTS



Open Space Mapping compiled by the
Marlborough Department of Conservation and the
Department of Public Works.
Arthur G Vigeant, Mayor
Priscilla Ryder, Conservation Officer
Nathaniel Bowen, GIS Administrator





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 DEC 11 A 11:55

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 11, 2014

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

**RE: Order of Taking by Eminent Domain And Order Of Acceptance of Public Way
Regarding Cul-De-Sac On D'Angelo Drive**

Dear President Pope and Members:

Enclosed herewith for your consideration, please find the above captioned order which proposes a taking by eminent domain of the cul-de-sac located at the end of D'Angelo Drive. Also attached is a letter from John Ghiloni, DPW Commissioner, concerning the proposed taking.

I am available to answer any questions that you may have concerning the attached.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

Cc: John Ghiloni, DPW Commissioner



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

December 11, 2014

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

**RE: Order of Taking by Eminent Domain And Order Of Acceptance of Public Way
Regarding Cul-De-Sac On D'Angelo Drive**

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the attached Order of Taking by Eminent Domain and the attached Order of Acceptance As A Public Way.

The proposed Order of Taking is for the purpose of acquiring the fee interest in the cul-de-sac at the terminus of D'Angelo Drive. As provided on the attached "Approval Not Required Plan" dated September 25, 1983, the Johnson Trust was to convey to the City cul-de-sac to the City for the purposes of highway improvements. The conveyance never occurred, and the Johnson Trust has expired by the terms of the Trust instrument.

The proposed Order of Acceptance would provide the cul-de-sac with the same status as that of D'Angelo Drive, which has been a public way since 1983.

I am available to answer any specific questions relative to the project.

Sincerely,

John L. Ghiloni
Commissioner of Public Works

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Evan Pilachowski, City Engineer

ORDERED:

EMINENT DOMAIN ORDER OF TAKING

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that the City acquire the legal interest in certain portion of D'Angelo Drive, being a cul-de-sac located at the westerly terminus thereof, by which the City accesses the Cedar Hill Pumping Station, and that said access requires the taking by eminent domain of the fee simple interest in said certain parcel of land located on D'Angelo Drive, as more particularly described herein; and,

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain the fee simple interest in the herein described land; and,

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, does hereby take by Eminent Domain the fee simple interest in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

A certain parcel of land located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and being shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40", dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass." and recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984.

Meaning and intending to take and taking by Eminent Domain the fee simple interest in the land shown as Lot 1B as described on the aforementioned plan, which land is a portion of the land described in the deed recorded at the Middlesex South Registry of Deeds in Book 11533, Page 556.

OWNER: Johnson Trust

The land consisting of Lot 1B, as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being taken consists of 8,761 +/- square feet.

AWARD

The City Council hereby makes the following award of damages for the owner of record:

<u>Owner:</u>	Johnson Trust
<u>Assessors' Map/Parcel:</u>	D'Angelo Drive, shown on Map 118
<u>Area:</u>	8,761 [±] SF
<u>Award:</u>	\$1.00

ADOPTED
In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

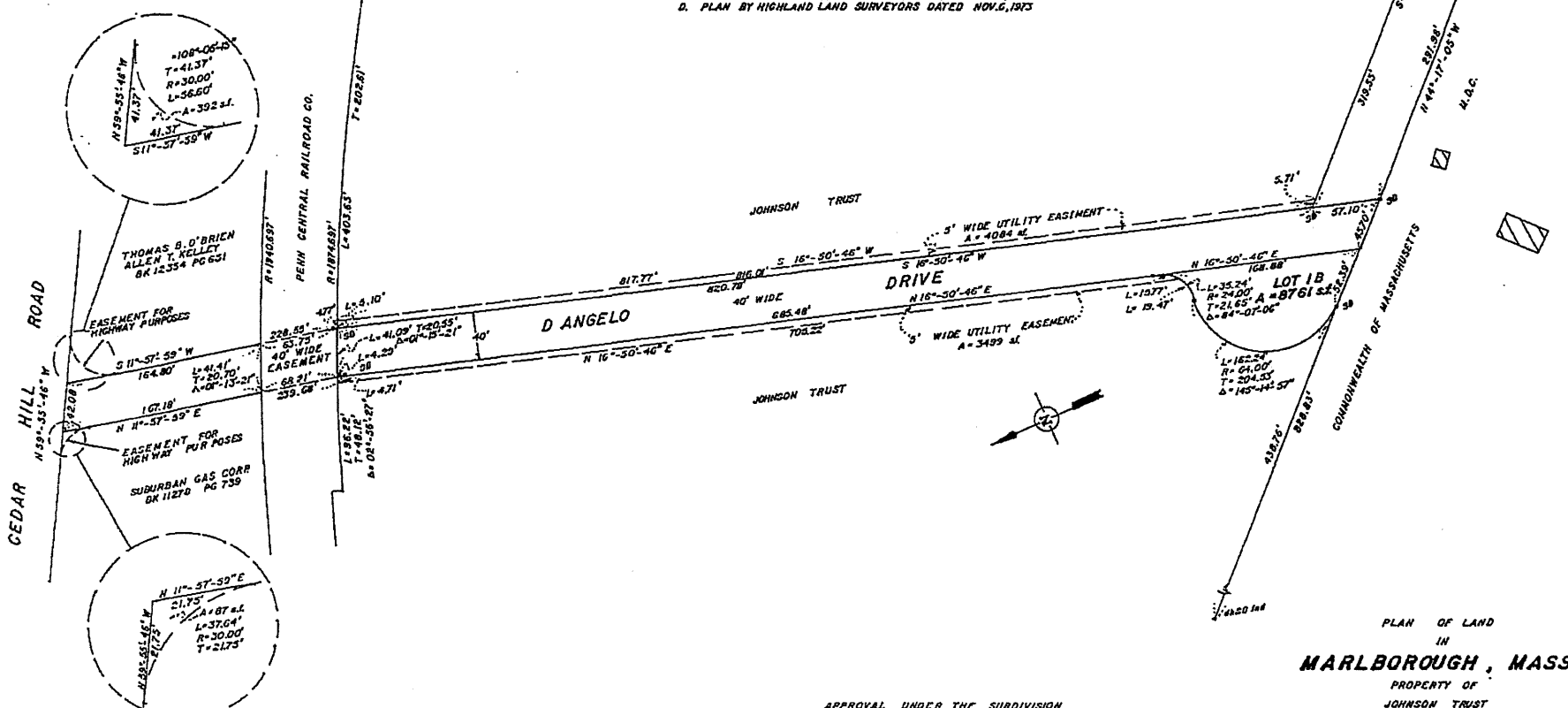
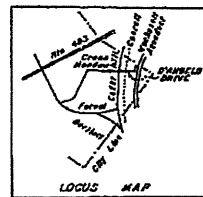
A TRUE COPY
ATTEST:

Fee 25 By R
 Middlesex Registry of Deeds
 Southern District
 Cambridge, Massachusetts
 Plan No. 1074 of 1987
 Rec'd SEPT 20 1987
 92-230AmDocNo
 Rec'd, Bk 15791 Pg END
 Attest: *John J. Fitzgerald*
 Register

DEED BK 1533 PG 556
 ZONING: INDUSTRIAL
 ASS. MAP 116 LOT 1A

NOTES

- D'ANGELO DRIVE IS AN ACCEPTED PUBLIC WAY WITH A GRAVEL TRAVELLED WAY SURFACE. REFER TO CITY COUNCIL ORDER 23073 (JULY 11, 1983)
- THE PURPOSE OF THIS PLAN IS TO DEFINE THE FOLLOWING AREAS AND EASEMENTS TO BE CONVEYED TO THE CITY OF MARLBOROUGH FOR HIGHWAY IMPROVEMENTS:
 - EASEMENTS AT THE INTERSECTION WITH CEDAR HILL ROAD
 - 5' WIDE UTILITY EASEMENTS ON EAST AND WEST SIDE OF D'ANGELO DRIVE
 - CUL DE SAC AREA SHOWN AS LOT 1B
- THIS PLAN IS COMPILED FROM THE FOLLOWING PLANS:
 - PLAN 04 OF 1960
 - PLAN 97 OF 1959
 - PLAN BY HIGHLAND LAND SURVEYORS DATED JULY 9, 1983
 - PLAN BY HIGHLAND LAND SURVEYORS DATED NOV. 6, 1975



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
Robert F. Drake
 ROBERT F. DRAKE
 REGISTERED LAND SURVEYOR 30321



PLAN OF LAND
 IN
MARLBOROUGH, MASS.
 PROPERTY OF
 JOHNSON TRUST
 SCALE 1"=40' SEPT. 25, 1983

 SURVEYED BY
 DRAKE ASSOCIATES INC.
 CIVIL ENGINEERS LAND SURVEYORS
 770 GROVE STREET FRAMINGHAM, MASS.

1074

D-45 1077
 M.P.B. 2098

ORDERED:

**ORDER TO ACCEPT AS A PUBLIC WAY THE CUL-DE-SAC AT THE
WESTERLY TERMINUS OF D'ANGELO DRIVE**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE be accepted as a public way, the roadway of said D'ANGELO DRIVE having been accepted by the City of Marlborough as a public way by Order No. 23073, dated July 11, 1983.

