

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAR -6 P 2: 14

1. Minutes of the City Council Meeting, February 24, 2014.
2. PUBLIC HEARING On the Proposed Amendment to the Code of the City of Marlborough, Zoning, Sections 650-17 and 650-5, Medical Offices and Clinics allowed by right in the Business Zone, Order No. 14-1005693.
3. Communication from the Mayor re: DPW transfer totaling \$63,600.00 from Fringe to various accounts to fund costs associated with the retirement of a member of the Public Works Department.
4. Communication from the Mayor re: Comptroller's Office transfer request in the amount of \$21,500.00 from Fringes to Postage and Office Supplies.
5. Communication from the Mayor re: Assessor's Office transfer request in the amount of \$7,000.00 from Senior Clerk to Legal/Appeal/Tax to fund anticipated legal expenses associated with abatement filings and appraisals for the remainder of the fiscal year.
6. Communication from the Mayor re: Building Department transfer request in the amount of \$700.00 from In-State Travel to Board Secretary to cover the stipends for the Planning Board and Zoning Board of Appeals secretaries for the remainder of the fiscal year.
7. Communication from the Mayor re: Resignation of Patricia Zilembo from the Youth Commission.
8. Communication from Attorney Douglas J. Rowe re: Notice of representation of VNG Company regarding permitting matters of a facility at 413 Lakeside Avenue, Order No. 13-1005581B.
9. Communication from Brian Lawlor of CSM Corporation re: Site Plan Review Application for a hotel within the Results Way Mixed Use Overlay District. Documents available in the Clerk's Office for review.
10. Communication from Vanasse Hangen Brustlin, Inc. re: Notice of project change, EEA #13755 by Marlborough/Northborough Land Realty Trust.
11. Minutes, Board of Assessors, January 30, 2014.
12. Minutes, Community Development Authority, January 23, and February 27, 2014.
13. Minutes, Conservation Commission, January 9, and February 6, 2014.
14. Communication from Hanover Insurance Group, on behalf of Kathryn Webster, 31A Church St.
15. CLAIMS:
 - A. Joydip Basu, 43 Briarwood Lane, pothole or other road defect
 - B. Robert Clark, 594 Berlin Road, residential mailbox claim 2(a)
 - C. Linda (Blood) Costello, 596 Elm Street, residential mailbox claim 2(a)
 - D. Lorraine Galvin, 217 Miles Standish Drive, REVISED residential mailbox claim 2(b)
 - E. Bonnie Hill, 150 Simpson Road, residential mailbox claim 2(b)
 - F. Frank Miller, 370 Hemenway Street, #201, pothole or other road defect
 - G. Anna Parente, 7 Cedar Street; Hudson, pothole or other road defect

REPORTS OF COMMITTEES:

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

UNFINISHED BUSINESS:

From Personnel Committee

16. **Order No. 14-1005667** – Appointment of Thomas Abel to the Library Board of Trustees for a three year term to expire on February 6, 2017 replacing Jean Peters whose term expires on February, 3 2014, and the Reappointments of Ray Hale for two years to expire on February 6, 2016, Raymond Johnson for three years to expire on February 6 2017. [**Note: Susan Laufer remains in committee; not present for Personnel Committee meeting**]. Robyn Ripley for 2 years to expire on Feb 1 2016 and Janice Merk for a one year term to expire on February 2, 2015.

Councilor Elder made a motion to approve, seconded by the chair, adopted 3-0.

17. **Order No. 14-1005666** – Reappointment of Linda Clark to the Board of Registrar of Voters for a three year term to begin on April 1 2014.

Councilor Elder made a motion to approve, seconded by the chair, adopted 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**

FEBRUARY 24, 2014

Regular meeting of the City Council held on Monday, February 24, 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 9:25 PM.

ORDERED: That the minutes of the City Council meeting FEBRUARY 10, 2014, **FILE**; adopted.

Councilor Delano recognized Boy Scout Troop 2 who were in attendance and are working on their Citizenship and Community Merit Badges.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGRID and Verizon to relocate existing PC6 Laviolette Street 35' south towards the entrance to Lake Williams Condos. This will be used as a primary riser pole to feed a padmounted transformer. This is required to provide service to new building, all were heard who wish to be heard, hearing recessed at 8:04 PM.

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

ORDERED: On the Petition of NGRID and Verizon to relocate the following poles on West Hill Road: P12 (4' North), P15 (4' North), P18 (5' North), P27 (8' South), P28 (6' South), P31 (5' South), P30 (3.5' South) and installation of new Guy Stub Pole 12-84, all were heard who wish to be heard, hearing recessed at 8:12 PM.

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

Councilor Irish abstained.

ORDERED: On the Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, all were heard who wish to be heard, hearing recessed at 8:45 PM.

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

ORDERED: That the DPW transfer requests totaling \$59,000.00 from and to various accounts as noted on the spreadsheets due to a noticeable increase in water main breaks, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --								
DEPT: Department of Public Works				FISCAL YEAR: 2014				
FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$7,000	60080001	50580	Assistant Chemist	\$7,000	61090006	55710	Water Maintenance	\$8,316
Reason: Money available due to previous vacancy				Higher than normal water main breaks				
\$9,000	60081001	50850	Sewage Tr Plt Opera	\$9,000	61090006	54620	Maintenance/Trenches	\$0
Reason: Money available due to retirement				Funds needed to perform roadway repairs associated with emergency leaks/breaks				
\$9,000	60081001	50850	Sewage Tr Plt Opera	\$9,000	61090006	54620	Maintenance/Trenches	\$0
Reason: Money available due to W.C.				Funds needed to perform roadway repairs associated with emergency leaks/breaks				
\$7,000	60085001	50850	Sewage Tr Plt Opera	\$7,000	61090006	55750	Water Service Const.	\$5,340
Reason: Money available due to W.C.				Anticipated funds needed to cover materials for breaks				
\$10,000	60085001	50850	Sewage Tr Plt Opera	\$10,000	61090003	51310	Water Overtime	\$51,446
Reason: Money available due to W.C.				Higher than anticipated system repairs				
\$42,000	Total			\$42,000	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --								
DEPT:				FISCAL YEAR:				
FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$5,000	14001303	50740	Equipment Operators	\$5,000	14001305	55310	Highway Constr Mate	\$8,076
Reason: Money available due to retirement				Funds needed to perform roadway repairs associated with emergency leaks/breaks				
\$12,000	14001303	50740	Equipment Operators	\$12,000	14001304	53140	Contract Services	\$4,666
Reason: Money available due to retirement				Anticipated cost to cover the removal/disposal of material collected from spring time sweeping program				
\$17,000	Total			\$17,000	Total			

ORDERED: That the Fire Department transfer request in the amount of \$30,000.00 which moves funds from Educational and EMT to Contract Services for the purpose of utilizing an outside consulting firm to review policies, procedures, and overall operations of the Fire Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Fire Department				FISCAL YEAR:		2014		
Available Balance		FROM ACCOUNT:		TO ACCOUNT:		Available Balance				
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$79,265.98	\$15,000.00	12200003	51440	Educational	\$30,000.00	12200003	53140	Contract Services	\$0.00	
	Reason:	Fewer than expected obtained college credits and unfilled positions				For review of departmental policies, procedures, etc				
\$56,605.25	\$15,000.00	12200003	51480	EMT						
	Reason:	Fewer than expected certified as EMTs and unfilled positions								
	\$30,000.00	Total			\$30,000.00	Total				

MOTION made by Councilor Ossing to remove following Order No. 14-1005686 from Finance Committee to be acted upon as follows, APPROVED.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation up to \$1,250,000 for snow and ice removal for fiscal year 2014, **DENIED**; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation up to \$1,500,000 for snow and ice removal for fiscal year 2014, **APPROVED**; adopted.

ORDERED: That the Conservation Commission Appointments for the following with noted expiration terms:
 Alan White, March 6, 2017, Lawrence Roy, March 7, 2016, Edward Clancy, March 6, 2017, John Skarin, March 7, 2016, David Williams, March 2, 2015 and Dennis Demers, March 2, 2015, refer to **PERSONNEL COMMITTEE**; adopted.