DESCRIPTION

Being the cul-de-sac located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40', dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass.", recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984, described in the deed recorded with the Middlesex South Registry of Deeds in Book 11533, Page 556 and an Order of Taking By Eminent Domain by the City of Marlborough, said order to be recorded herewith at the Middlesex County South Registry of Deeds.

OWNER (prior to Taking By Eminent Domain): Johnson Trust

The land consisting of said Lot 1B, as provided in the description above, is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being accepted as a public way consists of 8,761 +/- square feet.

IT IS THEREFORE ORDERED THAT:

the CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE be accepted as a public way in the City of Marlborough.

ADOPTED
In City Council
Order No. 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



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 DEC 10 P 3:09
ELLEN M. STAVROPOULOS
PARALEGAL

December 11, 2014

Patricia Pope, President and Members
Marlborough City Council

RE: Proposed Order To Grant An Easement To The Massachusetts Electric Company

Dear President Pope and Members:

Attached for your consideration is the proposed order to grant an easement from the City to Massachusetts Electric Company for the purposes of providing new and updated service for Ward Park from South Street to New Street, and a proposed grant of easement. Said order is in proper legal form for consideration by the body.

Very Truly Yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin

Enclosure

ORDERED:

That the City of Marlborough grant a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "NGrid"), as described in the attached Grant Of Easement and as shown on the sketch attached to said Grant as "Exhibit A," entitled "Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro, Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479," for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating the transmission of high and low voltage electric current and for the transmission of intelligence by means of overhead and underground systems, consisting of, but not limited to, a line of six (6) poles with wires and cables strung upon and all necessary anchors, guys and appurtenances, consisting of buried wires and cables and lines of wires and cables installed in underground conduits, manholes, transformers, and vaults, said overhead and underground systems being further described in the attached Grant Of Easement, which shall be recorded at the Middlesex South District Registry of Deeds, and as located, or to be located, in, under, through, over, across and upon certain parcels of land situated on the southerly end of New Street, the southerly end of Orchard Street, the easterly side of Hayden Street, the westerly side of Liberty Street, and the northerly side of South Street, being more particularly shown on Assessor's Map 69, Parcel 394 and on Assessor's Map 81, Parcel 190A.

ADOPTED
In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Property Address: 32 New Street, Marlborough, MA (MIDDLESEX SOUTH)
57 Orchard Street, Marlborough, MA

GRANT OF EASEMENT

CITY OF MARLBOROUGH, a Massachusetts municipality having a mailing address of 255 Main Street, Room 105, Marlborough, Massachusetts 01752 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, a line of six (6) poles, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon those certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown as City of Marlborough Assessor Map 69, Lot 394 and Assessor Map 81, Lot 190A. No new boundaries were created by this document.

Said "OVERHEAD SYSTEM" is to originate from existing Pole P10, which is located on the northerly side of South Street, then proceed in a northerly direction from said Pole over, upon and across land of the Grantor to Pole P10-1, P10-2, P10-50, P10-3, P10-4, and P10-5

WR # 17321479

Address of Grantees:
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:
Elizabeth A. Fresolone
National Grid
Service Company, Inc.
280 Melrose Street
Providence, RI 02907

05 MARL MA GEN

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479," a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

For Grantor's title, see Eminent Domain Taking of Land dated June 18, 1979, recorded with the Middlesex South District Registry of Deeds in Book 13722, Page 421, Confirmatory Eminent Domain Taking of Land dated August 20, 1979, recorded with said Registry of Deeds in Book 13775, Page 228, and Order of Taking dated September 12, 1923, recorded with said Registry of Deeds in Book 4654, Page 553.

Executed as a sealed instrument as of this _____ day of _____, 2014.

CITY OF MARLBOROUGH

By:
Its:

By:
Its:

Commonwealth of Massachusetts

County of _____ } ss.

On this the _____ day of _____, 2014, before me,

_____ the undersigned Notary Public,
Name of Notary Public

personally appeared _____,
Name(s) of Signer(s)

proved to me through satisfactory evidence of identity, which was/were

Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement, and
acknowledged to me that he/she/they signed it voluntarily for its stated purpose(.)

as partner(s) for _____
Name of Partnership

_____, a partnership.

as _____ for
Title of Office

_____, a corporation.
Name of Corporation

as attorney in fact for _____

_____, the principal.
Name of Principal Signer

as _____ for _____
Type of Capacity

_____, a/the _____
Name of Person/Entity Type of Entity

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above



Massachusetts Electric
Southeast District, Hopedale

Feeder: 311W4

Work Location: 32 New Street, Marlboro Ma

DATE: 07/24/14

EASEMENT DRAWING :

17321479

District Engineer: Bruce Kut

LEGEND

- JOINTLY OWNED POLE
- SOLELY OWNED POLE
- DOWN GUY
- 3 PH TRANSFORMER BANK
- 1 PH TRANSFORMER
- 3 PH PADMOUNTED TRANSFORMER
- OVERHEAD PRIMARY AND SECONDARY CABLE
- OVERHEAD SECONDARY CABLE
- 15 KV UG PRIMARY CABLE



NEW STREET

ORCHARD STREET

57 Orchard Street
Map 81
Lot 190A

NEW COVENANT
CHRISTIAN
SCHOOL

Artemas Ward
Park

32 New Street
Map 69
Lot 394

South Street

P10

P10-1

P10-2

P10-50

P10-3

P10-4

P10-5

EXHIBIT 'A'
NOT TO SCALE
The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.

1885

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 DEC 11 A 11:04

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

December 11, 2014

VIA HAND DELIVERY

Councilor Patricia Pope, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Request for Modification to Special Permit, Order #14-1006011;
Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd.

Dear Councilor Pope:

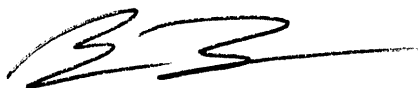
My client, Digital Federal Credit Union ("DCU"), requests that the public hearing scheduled for December 15, 2014, in the referenced matter be continued to a future date.

In addition to its application to modify the existing special permit, DCU has applied for a Sign Ordinance Special Permit seeking to operate an electronic message center sign at its bank branch located at 865 Donald Lynch Blvd. The Sign Ordinance Special Permit application is related to the referenced matter, and therefore, DCU believes that the Council's consideration of both applications on the same night would be in the best interest of all parties.

Therefore, DCU respectfully requests that the public hearing in the referenced matter be continued to a time on the same date that the City Council will consider DCU's Sign Ordinance Special Permit application.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/aer

cc: David McCay

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 DEC 11 A 11:04

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

December 11, 2014

VIA HAND DELIVERY

Councilor Patricia Pope, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Application for a Sign Ordinance Special Permit;
Digital Federal Credit Union, 865 Donald Lynch Blvd.

Dear Councilor Pope:

Please accept this letter as an application for a Sign Ordinance Special Permit, per Section 526-13 of the Code of the City of Marlborough (Signs), by Digital Federal Credit Union ("DCU") submitted by its attorneys David K. McCay and Brian R. Falk. DCU seeks to operate an electronic message center sign at its bank branch located at 865 Donald Lynch Blvd.

As you know, the Sign Ordinance was amended in August of 2014 to require a "special permit" issued by the City Council for digital display signs and electronic message center signs. I understand that the City Council does not yet have an application form or application procedures for a Sign Ordinance Special Permit, and the Sign Ordinance is not tied to the Zoning Ordinance or the City Council's procedures for a zoning special permit.

In the absence of application materials I attach Exhibit A, which generally describes the electronic message center sign DCU seeks to operate. DCU will file or make available to the City Council additional information and materials that the City Council may request in order to consider this application.

Please note that DCU has, in a separate letter, requested a continuance of the City Council's December 15th public hearing on its application to modify the existing zoning special permit issued for 853-865 and 905 Donald Lynch Blvd. until the date that the City Council will consider this Sign Ordinance Special Permit application. The zoning special permit application (Order #14-1006011) would remove a special permit condition prohibiting electronic message center signs at DCU's property. The two applications are closely related, and DCU believes that the Council's consideration of both applications on the same night would be in the best interest of all parties.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

Patricia Pope
December 11, 2014
Page 2

Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'BRF', with a stylized flourish extending to the right.

Brian R. Falk

BRF/aer

Encl.

cc: David McCay

Exhibit A

Electronic Message Center Sign

Digital Federal Credit Union
865 Donald Lynch Blvd.

Digital Federal Credit Union (“DCU”) seeks a Sign Ordinance Special Permit, pursuant to Section 526-13 of the City’s General Ordinance (Signs), to operate an electronic message center sign (the “Sign”) at its bank branch located at 865 Donald Lynch Blvd (the “Property”).

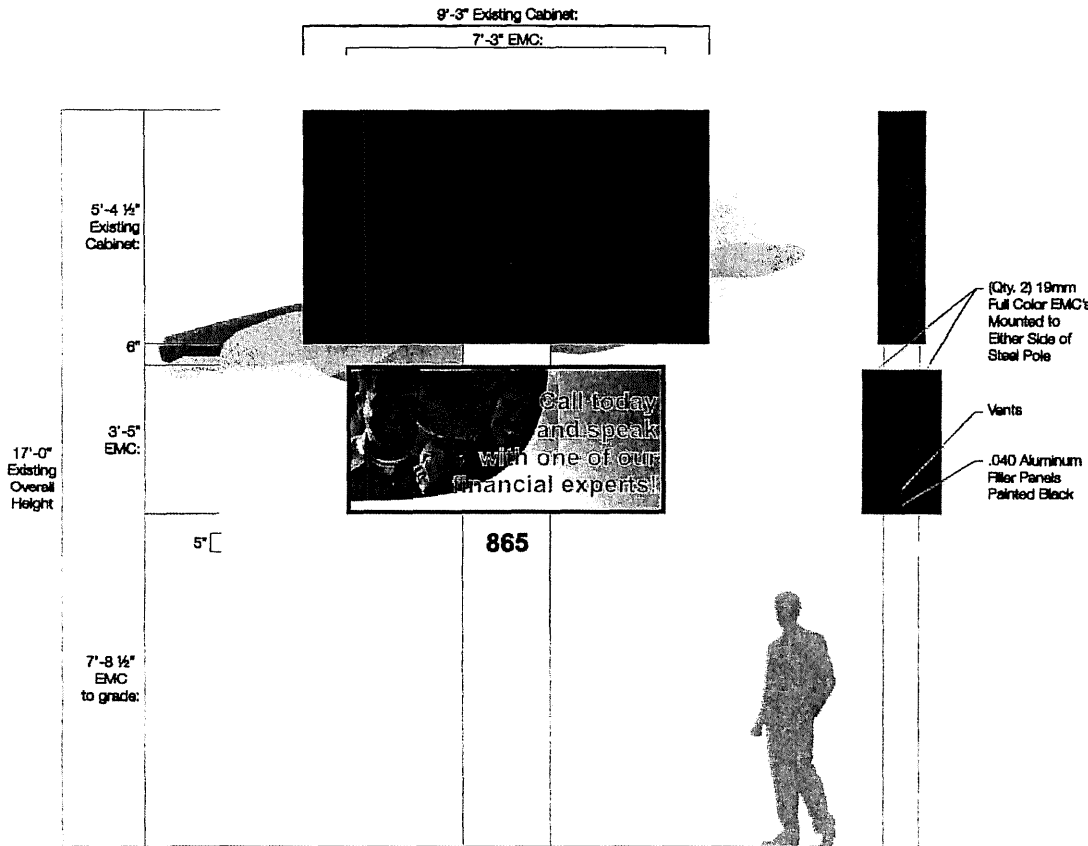
The Sign is a 41-inch by 87-inch double-faced full color electronic message center sign, with a display area of 21 square feet. The Sign is located on the existing 17-foot pylon sign below the internally-illuminated DCU sign. The Sign installer is Poyant Signs of 125 Samuel Barnet Blvd., New Bedford, Massachusetts 02745.

The Sign is depicted on the schematic plan dated February 27, 2013, attached as Attachment 1. The location of the Sign is shown the sketch plan attached as Attachment 2.

Attachment 1

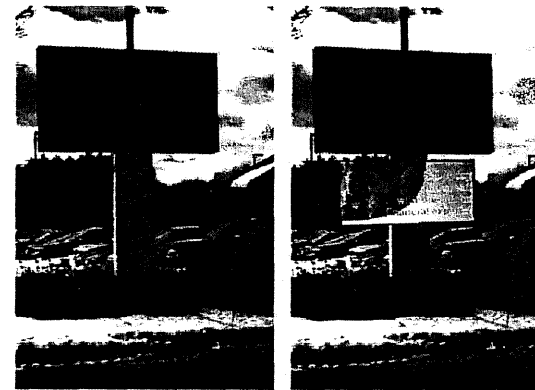
Digital Federal Credit Union | 865 Donald Lynch Boulevard, Solomon Pond, Marlborough, MA | Design Development | February 27, 2013

Poyant
Building Your Brand



A Sign Elevation - Front View
Scale: 3/8"=1'-0"

B Sign Elevation - Side View
Scale: 3/8"=1'-0"



C Photo Comp - Existing
Not to Scale

D Photo Comp - Proposed
Not to Scale

Specifications

Qty = 1 Existing Cabinet: 49.71 Sq Ft
EMC: 24.77 Sq Ft
Total: 74.48 Sq Ft

New EMC for Existing Internally Illuminated Double Faced Pylon Sign

EMC(s):

- (Qty. 2) Single face 3'-5 H. x 7'-3" W. x 8" deep 19mm full color EMC's mounted to either side of existing 6" square steel pole
- *V.I.F. If customer will need a computer for communication
- *V.I.F. If communication is to be wireless or fiber optic cable (customer wants to control EMC's from corporate office not at this location)
- 120 volt (V.I.F.) UL Labeled. EMC portion will be 120 volts, 13amps per face for a total of 26amps.
- .040 Aluminum filler panels with vents painted black

Pole Cover:

- Cut away existing pole cover in field as required for new EMC(s)
- New 6" high x 24" wide x 10" deep top section to be aluminum, painted white
- Address number(s) to be opaque black vinyl graphics applied to pole cover in field (both sides)

Colors & Materials

Vinyl

- Opaque Black
- Arlon 03 (address number)

Paint

- Black, Satin finish
- White, Satin finish

Poyant
Building Your Brand

125 Samuel Barnet Boulevard
New Bedford, MA 02745
800.544.0961 | poyantsigns.com

DCU

865 Donald Lynch Blvd
Solomon Pond
Marlborough, MA

Project: 8035
Digital Federal Credit Union

Sales: Rick Westergren
Date: 02.27.13
Designer: ST

Note:

This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.

Revisions:

This sign is intended to be installed in accordance with the requirements of Article 802 of the National Electrical Code and/or other applicable local codes. We include proper grounding and bonding of the sign.

Approved By:

Date:

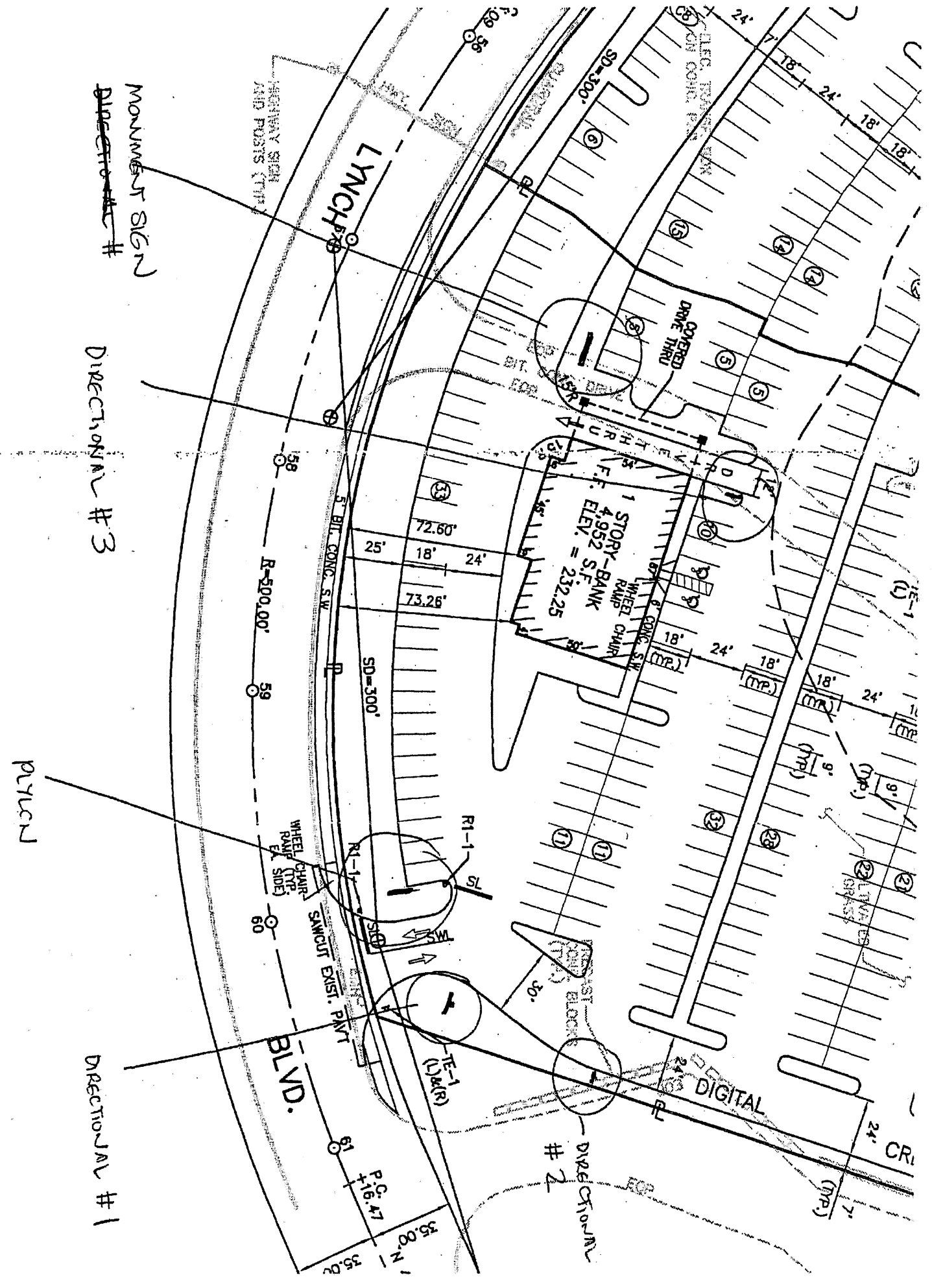
EMC for Existing Pylon Sign

Option A

Sign Type 8035.1A

1A.1

Attachment 2



MONUMENT SIGN
~~DIRECTORIAL #~~

DIRECTORIAL # 3

PYLON

DIRECTORIAL # 1

DIRECTORIAL # 2

HIGHWAY SIGN AND POSTS (TYP)

LYNCH

BLDV.