Councilor Clancy abstained

ORDERED: That the Application for Taxi License, Solomon Senteza, d/b/a Marlborough Taxi, 54B Charlesbank Way, Waltham, MA 02453, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Note: Applicant stated that his business address is his residence in Waltham.

ORDERED: Application for Taxi License, Frank Sengabi, d/b/a Time Saver Transport, 900 Main St., Waltham, MA 02451, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Note: Applicant stated that his business address is in Waltham.

ORDERED: That the Minutes, Conservation Commission, August 18, 2011, May 17, June 7, & June 21, 2012, February 7, March 7, March 21, April 4, April 25, May 9, May 23, June 6, July 1, July 18, August 22, September 5, September 19, October 3, October 17, November 7, November 21 and December 5, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, October 9, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 27, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority, November 21, and December 19, 2013, **FILE**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Kathleen Blaisdell, 162 Kings Grant Rd., refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Allan Black, 40 Bowstring Way, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Amica Mutual Insurance Company, on behalf of Louise Elias, 79 Deerfield Run, Unit 79, refer to **LEGAL DEPARTMENT**; adopted.

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

- A. Brad Leonard, 176 Beach St., other property damage
- B. Daniel Donovan, 12 Fair St., other property damage
- C. Alton Bradshaw, Jr., 66 Farrington Lane, residential mailbox claim 2(b)
- D. Axel Knaf, 502 Williams St., pothole or other road defect

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Members Present: Chairman Tunnera; Councilors Irish and Elder

Meeting Convened: 6:15PM

Order No. 14-1005667 - Appointment of Thomas Abel to the Library Board of Trustees for a three year term to expire on February 6, 2017 replacing Jean Peters whose term expires on February, 3rd 2014. We also had the Reappointments of Ray Hale for two years to expire on February 6, 2016, Raymond Johnson for three years to expire on February 6th 2017, Susan Laufer for three years to expire on February 6, 2017. [**Note: Susan Laufer remains in committee; not present for Personnel Committee meeting**]. Robyn Ripley for 2 years to expire on Feb 1st 2016 and Janice Merk for a one year term to expire on February 2, 2015.

Councilor Elder made a motion to approve, it was seconded by the chair.

The order passed with a 3-0 vote.

Order No. 14-1005666 - Reappointment of Linda Clark to the Board of Registrar of Voters for a three term to begin on April 1 2014.

Councilor Elder made a motion to approve, it was seconded by the chair.

The order passed with a 3-0 vote.

Suspension of the Rules requested – granted

ORDERED: That the Appointment of John Ghiloni as DPW Commissioner for term of five years effective March 10, 2014, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED:

WHEREAS, the deferred operation of this ordinance would tend to defeat its purpose, which is to make effective as soon as possible the provisions thereof, therefore, it is hereby declared to be an Emergency Ordinance necessary to the health and safety of the people or their property.

THEREFORE, be it voted by the City Council of the City of Marlborough that the foregoing be declared an emergency measure as provided in Section 20 of the Charter of the City of Marlborough.

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

Suspension of the Rules requested – granted

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 468, ENTITLED "PEDDLING AND SOLICITING" AS FOLLOWS:

Chapter 468 is hereby amended by inserting a new Article IV, entitled "Solicitation By Use Of Collection Boxes," and by inserting a new Section 468-35, entitled "Definitions," a new Section 468-36 entitled "Purpose," and a new Section 468-37 entitled "Temporary Moratorium," as follows:

Article IV.**Solicitation By Use Of Collection Boxes****§ 468-35. Definitions.**

"RECYCLABLES OR RECYCLABLE GOODS" includes but is not limited to clothing, shoes, apparel, books, magazines, household furnishings, mattresses, and appliances.

"COLLECTION BOX" means containers designed and intended to collect and receive recyclable goods from more than one source including the public.

§ 468-36. Purpose

- A. The City has experienced a proliferation in the placement and location of collection boxes designated or intended to be used for the collection of used clothing and other recyclable goods. The City finds and recognizes that these collection boxes are regularly placed and located upon private and public property throughout the City.

- B. In addition, the City further finds that many of these collection boxes are not adequately maintained and supervised, clothing and other goods are not regularly removed, collection boxes are regularly placed on land without the permission of landowners, waste and garbage accumulates within and about the collection boxes, areas surrounding the collection boxes are not kept in clean and sanitary condition, and the collection boxes are detrimental to business and the economic vitality of the City and to the health, safety and welfare of the residents of the City.
- C. The City intends to adopt a temporary moratorium on the placement and location of collection boxes so as to allow the City sufficient time to engage in the drafting and enactment of an ordinance which will regulate collection boxes.

§ 468-37 Temporary Moratorium

- A. For the reasons set forth above, the City hereby adopts a six-month moratorium, commencing on February 24, 2014, which prohibits the placement and location of collection boxes on private and public property within the City during said six-month period. During the moratorium period, the City will study the issue of collection boxes in order to enact an ordinance regulating said collection boxes. The six-month moratorium shall not apply to collection boxes already placed and located within the City of Marlborough, and accessible by the public, as of February 24, 2014.
- B. This order shall take effect upon its passage.

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

ORDERED: That the review of first responders being equipped with Naloxone "Narcan" to assist in life saving measures related to heroin overdoses, refer to **HUMAN SERVICES COMMITTEE**; adopted.

ORDERED: That the DPW transfer requests for various amounts to fund line items associated with interim/temporary promotions due to absences and vacancies, police overtime for details associated with water and sewer maintenance and repair, and overtime incurred from water main breaks, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2014		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,800.00	\$1,200	14001103	51440	Educational Incentive	\$1,200	14001103	51240	Temporary Part Time Help	\$2,345	
		Reason: Surplus in account				Bring back last summer's college student during winter & spring breaks to conclude project				
\$4,800.00	\$1,500	14001103	51440	Educational Incentive	\$1,500	14001103	51310	Overtime - Regular	\$192	
		Reason: Surplus in account				Overtime associated with the spring/summer construction season				
\$422,363.00	\$600	14001303	50740	Equipment Operators (St's)	\$600	14001303	51470	Interim Foreman	\$3,066	
		Reason: Surplus due to worker's comp. injury				Higher than anticipated system repairs/storm event cost				
\$404,901.00	\$2,000	14001503	50740	Equipment Operators (F/P/C)	\$2,000	14001506	54630	Tree Planting	\$2,417	
		Reason: Surplus due to worker's comp. injury				Various locations throughout city				
\$152,098.00	\$5,000	60085001	50850	Sewer Tr. Plant Oper.	\$5,000	61090006	54620	Maintenance-Trenches	\$15	
		Reason: Surplus due to worker's comp. injury				Additional funding needed for trench repairs due to water/sewer breaks				
	\$10,300	Total			\$10,300	Total				
CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	61090003	51380	Overtime Water/Sewer	\$0	
		Reason: Surplus due to recent retirement				Funding needed for police overtime				
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	60080003	51380	Overtime Water/Sewer	\$1,376	
		Reason: Surplus due to retirement				Funding needed for police overtime				

ORDERED: That the Communication from Tim Cummings, MEDC-Urban Land Institute (ULI TAP) Technical Assistance Program Final Report: Coordinating Action in Downtown Marlborough **FILE**; adopted.

ORDERED: That the Following Proposed Order to Revoke Acceptance of MGL Chapter 41, Section 100B, refer to **BACK TO THE MAYOR**.

Be it ordained by the City Council of the City of Marlborough that Order No. 12174, accepted on January 22, 1973 under the provisions of M.G.L. chapter 41, § 100B, which concerns indemnification of retired firefighters and police officers, is hereby revoked, and further, be it ordained by the City Council that the Code of the City of Marlborough, as amended, be further amended by deleting in its entirety Section 125-49, Retiree Indemnification Review Board.

ORDERED: That the 2014 City Council Rules, be and is herewith **APPROVED WITH THE FOLLOWING AMENDMENTS:**

Page 4, Rule 10, Line 4, Change “rule 12” to “rule 15”

Page 5, Rule 11, Line 1, Change “rule 12” to “rule 15”

Page 8, “Standing Committees and Rules”, Paragraph 6, Line 12, Change “Rule No.3” to “Rule No.6”.