DIGITAL

CR.

1 STORY-BANK
F.F. ELEV. = 232.25
WHEEL CHAIR RAMP
WHEEL CHAIR RAMP SW

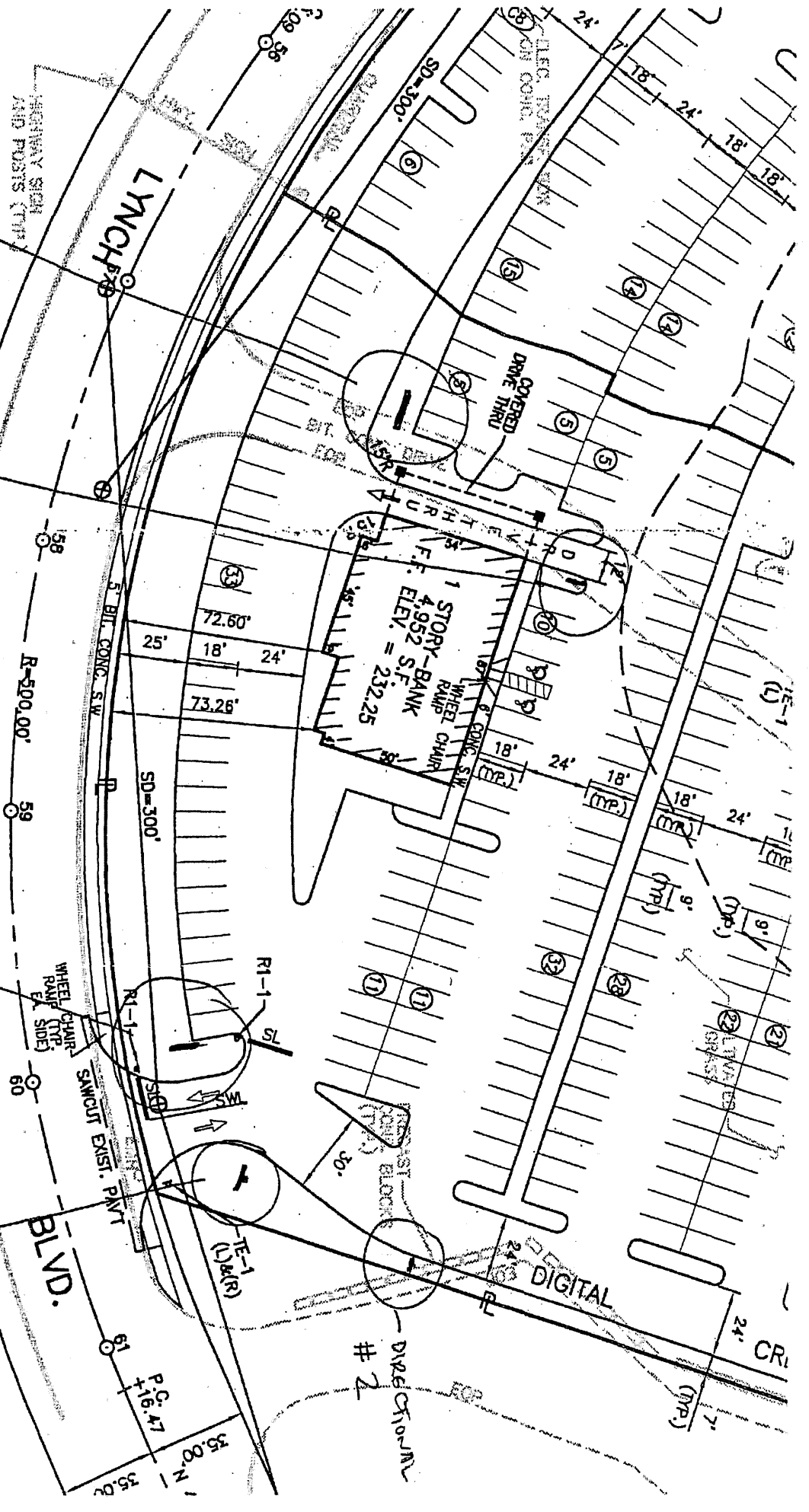
COVERED DRIVE THRU

WHEEL CHAIR RAMP (TYP) EA. SIDE

SANICUT EXIST. PANT

CONC. BLOCK

(L) (R)



CITY OF MARLBOROUGH

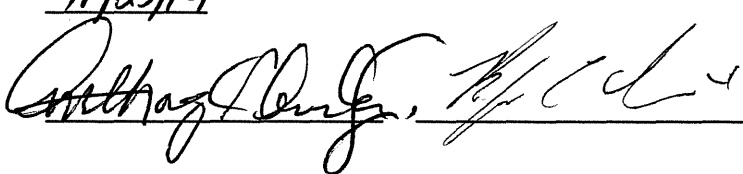
BOARD OF ASSESSORS

MEETING MINUTES: June 3, 2014

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 DEC -1 P 12:21

1. CALL TO ORDER: 2:15 pm
MEMBERS PRESENT: Anthony Arruda, Bradford Dunn
Also in attendance: Paula Murphy, Head Clerk
2. Motion to Accept: Minutes of the April 29, 2014 meeting : Mr. Arruda, second Mr. Dunn
Vote: 2-0
3. Approval of 2015 Preliminary Real Estate and Personal Property tax bill Commitments
Vote:2-0
4. Approval of Holy Trinity Anglican Church's Application for Statutory Exemption
Motion to approve: Mr. Arruda, second Mr. Dunn, Vote:2-0
5. DISCUSSION AND VOTE: Real Estate and Personal Property tax abatement applications
 - 251 Locke Dr, 701 Boston Post Rd East, Cedar Hill St (116-5), Evangelous Auto Sales
Motion to Grant: Mr. Arruda, second Mr. Dunn, Vote: 2-0
 - Settlement on 2013 & 2014 ATB cases for 472 Lincoln St 5 parcels (68-148,161,163,164,69-49), 36 Tremont St
Motion to Grant: Mr. Arruda, second Mr. Dunn, Vote: 2-0
6. DISCUSSION: 2013-2014 Real Estate ATB appeals
 - 627 Donald J Lynch, Nickerson Rd (88-34,29A,32,33, 89-4,5,6,7, 100-11), 450 Boston Post Rd East (73-31,31A,31B)
7. MOTION TO CONCLUDE - Mr. Arruda, second Mr. Dunn
Meeting Adjourned : 3:45

11/25/14


October 28, 2014

RECEIVED
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CITY OF MARLBOROUGH

2014 DEC -2 A 8:30



**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, October 28, 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, John Shipe of Columbia Design Group, Gregory Russell of VHB and Kevin Maley of Fairfield. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, September 30, 2014.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

Chief Leonard requested a Suspension of Rules to begin the meeting with New Business – Agenda Item 2g) as Mr. Shipe, Mr. Russell and Mr. Maley were in attendance for this issue. All in Favor.

2g) Crosswalks on Ames St. and Reilly Way

Mr. Shipe presented a large diagram of the proposed project on Ames Street. He explained that they had originally designed the crosswalk on Ames Street on the opposite side of the street, however, once a pedestrian reached Route 20 and tried to cross they would either be crossing at the area of “predominant movement for traffic” or they would then have to cross Ames Street to make the safer crossing of Route 20 on the opposite corner. It would not be a “real pedestrian connection” as people would be inclined to run straight across Route 20 the easier way rather than make the circle around. It makes more sense to have the crosswalk on the South side where it would continue onto a safer crossing for Route 20. There is already a sidewalk on the opposite side of Route 20 (in

front of the RK Plaza). They are looking for an “informal approval” from the Traffic Commission at this point before going any further with their plans.

They also discussed a 2 stage crossing for Route 20 with a 12 foot island in the center. The existing island would be reconstructed with pedestrian detectors and pedestrian crossing buttons on poles. Fire Chief Fortin expressed concern with regard to a pedestrian assuming that they can run all the way across the road and that west bound traffic is also stopped. The engineers advised that there would also be audio with the push buttons advising pedestrians not to attempt to cross. There is currently no island on the other side and a pedestrian would be crossing four lanes of traffic. The question was also raised as to the crossing time. It was noted that the average walking speed for a pedestrian crossing is 3 ½ feet per second. The signal permit would have to be handled through the MA DOT.