Page 8, “Standing Committees and Rules”, Paragraph 6, Lines 5&6, Change “... he/she so indicates this by approving the report, with his/her signature...” to “...he/she indicates this by referring the matter back to the body with his/her written report..”

Page 8, Change Rule #3 to Rule #6.

Page 9, Affordable Housing Committee can be removed from the rules.

Page 10, Delete ‘Annually’ at beginning of sentence after word Note and change ”year” to “session”. (Now shown as Page 9)

Page 3, Rule 3, Electronic Devices, The rule will stand as written. The public should be more aware to ask permission from the Council President to utilize their devices in silent mode in the upper gallery.

Note: Cover Page will amended to reflect new councilors:

Page 2, Change “Richard G. Jenkins” to “Robert Page”

Page 2, Change “Robert M. Seymour” to “John Irish”

All reference to 2012 shall be changed to 2014

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:25 PM.



IN CITY COUNCIL

FEBRUARY 10, 2014

Marlborough, Mass.,

ORDERED:

ORDERED:

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

I. Section 650-17, entitled "Table of Uses," is hereby amended:

- i. by amending the business use entitled "Medical clinic" so as now to be entitled "Medical office/clinic"; and
- ii. by regulating that business use, as amended, so as to allow medical offices and/or clinics as of right in the Business (B) district, as follows:

Medical office/clinic	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I
	SP	SP	SP	SP	SP	Y	Y	Y	N	N	N

II. Section 650-5, entitled "Definitions; word usage," is hereby amended:

- i. by amending the heading entitled "MEDICAL CLINIC" so as now to be entitled "MEDICAL OFFICE/CLINIC"; and
- ii. by deleting the definition of "MEDICAL CLINIC" and inserting in place thereof a definition for "MEDICAL OFFICE/CLINIC," as follows:

MEDICAL OFFICE/CLINIC – Buildings or portions thereof used by or for licensed physicians and other licensed healthcare practitioners, at which not more than three (3) physicians at one time are practicing daily at the office or clinic with the necessary support staff and occupying a total of no more than 5,000 square feet of space which is designed, intended or used for providing, on a less than 24-hour basis, medical services, including but not limited to urgent care for the treatment of injuries or illness, laboratory testing and x-rays, and occupational health services for employers and employees; but, however, not including elective surgical care, dental clinics, narcotic detoxification and/or maintenance facilities, and medical marijuana treatment centers.

That there being no objection thereto set **Monday, March 10, 2014** as a date for a **PUBLIC HEARING**, refer to **PLANNING BOARD, URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 14-1005693
X-13/14-1005578B



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAYOR
EXECUTIVE AIDE

Arthur G. Vigeant
Michael C. Berry
Patricia Bernard
MAYOR
EXECUTIVE AIDE
EXECUTIVE SECRETARY

March 6, 2014

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

RE: Transfer Request – DPW

Honorable President Pope and Councilors:

Enclosed for your approval is the transfer request:

- 1) Transfer in the amount of \$63,600.00 from 11990006-51500 (Fringes) to the following accounts:
 - a. \$22,500.00 to 14001001-50600 (DPW Commissioner)
 - b. \$40,000.00 to 14001003-51920 (Sick leave buy back)
 - c. \$1,100.00 to 14001003-51430 (Longevity)

This request will fund the retirement benefits owed to a member of the Department of Public Works.

Please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor



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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAR -6 A 11:40

March 6, 2014

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

RE: Transfer Request – Comptroller's Office

Honorable President Pope and Councilors:

Enclosed for your approval is the transfer request:

- 1) Transfer in the amount of \$21,500.00 from 11990006-51500 (Fringes) to the following accounts:
 - a. \$20,000.00 to 11330006-53460 (Postage)
 - b. \$1,500.00 to 11330005-54220 (Office Supplies)

For your information, I have included correspondence from Comptroller Brian Doheny detailing this request.

Please do not hesitate to let me know if you have any questions.

Sincerely,

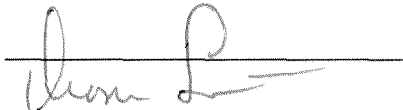


Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Comptroller

FISCAL YEAR: 2014

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$283,339.04</u>	<u>\$20,000.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringes</u>	<u>\$20,000.00</u>	<u>11330006</u>	<u>53460</u>	<u>Postage</u>	<u>\$303.30</u>
	Reason:	<u>Surplus in account</u>				<u>Additional funds for mailings</u>			
<u>\$283,339.04</u>	<u>\$1,500.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringes</u>	<u>\$1,500.00</u>	<u>11330005</u>	<u>54220</u>	<u>Office Supplies</u>	<u>\$512.78</u>
	Reason:	<u>Surplus in account</u>				<u>Additional funds for supplies</u>			
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	Reason:	<u> </u>				<u> </u>			
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	Reason:	<u> </u>				<u> </u>			
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	Reason:	<u> </u>				<u> </u>			
	<u>\$21,500.00</u>	<u>Total</u>			<u>\$21,500.00</u>	<u>Total</u>			

Department Head signature: 
 Auditor signature: 
 Comptroller signature: 



City of Marlborough
Office of the Comptroller

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3731 Facsimile (508) 481-5180

March 5, 2014

Dear Mayor Vigeant,

I am asking that you please recommend two transfers for my department.

The first transfer is regarding postage. The postage account for the city was originally budgeted at \$60,000. I am requesting an additional \$20,000 to bring the total budget for FY14 to be \$80,000. I calculated this amount by the need for each month the postage is around \$4,000 I then added \$30,000 for Real Estate and Motor Vehicle Excise bills which brings the total estimated for the year to be around \$80,000. Last year this account spent \$70,000 and this year there was a mid-year rate increase from the post office which has increased the cost.

The second transfer is for office supplies. The supplies account for the city was originally budgeted \$7,500. I am requesting an additional \$1,500 to bring the total budget for FY14 to be \$9,000. The additional amount need is for envelopes which appears to be replenished every other year along with replacing some small equipment (adding machines) which have a usefulness beyond this fiscal year.

The funds will be transferred from existing account.

If you have any questions please let me know.

Sincerely,

Brian Doheny
Comptroller
City of Marlborough



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAR -6 A 11:40
Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2014

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

RE: Transfer Request – Assessor's Office

Honorable President Pope and Councilors:

Enclosed for your approval is the transfer request:

- 1) Transfer in the amount of \$7,000.00 from 11410002-50770 (Senior Clerk) to 11410006-53114 (Legal/Appeal/Tax).

This request will ensure that the Assessor's Office will have enough funds for the remainder of the fiscal year to fund anticipated legal expenses associated with abatement filings and appraisals.

Additionally, I have enclosed for you a brief report from Brad Dunn of Regional Resource Group updating you on the progress they have made since coming to the Assessor's Office.

Please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Dear City Councilors:

Regional Resource Group has been performing your assessing function and acting as the City of Marlborough Assessor for just in excess of a year. It is appropriate for us to provide you with an update as to the work we have done and the changes we have effected.

When we arrived in Marlborough, we inherited some practices that needed to be updated and modernized. We also inherited some values which needed to be corrected. While much of that has been accomplished we hope to complete the task in the coming years. We believe there are both tangible and intangible results from our efforts. The most notably and quantifiably significant statistics follow:

- **43% reduction in tax appeals in a single year (FY 13 = 240 / FY 14 = 137)**
- **60% Reduction in appellate case volume in one year**
- **Potential of up to \$100,000 supplemental tax revenue each year**

One of the ways we measure our success and accuracy is abatement applications. There are always a certain number of tax payers who will file abatements regardless of the value, but most who believe they are fairly assessed will not. Such a substantial decline in a single year's total is testimony that our efforts and detailed analysis have revealed and corrected many underlying issues.

When we arrived in Marlborough, we found approximately 125 pending appellate tax cases. Through persistent and successful negotiation we have whittled that case load down to approximately 50, and expect to cut that in half again this year.