Chief Leonard advised that he has discussed this issue with Mr. Pilachowski and that he agrees that it makes more sense for the sidewalk to be moved to the south side. Hopefully people will then cross where they are directed to do so. Mr. Pilachowski also advised that there would be warning signs for the crosswalks at Ames and Reilly Way as there is concern as to speed and making drivers aware of the crosswalk. He said that they would be similar to the warning signs on Simarano Drive.

Fire Chief Fortin asked where the bus stop was on Ames. It was noted that it is actually off the diagram past Reilly Way. It was discussed that solar powered flashing beacons could also be used to highlight the crossing on Ames.

Chief Leonard advised that from a Traffic Commission standpoint, he is fine with the Reilly Way and Ames Street crossings and the flashing beacons. The other intersection at Route 20 would need MA DOT approval, however, he agrees that it seems to make sense. There were some environmental issues noted on the other side of Ames Street anyways. He asked if he could be provided with the linear feet for the proposed crosswalks so that he could add them to the crosswalk regulations.

Fire Chief Fortin asked about the construction schedule. The engineers advised that the plans have been submitted and they have gotten feedback. They will work through clearing the site over the winter. They should get a permit in December. They haven't worked out all the details on the sidewalk but that could be done as early as next summer. They wanted to get an OK from the Traffic Commission before going before MA DOT. Chief Leonard advised that if they needed something in writing regarding the sidewalk that can be provided. It was also noted that they would need to get a permanent easement from the property owner on the south side. It hasn't been presented to the Site Plan Review Committee yet.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to get the specifics on the proposed crosswalk to Chief Leonard so he can prepare the amendment to the crosswalk regulation for the next meeting.

2a) Request to allow parking on Ames Place near Main Street.

Mr. Delana, owner of Delana's Bakery at 44 Main Street, has asked if his customers could be allowed to park on Ames Place adjacent to the bakery. He noted in his e-mail

that his customers normally only park for an average of five minutes, his parking lot is very small, and he loses customers when they cannot find a place to park. He is looking for short term parking on Ames Place. Tim Collins passed out an aerial photo of the location. There is also one spot on Main Street in front of the bakery. It was noted that there is raised granite curbing on Ames Place and that if cars were parked here it could potentially cause an issue for fire trucks. There is currently a no parking restriction on both sides of Ames Place and the photo shows two cars parked here. It was also noted that with the driveway openings and intersection requirements, you can't fit more than three cars here anyways. Fire Chief Fortin advised that he does not have a problem with cars parked here.

Chief Leonard asked for thoughts on allowing 30 minutes parking here. Commissioner Ghiloni expressed concern that other business on Main Street would want the same thing in front of their businesses. Tim Collins advised that all of Main Street currently has time limit parking, i.e. two hour. Other businesses may want 15 minute parking. It would create a designated spot for the business to use. He would not want to go to 15 minute parking because "it is a whole new thing". There are other areas in the city where 30 minute parking is allowed and the parking spots on Ames Place could be added to the existing section of the regulations. Chief Leonard advised that he does not have an issue with 30 minute parking. Tim Collins advised that there are often other restrictions with 30 minutes parking, for example, a time frame like 6:00am to 6:00pm. Fire Chief Fortin is also fine with it if the width of the roadway is adequate.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to check on the width of the roadway and advise at the next meeting. The issue will be TABLED until then.

2b) Parking concerns at end of Manning St. (gate blocked).

Chief Leonard received a phone call regarding this issue. Manning Street is a dead end and there is no parking allowed on the south side. The caller advised that the gate at the end of the street is often blocked by parked cars. Tim Collins passed out a photo and map of the area. He advised that the gate was required for the storage unit initially as a secondary exit. The caller was requesting that the area across the back of the roadway also have restricted parking so that the gate is not blocked.

Chief Leonard advised that he went to the area this morning but no cars were parked there. He noted that if someone is actually parking where the caller says, the vehicle could probably be ticketed as is. It would just have to be enforced. He doesn't think we need to do anything at this point and can deal with the issue as it is.

Fire Chief Fortin said that it could also be put on the onus of the property owner, perhaps with a sign indicating "Do Not Block Gate". It is really his responsibility to keep the emergency exit open.

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

2c) Pedestrians crossing Granger Blvd. near New St.

This request came from Trish Bernard, on behalf of Mayor Vigeant. She asked if the Traffic Commission could have a discussion on this issue. Should another crosswalk be added or an overpass put in "to facilitate foot traffic to the senior center". Tim Collins passed out an aerial photo and street view photos of Granger Blvd. in this area. It was discussed that crossing has long been a concern here with traffic coming around the turn on Granger at a high rate of speed. Would crossing at Liberty Street be any better? All agreed it is a tough call. The Traffic Commission would need to determine the best site distance even if was a midblock crosswalk. Mr. Pilachowski advised that Engineering would need to look at a few options. It was noted that peak sun time was also a consideration.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and make recommendations.

2d) Request for crosswalk on West Main St. near Broad St.

Chief Leonard received a phone call on this issue. People from this building want to cross here rather than having to walk further down. Chief Leonard thinks there may actually have been a crosswalk here before and that maybe it was never repainted when the roadway was repaved. He asked if Engineering could look into this.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into this issue and advise at the next meeting.

2e) Traffic and parking concerns on Tremont St.

Chief Leonard received an e-mail from a local resident on this issue. She noted that Tremont Street was made narrower with the recent reconstruction and when cars are parked on both sides only one car can pass at a time. She said that residents are aware of this but that others use it as a "cut-through" and tend to speed. She stated in her e-mail, "Since it's a blind hill this creates the perfect storm for a head-on collision". She is looking to have parking restricted to one side. Chief Leonard advised that she has also spoken to Ken Calder.

Tim Collins has looked into this situation relative to another issue under Old Business – Parking restrictions on Brimsmead St. and Tremont St. He passed out a diagram with all potential parking spaces indicated. He found that it does make sense to restrict parking to one side and was already in the process of determining which side made the most sense.

There is currently a sidewalk on the south side of Tremont from Huntington Ave. to Short St. and on the north side from Short St. to Bolton St. There are a total of 33 spots in the areas with the sidewalks. There are 17 spots on the sidewalk side between Huntington and Short and 16 spots on the sidewalk side between Short and Bolton. All agreed that this makes sense.

The second issue involves the crest of the hill and the glare from the sun. Chief Leonard advised that he is fine with what Tim has suggested. It is not a heavily traveled roadway and the parking restriction will help.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the amended regulation for the parking restriction for a vote at the next meeting:

2f) Traffic concerns on Hildreth St. and Curtis Ave.

Chief Leonard received an e-mail from a resident of Curtis Ave. with regard to difficulty in turning left or right from Curtis Ave. onto Hildreth and her concern with speed in the area. She gave several suggestions relative to handling the speed issue, i.e. medians, stop signs and speed bumps.

Chief Leonard advised that he also received several similar phone calls. He is thinking that the bushes on the corner of Hildreth and Curtis may be an issue again. Tim Collins commented that it is an ongoing issue because the brush grows back every year. The city ordinance states that brush cannot be 2 ft. to 6 ft. in height. The guardrail on Curtis is 2 ft., so all brush must be kept at that level. It is harder to judge on Hildreth Street. Pam Wilderman has to constantly remind property owners to keep their brush cut back. Chief Leonard advised that he can follow up with Pam. Tim Collins said that accidents here are probably related to the problems created by the bushes.

Chief Leonard said that he also gets many concerns on truck traffic even though Hildreth Street has a truck exclusion. There is signage on Hildreth off of Main Street regarding trucks, however, there may not be signage on East Main so trucks end up on Hildreth (where they aren't supposed to be) and turn off onto Curtis.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to follow up with Pam Wilderman on the brush issue and to the POLICE DEPT on enforcement of the truck exclusion and speed limit.

And

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to check on the signs for the truck exclusion.

3-Old Business

3c) Stop signs on Bigelow Street.

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

3e) Request for parking restrictions on Brimsmead St. and Tremont St.

The parking restriction on Tremont St. was addressed above under new business. Tim Collins also did a review of Brimsmead St. to determine which side of the street had the most parking spots available. He found that there were 39 spots on the south side with the sidewalk and 37 spots on the opposite (north) side. He is recommending that parking be restricted on the north side and allowed on the south side where there are more spots available. All agreed.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the amended regulation for the parking restriction for a vote at the next meeting.

3f) Communication from Councilor Irish, re: Parking Issues on Dalton Rd.

Engineering took a look at this area. It appears that the problem may have to do with people who live on Berlin Road and it may be more of a night and weekend situation. Berlin Road is narrow and has a parking restriction. People may be choosing to park on Dalton so they don't have to "jockey for spots" on their own property if someone needs to get their vehicle out early in the morning. Since parking is allowed on Dalton Road there is no action to be taken at this time.

MOTION was made, seconded, duly VOTED to REMOVE this items from the Agenda.

3g) Parking concerns in the vicinity of 131 Pleasant Street.

Tim Collins took a look at this area. There were definitely some signs that were missing. He went on to explain the parking restriction. There is a no parking regulation on the 131 side of the street. The restriction goes from West Main St. to Elm Street. The entire length has no parking on the east side. He advised that the missing signs have been replaced.

MOTION was made, seconded, duly VOTED to REMOVE this item from the agenda.

Lisa Thomas requested a Suspension of Rules to provide an update on an item no longer on the agenda.

Update on Traffic Commission Website –

Lisa Thomas advised that the agenda packets, meeting minutes and advertisements are all now available on the website. The whole idea is to make as much information as possible available to the public so that they can research issues more easily by themselves. She asked if there were any links she could add to state agencies or maps etc. All agreed this was a good idea and would give it some thought.

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3d) Traffic Commission rules and regulations update.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:18 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, October 28, 2014 (Including City of Marlborough Meeting Posting).
- Draft copy of minutes from 9/30/14.
- E-mail from Edson Delana, of Delana's Bakery, dated 9/19/14, Re: Permission
- E-mail from Trish Bernard, Executive Secretary to the Mayor, dated 10/9/14, Re: Traffic Commission (Crossing on Granger Blvd. between New Street and Senior Housing).
- E-mail from Doreen Howes, local resident, dated 10/21/14, Re: Tremont Street.
- E-mail from Beth Gerber, local resident, dated 10/21/14, Re: Public Safety Concerns.
- Diagram of proposed Ames Street project.

Additional Handouts

- Aerial photo/map of Granger Blvd. /New Street
- 2 photos of Granger Blvd. from ground level, one showing westbound travel other showing eastbound travel.
- Aerial photo/map of Ames Place/Main St./Granger Blvd.
- Photo and map of Manning Street and Bldg. with gate at the end.
- Diagram of "Potential No Parking Area – Tremont St. & Brimsmead St."

Zoning Board of Appeals
Minutes
November 18, 2014

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2014 DEC -3 P 2:03

Public Hearings

7:00 PM 2 Labelle St. - Duque Suellen (Continuation)

ZBA Case # 1433-2014

Petition: On a newly constructed roof over the front steps which is in violation of the front yard setback which is 7 ft. (grandfathered) vs. 20 ft. minimum required for Zoning District A-3. In accordance to Chapter 650-41 of the Zoning Ordinance. Property is located at 2 LaBelle St., being Map 42, Parcel 25 of the Assessor's Maps.

This hearing was continued from October 14, 2014.

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

Applicant, Sullen Duque and Mr. Joel Soares were present.

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

Plans presented:

- Plan #1 (as labelled) showing proposed platform, 2 Labelle St., Marlborough, MA Middlesex County, Scale: 1:20, Date 9/17/2014.
- Plan #2 (as labelled) which did not show any title or other information concerning the preparer of the plan. The applicant stated, they printed out the plan at the last minute before the hearing started, they ran out of printer ink, thus no information at the bottom of the page

There was much discussion concerning the 2 plans submitted.

On a motion make by Ralph Loftin and seconded by Theodore Scott to accept Plan #2 that did not have any title information. The Board voted 5-0 to accept Plan #2. The Board voted 5-0 to have the proposed awning no closer than 5.3 ft. vs. the 6 ft. of the existing bay window to the front lot line.

The Board wanted another copy of Plan #2 with all the title information on the plan. And stamped by a certified engineer. The applicant stated that they will submit a copy to our office.

On a motion made by Paul Giunta and seconded by Theodore Scott to close the public hearing.

A vote of 5-0 to close the public hearing.

Other Business/Correspondence:

- The Board reviewed the revised “draft” Zoning Board of Appeals application form that Board Member Theodore Scott so diligently has been working on. The Board made a few comments and asked Mr. Scott to make the corrections and the Board will review the “draft” form at their next meeting on December 2, 2014.

Adjournment

Respectfully submitted,


Paul Giunta - Chairman

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

October 16, 2014 (Thursday)

Marlborough City Hall - 3rd Floor, Memorial Hall

7:00 PM

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2014 DEC -4 P 1:29

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

Absent: Lawrence Roy and David Williams

Public Hearings:

Request for Determination of Applicability

174 Helen Dr. - Nancy Hough

Nancy Hough, owner was present and represented by Jeff Pratt of Pratt Woodworking the contractor. Mr. Pratt explained that he will be adding additional supports to replace the deck. The deck will be expanded by 2' and is 7' off the ground. Footings are in the same location as today, holes will be hand dug, holes should only take one day, and excess materials will be removed from the site.

After some discussion, and confirmation from Ms. Ryder that they are outside the 30' buffer zone and there is BVW along the edge of the brook, the hearing was closed. The Commission voted 5-0 to issue a Negative Determination with conditions to notify the Conservation Officer when work is to begin.

Request for Determination of Applicability

25 West Hill Rd. - Chris Lowe

Chris Lowe, the owner, was present and was represented by Mr. Shepard of the Sunroom Company. Mr. Shepard presented a plan showing the prefabricated room that will be put in the same location as the existing deck. A 12' x 12' slab will be excavated and a four foot frost wall will be installed. Straw wattles will be used to protect the adjacent wetland/drainage area from any silty runoff. It will be a two story sunroom. After some discussion and confirmation from Ms. Ryder that the wetland begins downstream of this property. The Commission voted 5-0 to issue a negative Determination with standard conditions.

Request for Determination of Applicability

40 Cedar Hill St. - Comcast

Paul Dewsnap of Dewsnap Engineering and David Flewelling of Comcast were both present.

Mr. Dewsnap provided colored plans showing where the new poll would be installed and where the conduit from the street to the poll would be located. He explained that the

work is right on the town line and he met with the Marlborough and Southborough Commission agents to discuss procedure on Sept. 3rd. It was agreed since the work was in Marlborough and a Request for Determination of Applicability would be filed in Marlborough with notice to Southborough. The poll will be 65' high. Conduit is 4" wide and will be buried 24" deep. The trench will only be 12" wide. It is a one day job to put in the conduit after which they will hay and seed the area to stabilize it. Ms. Ryder noted that there was quite a bit of yard waste and trash that has been dumped into the wetlands over the years. This will need to be removed. After further discussion, the Commission voted unanimously 5-0 to issue a standard negative Determination with conditions.

Request for Determination of Applicability

23 Red Spring Rd. - Stephen Brule

Stephen Brule was present and Vito Colonna of Connorstone Engineering Inc represented the owner. Commissioner Demers had to abstain and recused himself due to a conflict of interest. He explained that the existing house has a cess pool and does not meet Title V requirements. The new septic leaching system will be 100' away from the lake, but the tanks will be within 50 feet of the lake. The new system will be a mounded system. The Board of Health has not voted on this, but Sam Wong the Board of Health Agent has said that the waiver they are requesting, he will recommend given that the septic system is a much better option than the current situation. The current well is only 9' deep. The new well will be over 300' deep. Erosion controls are proposed as shown on the plan. The Commission discussed the project and determined that the new system will be an improvement to the area and closed the hearing. The Commission then voted 4-0 to issue a negative Determination of Applicability with conditions: to notify the conservation officer when work begins and ends and also, to include the relocation of the waterline to connect the well to the house as part of the project since it isn't shown on the plans.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

Paulo Goulart was present to represent the church. He showed the Commission a plan and explained that the existing parking lot extends onto the neighbor's land, and the neighbor has requested that the parking lot on her land be removed, so they will remove that portion of the parking lot. He explained that the church would like to just resurface the lot, a few sections will need to be milled and removed, because they have buckled, but the remainder will just be resurfaced. He asked if they could install a stone trench around the outside of the parking lot to direct water around the lot rather than through the lot. The Commission asked for more details on this which would require a point discharge rather than the sheet flow now occurring. The Commission discussed the swale/stone trench which he proposed to be 2' wide. He also indicated that they would not be replacing the retaining wall on the church side of the wetland, but would be replacing some sections. After further discussion, the Commission asked Mr. Goulart to come back with: 1. A revised plan showing what is proposed, removing all items not to be considered; 2. A profile of the wall to be repaired; 3. An agreement from the

neighbor regarding the parking lot removal; and 4. An engineered plan. With the applicants consent the hearing was continued to the Nov. 6th meeting.

Notice of Intent

I-290 – Mass. Dept. of Transportation Highway Division

Bryan Cordeiro, Stormwater Analyst and Ed Hutchinson and Matt Moylan from Tetrattech were present. Mr. Cordeiro explained that Mass DOT highway division is working on water quality improvements to 1.7 miles of the I-290 highway that discharge into the Assabet River which has degraded. Mr. Hutchinson reviewed the wetland areas along the middle median, and the east and west bound lanes shoulders of I-290. These wetlands are shown on the plan as wetlands A through J. All work proposed is within the buffer zone with a small amount of the drainage work is within Bordering Land Subject to Flooding. There are no riverfront area impacts (which are exempt for water quality improvements). Mr. Moylan went through each of the water quality improvement swales and check dams proposed within each of the 5 areas where improvements are proposed as shown on the plan. No tree clearing is proposed as part of this project. They are hoping to advertise the job sometime in December and have work be performed in the spring of 2015. Ongoing maintenance of the swales will be 1-2x mowing a year on shoulders and in the median strip. The Commission asked where the staging areas would be, this will be up to the contractor was the answer, the Commission asked that this be included in the permit. There being no further discussion, the hearing was closed. The Commission asked Ms. Ryder to draft a set of conditions for review at the next meeting.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust - At the applicant's request, this item was continued to the November 6, 2014 meeting.