With your kind agreement to implementation of the "Hopkinton Provision" we were able to abate taxes owed by those affected by fire damage to their homes (such as the Lake Williams Condos), but also to capture additional revenue on new construction which is completed after the beginning of the fiscal year -rather than having to wait an entire year to capture the new revenue. Production of "supplemental bills" represents extra work for the assessor but we anticipate that the annual additional tax revenue from the effort to be very worthwhile and between perhaps \$50,000 and \$100,000 each year.

On the management side of the assessing office, things could not be better. The staff is busier than ever before, accomplishing more and satisfied in their work. The morale in the office is, according to them, at an all-time high. Customer service is prompt, pleasant, professional and resolution driven.

This past summer we implemented a new filing and record keeping system for all 13,000 parcels in Marlborough This has helped us with our data management but is also helping to keep our records current.

In successive years we plan to continue to attempt to perfect the accuracy of our records and to help work to integrate assessing records with the GIS system and building inspector's office.

We have embarked on a detailed city wide commercial vacancy study which we believe will serve the city in a multitude of ways. This vacancy rate is a critical part of the value calculation and will help us make compelling arguments for our values at appellate tax court. We expect that our study will further demonstrate the benefits of the diligent efforts of MEDC and Marlborough business friendly atmosphere.

We thank you for the opportunity to have served you this past year and look forward to continuing to do so in the future.

Sincerely,

Bradford C. Dunn, Assessor
Regional Resource Group



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

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAR -6 A 11:40

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2014

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

RE: Transfer Request – Building Department

Honorable President Pope and Councilors:

Enclosed for your approval is the transfer request:

- 1) Transfer in the amount of \$700.00 from 12410006-57100 (In-State Travel) to 12410002-51050 (Board Secretary).

This request will fund the stipends for the Board Secretaries of the Planning Board and Zoning Board of Appeals for the remainder of the fiscal year. The transfer is necessary due to higher than anticipated demands for administrative assistance during these board meetings.

Please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Inspectional Services 2410

FISCAL YEAR: 14

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$3,272.21</u>	<u>\$700.00</u>	<u>12410006</u>	<u>57100</u>	<u>Instate Travel</u>	<u>\$700.00</u>	<u>12410002</u>	<u>51050</u>	<u>Board Secretary</u>	<u>\$270.35</u>
	Reason:	<u>Available funds</u>				Reason: <u>To ensure adequate funding through FY'14</u>			
<hr/>		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	Reason:	<hr/>				<hr/>			
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	Reason:	<hr/>				<hr/>			
	\$700.00	Total			\$700.00	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: 



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAR -6 A 11: 58

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

March 6, 2014

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

RE: Youth Commission Resignation

Honorable President Pope and Councilors:

I regretfully enclose the resignation letter from Patricia Zilembo, who is stepping down from the Youth Commission. I want to thank Patty for her hard work in reinvigorating our Youth Commission and helping to put them on a path to future success.

Please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Patricia Zilembo
26 Hunter Avenue
Marlborough, MA .01752
774-285-2143
Pjz7374@hotmail.com

Mayor Arthur Vigeant
140 Main Street
Marlborough, MA 01752

February 13, 2014

Dear Mr. Mayor

It is with regret that I am writing to inform you of my decision to resign my position on the Youth Commission, effective February 19th 2014

My other commitments have become too great for me to be able to fulfill the requirements of my position on the Board, and I feel it is best for me to make room for someone with the time and energy to devote to the job.

If I can be of any assistance during the time it will take to fill the position, please don't hesitate to ask.

Best Regards,

Patricia Zilembo

BARBARA H. ROWE
DOUGLAS J. ROWE



21 COTTING AVENUE
POST OFFICE BOX 617
MARLBOROUGH, MA 01752
TEL: (508) 485-5555
FAX: (508) 485-8888
email: bhr@rowelawoffice.com
email: djr@rowelawoffice.com

ROWE LAW OFFICE

February 19, 2014

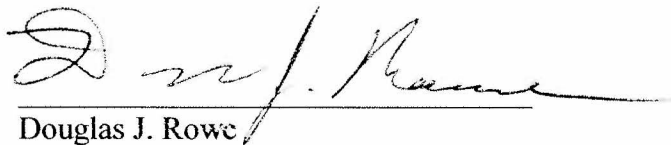
Councilor Patricia Pope, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: City Council Order # 13-1005581B

Dear Councilor Pope:

Please note that I am notifying the City Clerk that Rowe Law Office is hereby representing VNG Co. regarding certain permitting matters in the location of a facility at 413 Lakeside Avenue, Marlborough, Massachusetts.