Notice of Intent

Off Hudson St. - Sage Investors Inc. (Howe's Landing)

Tom DiPersio P.E. and Attorney Sandy Austin were present representing Mr. Howe who was also present.

Mr. DiPersio presented the plan submitted with the Notice of Intent (NOI) and explained that the approved Order of Resource Area Delineation flagging was shown on the plans. The Planning Board has approved the Open Space Development concept plan for this property which reduces wetlands impacts to only wetland buffer zone. 2.8 acres of open space is to be set aside for conservation purposes. The proposal is just for the roadways, utilities and drainage and not for the lots. The only wetland buffer zone impacts are relative to the cul-de-sac and detention basin and water quality infiltration system shown. He explained the drainage system which includes an infiltration system on two lots to meet the infiltration requirements in the regulations. The erosion controls on the plan show the limit of work for the roadway. There are a lot of boulders on site which will likely be processed on site depending on the contractor. Cuts and fills on the site are minimal. They would like to begin construction in the spring. Ms. Ryder noted that she had not received comments from the City Engineer who is still reviewing the drainage design. The Commission asked that the City Engineer weigh in on the underground

infiltration system shown, as this was not previously approved for another subdivision due to the uncertainty about how it would be maintained etc. The house lots will be designed to pump up into the sewer line, some discussion about this “force” main was deliberated, and the City Engineer will need to weigh in on this as well. After some discussion the Commission continued the hearing to the Nov. 6th meeting to allow time to get comments back from the City Engineer.

Certificate of Compliance:

- DEP 212-941 37 Russell St. – Full Ms. Ryder indicated everything is all set with this lot. As required, the lawyer must provide us with deed language which was promised tomorrow. The Commission voted 5-0 to issue a full Certificate of Compliance with ongoing conditions. Ms. Ryder is to hold the Certificate until the deed language has been submitted.

Project Updates/Discussion:

- Desert Natural Area – Forest Stewardship Plan recommendations - Ms. Ryder explained that the Department of Conservation and Recreation (DCR) State Forest and Sudbury Valley Trustee (SVT) both are proposing to do additional clearing work in the near future to expand on and improve the pitch pine scrub oak habitat. They are both looking at producing forestry plan shortly. Both groups have asked whether the Marlborough Conservation Commission would be interested in doing any further clearing and tree harvesting at the Desert Natural area as well to piggy back on their efforts. The Commission suggested the Ms. Ryder look into what such a project would cost and how it could be funded from outside sources. The Commission was willing to inquire about doing some additional land management per the Forest Stewardship Plan, but only if it wouldn't cost the city anything. Ms. Ryder and Commissioner Paquin will look into this and report back when they have some answers.

Correspondence/Other Business:

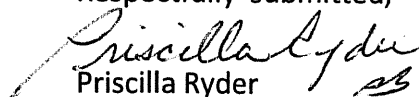
Members of the Ft. Meadow Association have been in touch with Ms. Ryder to see if they can meet with the Commission to discuss the algae issue in Ft. Meadow that occurred this past summer. The Commission suggested that as noted at the previous meeting, a joint meeting with the Ft. Meadow Commission, Board of Health and experts from Department of Public Health (DPH) and Department of Fishier and Wildlife (DFW) come to share their knowledge with all of us. A meeting in January was suggested. Ms. Ryder will work to coordinate that.

Meetings:

- Next Conservation Commission meetings: November 6th and 20th, 2014 (Thursdays)

Adjournment - There being no further business the meeting was adjourned at 8:45 PM

Respectfully submitted,


Priscilla Ryder

Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

November 6, 2014 (Thursday)

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

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2014 DEC -4 P 1:29

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

Members Absent: None

Minutes: The minutes of October 2, 2014 were unanimously approved 7-0 as written.

Public Hearings:

Notice of Intent

215 Fitchburg St. - Assabet Valley Regional Technical School

Tyson Catlett from Gail Associates was present and explained that the Assabet Valley Regional Technical School District proposes to re-construct the existing tennis courts and add additional paved pathway for better access to the tennis courts. The proposal is to mill and repave the 5 tennis courts in their current location and to convert the 6th tennis court into a basketball court and change the configuration slightly. Over all, there will be 3,000 sq. ft. more impervious surface than current conditions. He pointed out the wetland areas which include Bordering Vegetated Wetland and Riverfront area. As shown on the plan, the river goes into a culvert behind the tennis courts and opens up again past the tennis courts. A small amount of the work is within the buffer zone and some in the riverfront area, but all on previously disturbed areas. The Commission asked about the existing drainage swales now directing water around the courts and how these would be protected to convey water during construction. Mr. Catlett explained that they could add stone or drain pipe during construction and would look into that. The Commission noted this could be a condition of the Order of Conditions. The Commission also asked about access and getting construction equipment onto the site. Mr. Catlett explained that a construction entrance that will be covered with trap rock is shown on the plans as are the filter sock and erosion control fencing. After further discussion about the milling and repaving operation, the Commission had no further questions and the hearing was closed. Ms. Ryder was asked to draft a set of conditions for the next meeting for review.

Request for Determination of Applicability

117 Wayside Inn Rd. - Joaquim and Karen Bento

Jack Bento was present and explained that he wanted to add a shed to his back yard within 3' of the 20' buffer zone. The shed would straddle the retaining wall for the septic system and would be supported by 6 sono-tube footings. Three in the back which will be quite tall and three in the front near the septic system, but outside the system. A few trees will need to be removed and trimmed to allow for this to be installed. He provided a foundation plan as well. The footings will be dug by hand since there is no way to get a

machine over the wall. After some discussion, the Commission closed the hearing and voted unanimously 7-0 to issue a standard Negative Determination of Applicability.

Request for Determination of Applicability

1001 Boston Post Rd. – Raytheon

Scott Doty of John Crow Associates and Dan Thompson facilities engineer for Raytheon were both present. Mr. Doty explained that after some routine maintenance and testing of the fire hydrants around the Raytheon facility they found one near the wetlands that was functioning and needs to be replaced. The work will take about a day to isolate the water line, add a new gate and replace the fire hydrant. Groundwater is from 3- 7' deep, so they may need to do some dewatering which will be into a sediment trap on the paved area to capture and filter any dewatering water pumped as necessary. After further discussion about the proximity to wetlands and erosion controls to be used, the Commission closed the hearing. They voted unanimously 7-0 to issue a negative determination with standard conditions.

Notice of Intent

93 Framingham Rd. (Lot 7) - Melanson Development Corp. Inc.

Scott Smyers from Oxbow Associates and Bruce Saluk from Bruce Saluk Associates were present. Mr. Smyers explained that this lot 7 is part of a larger subdivision which received an Abbreviated Notice of Resource Area Delineation (ANRAD) several years ago, noting that the site contains Riverfront Area and Bordering Vegetated wetland to Walker Brook. An Order of Conditions for the subdivision roadway and utilities has also been issued. Tonight they have submitted plans for three house lots within the subdivision. He discussed Lot 7 house which lies within the Riverfront Area and Buffer Zone. A portion of the driveway and house fall within the Riverfront area. The remainder of the Riverfront Area is to be left undisturbed. The Commission asked how this will be demarcated for future owners since half of the lot is in the Riverfront and not to be disturbed since this lot coverage maximizes the disturbance allowed. Mr. Smyers provided draft deed language that could be used to restrict further disturbance. The Commission suggested some permanent markers be installed similar to 20 foot buffer zone markings required on other projects. Ms. Ryder noted that they should look more closely at this area to determine if there are invasive plant species that should be removed and to determine what can and cannot be allowed as far as any maintenance of this riverfront “back yard” area. After some discussion, the Commission continued the hearing to the Nov. 20th meeting to allow time for the applicant and Commission to determine how best to address the remaining undisturbed riverfront area, so it is protected adequately in the future from the first to all subsequent owners. Ms. Ryder will work on something and seek input from the city solicitor on the language to be used.

Notice of Intent

93 Framingham Rd. (Lot 8) - Melanson Development Corp. Inc.

Scott Smyers from Oxbow Associates and Bruce Saluk from Bruce Saluk Associates were present. Mr. Smyers explained this is the lot next to #7 as discussed above.

However, this lot only has a smaller portion of Riverfront area which is not going to be impacted. Work associated with the house and grading of the yard will be within the buffer zone to Walker Brook about 30+ feet from the BVW. The Commission discussed the foundation drain and also then need to address the undisturbed Riverfront Area from alterations in the future, similar to Lot 7 noted above. After further discussion, the Commission voted to continue the hearing to the Nov. 20th meeting to provide time to address the Riverfront Area issues and deed language etc.

Notice of Intent

93 Framingham Rd. (Lot 9) - : Melanson Development Corp. Inc.

Scott Smyers from Oxbow Associates and Bruce Saluk from Bruce Saluk Associates were present. Mr. Smyers explained this is the lot next to #8 as discussed above, however this lot only has Bordering Vegetated Wetland Buffer zone and no Riverfront Area, so is more straight forward. The Commission discussed the house and foundation drains. Mr. Saluk confirmed that the sewer line shown on the plans was being installed now as part of the subdivision and the detention basin was already in place. Much of this lot is already disturbed from the subdivision construction. Erosion controls are already in place along the back edge as shown on the plans. After some discussion, the Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the next meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicants' request, this item was continued to the Nov. 20th meeting to allow them to gather some additional information needed.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

Shane Oates from Coneco Engineers and Scientist and Andrea Kendell from LEC Environmental were both present representing Linda DiLiddo and Neil Fossile, the owners, who were also present.

Mr. Oates explained that after the last hearing they have revised the plans and provided a comment letter to the Commission answering the questions raised by DEP and the Commission. The wetland lines have been revised based on site visits with wetland consultant and Ms. Ryder. He noted that the D series wetland has not been verified as it won't affect the property, if necessary this can be reviewed again. Mr. Oates went through his letter dated Nov. 3, 2014 to Ms. Ryder outlining DEP's comments and providing answers, these were read into the record. It covered the following: confirmation that there was to be no filling of wetland; drainage calculations were provided - the Commission asked that the City Engineer review these; no Bordering Land

Subject to flooding impacts; all work is above the 314.5' FEMA flood elevations; summarized impacts to the Riverfront Area which is shown on sheet #6 of the plans, total disturbance is less than the 10% which can be permitted. They provided a simplified Wildlife Habitat Evaluation. The last question was what was planned for the area beyond the bridge. At this time, the owners are not sure, they just want to put the bridge in, because they own one and would like to provide future access to the land across the bridge.

The Commission asked when this work would be done. Mr. Oates and Mr. Fossile suggested that they would do the work during times of low flow July-August to make it easier to build. It will likely take about two weeks to install the footings and place the bridge, drainage and roadway. After some further discussion, the Commission with the applicants consent continued the hearing to the Nov. 20th meeting to allow time for the City Engineer to review the drainage calculations and the Commission members to review the documents provided at the meeting.

Notice of Intent (Continuation)

Off Hudson St. - Sage Investors Inc. (Howe's Landing)

Prior to the meeting the applicant notified the Conservation Office that they still needed time to revise the plans. This item was continued to the Nov. 20th meeting.

Draft Order of Conditions

- I-290 – Mass. Dept. of Transportation Highway Division - The Commission reviewed the draft Order of Conditions for the drainage improvements and resurfacing project reviewed at the last meeting. The Commission voted unanimously 7-0 to accept the draft as written and amended.

Certificate of Compliance:

- DEP 212-581 24 Gregoire Dr. - Millham Woods Subdivision- Dennis Demers abstained from this discussion due to a conflict of interest.

This is an old subdivision and this house is being sold and they discovered that the full Certificate of Compliance had not been recorded. The Commission voted 6-0 to issue a full Certificate of Compliance for the entire subdivision and also one for Lot 24 in an attempt to clear the title.

Violation notices: The Commission reviewed the following notices and voted unanimously to accept them all.

- Letter to Atlantic Management, dated Oct. 29, 2014 RE: Wetland violations – 200 Forest St. Two soil stockpile locations - \$200 fine issued.
- Letter to Avalon Bay Communities, Inc. dated Oct. 29, 2014 RE: Joint violation notice – Avalon Bay Marlborough – Simarano Dr. – Wetland violations – DEP 212-1115 - \$200
- Letter to Methuen Construction Co., Inc. dated Oct. 29, 2014 RE: DEP 212-1086 Wetland violation notice – Fine \$100; Easterly Waste Water Treatment Plan improvements

Project Updates/Discussion:

- Emergency Certificate –2- Minehan Lane. Ms. Ryder explained that the pond at 2 Minehan Lane had drained again through a break in the drainage pipe and was empty several weeks ago. She reminded the Commission that this occurred once before and the DPW went to fix it. The pipe seems to break, release water and then get clogged back again. As of today the pond is full again, however, the DPW would like to fix it before the winter to avoid further damage downstream or washouts in the winter. The Commission agreed this needs to be done ASAP to avoid further problems to the downstream wetland and voted 7-0 unanimously to issue an Emergency Certificate for the replacement of this pipe.
- Ft. Meadow Association/Westernview Association/ Lakeshore Dr. Association - Gail Barbera who lives at 111 Cullinane Dr. on the lake was present along with several other interested residents including Matt Jones who lives on the lake in Hudson. Ms. Barbera explained that the residents around the lake are concerned about the algae blooms that occurred this past summer making the lake unsafe. They wanted to talk to the Commission to ask some questions and see if anything can be done to prevent further algae blooms in the future. Chairman Clancy explained that the Commission doesn't have any answers at this time and that a joint meeting with the Hudson ConCom, Hudson and Marlborough BOH, and someone from DEP Fish and Wildlife and State Dept. of Public Health will be held in January, where he hoped many of the questions raised could be addressed. Ms. Barbera noted that she would continue to forward questions in writing to the Commissions, but the group wanted to meet the Commission and ask a few questions this evening, knowing the Commission would not have answers yet. She asked about the process of getting a Total Maximum Daily Load (TMDL) report done for the lake, Ms. Ryder indicated that this was an EPA study and is directed by them. She explained that they had observed the blooms from several locations around the lake and wondered if this indicated a cause. Mr. Clancy indicated that in his opinion the bloom happened on many lakes this summer, the combination of a long dry and hot spell, followed by some heavy rains created the bloom condition. The group asked if additional education about lawn fertilizers, and storm drain markings etc. could be done and what else regular citizens could do to help improve the lake's health. After further discussion, the groups thanked the Commission for listening and look forward to the meeting to be scheduled in January.

Correspondence/Other Business:


- Cider Knoll Community Garden – James Read an Eagle Scout candidate just built a shed for the Community Garden. He has asked to be reimbursed for some of the cost. There is money in the garden budget for this. The Commission voted to approve the payment of \$550 for some of the materials used. It is a very nice shed.
- New Wetland Protection Act regulations – Ms. Ryder was notified by DEP that new regulations have been promulgated to help streamline utility and roadway maintenance project permitting and some other administrative changes to help streamline the process. Ms. Ryder will attend a workshop on this and report back to the Commission at the next meeting on the changes that came into play on 10-24-2014.

Meetings:

- Next Conservation Commission meetings: November 20th and December 4th, 2014
(Thursdays)

Adjournment - There being no further business the meeting was adjourned at 9:17 PM

Respectfully submitted,


Priscilla Ryder
Conservation officer

**Marlborough High
School Council Meeting
December 3, 2014**

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2014 DEC 11 A 8:01

Present: Lauren Beishline, David Friess, Sue Gordon, Dr. Wendy Jack, Ann Kinslow, Julianna Kinslow, Marlene Manell, Darren McLaughlin, Rita Smith, George Whapheim

Absent: Lauren Fay, Martin Levins, Heather Kohn, Sheldon Vigeant, Deborah McCarthy, Gail Yosca

1. Library Media Center After-School- Lost of the library assistant and only have one librarian.

2 School Improvement Plan- to be complete around Dec 25, 2014

Accomplishments should be revise include AP honor roll award, Arts All Sate Society, BPA and awards, Jr Statesman of America, Science Fair add Regional, States National and International Awards, National Merit Scholars, TAMY awards, Abigail Adam add the number of students receiving, Jazz band add States and performances at the Hatch shell

Contact Shannon McNaulty for a complete list of Clubs/ Students and Activities

Collage add Yale

Athletics -Take out the M/F

Add associations with other schools Tennis and Swim team (?)

Update 2014 statistics p.6

Component A: High School is a Level 2

Cumulative and Annual PPI - Updated and formatted

Contributing Factors to Student Drop out: ELL population that is SIFE or SLIFE

Component B: 3 year plan around Curriculum development and Alignment

Year 1: Steering Committee made up of Teachers and Teacher leaders and Alignment

Common Curriculum map and common syllabi format

Year 2: Adapt curriculum, grading procedures, long term projects

Year 3: Common Assessment

Update each narrative and change negative tone to them

Questions of "Barriers" is this the best format to use.

Goals: District and Superintendent goal then add a School goal
Four Goals

Budgetary Needs

Special Education Administrator added to the budget

- School committee needs to approve no waiver

How this impact scheduling will: what will happen when all the students are trying to fit that in?

Flex time

Back to Back Periods

8th period

GradPoint is replaced by Ingenuity

Three new staff members

Attendance Administrator

ELL SIFE Educator

Physical Education/Health Teacher

Do we need a technology?

What is academic use" rule on Technology?"

What is going to happen to the "Technology Rule" when the 9th graders come up with ChromBooks