Respectfully,

A handwritten signature in cursive script, appearing to read "D. J. Rowe", is written over a horizontal line.

Douglas J. Rowe

DJR/amp

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 FEB 20 P 12:30

March 6, 2014

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CITY OF MARLBOROUGH

2014 MAR -6 A 11: 54

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

Re: CSM Corp - Hilton Garden Inn, Marlborough, MA

Application for Site Plan Approval

SMMA No. 14007.00

Dear Council President and Members:

On behalf of our client, CSM Corp, SMMA is pleased to submit the enclosed application for Site Plan Approval for a hotel within the Forest Park/Marlborough Hills mixed-use development in Marlborough, MA. The project is located in the northeast quadrant of the development at the intersection of Forest Street and Results Way. The proposed development consists of a 5-story, 153 room hotel with amenities including meeting areas, three meal restaurant, bar, pool and fitness areas.

The proposed project is consistent with the mixed-use Master Plan and Results Way Mixed Use Overlay District (RWMUOD) approved by the City Council in Spring 2013. Zoning requirements of the underlying Limited Industrial (LI) district as well as the RWMUOD have been met. The application addresses stormwater, water and sewer, and land use consistent with the City of Marlborough standards.

Enclosed with the application is a project narrative with appendices and project plans. Please do not hesitate to reach out to the applicant or SMMA if you have any questions or comments.

Very truly yours,

SMMA | Symmes Maini & McKee Associates



Brian Lawlor, PE
Principal

cc: Patrick Vyncke - CSM Corp, Attorney David Gadbois, Atlantic Management, Peter Glick and William Park - SMMA, (MF)

enclosures: Application for Site Plan Approval, Owner's Consent Letter, Application Narrative and Appendices, Project Plans

P:\2014\14007\08-CODES\Site Plan Approval\I-SPA Cover Letter.doc



Vanasse Hangen Brustlin, Inc.

TRANSMITTAL

Transportation
Land Development
Environmental Services

Union Station, Suite 219
2 Washington Square
Worcester, MA 01604
508 752-1001
fax 508 752-1276

RECEIVED
CITY CLERK'S OFFICE
CITY OF WORCESTER

2010 FEB 24 P 7 20

Form with fields: Date: 02-18-14, VHB Project No.: 12500.00, Re: Beacon - North, Marlborough, Massachusetts, Notice of Project Change

To: NPC Distribution List

We are sending you: [X] Attached [] Under Separate cover via Federal Express the following items:
[] Shop drawings [] Prints [] Plans [] Diskettes [] Specifications [] Copy of Letter [] Change Order
[] Other

Table with 4 columns: Copies, Date, No., Description. Row 1: 1, 02-18-14, , Notice of Project Change

These are transmitted as checked below:

- [] For approval [] Approved as submitted [] Resubmit [] Copies for approval
[] For your use [] Approved as noted [] Submit [] Copies for distribution
[] As requested [] Return for corrections [] Return [] Corrected prints
[X] For review and comment [] For bids due
[] Returned prints on loan to VHB

REMARKS: To whom it may concern: You are receiving this NPC as you have in the past provided comments to MEPA for this site and or your department or agency is listed as recipients of the NPC as required by the Massachusetts Environmental Policy Act.

Thank you.

If VHB provides materials to the Client that are stored electronically, the Client recognizes that data, plans, specifications, reports, documents, or other information recorded on or transmitted as electronic media ("CADD Documents") are subject to undetectable alteration, either intentional or unintentional, due to, among other causes, transmission, conversion, media degradation, software error, or human alteration.

The CADD Documents are instruments of professional service, and shall not be used, in whole or in part, for any project other than that for which they were created, without the express written consent of VHB and without suitable compensation to VHB.

Copy to: NPC Distribution List
File

By: Doug Vigneau

RECEIVED
CITY CLERK'S OFFICE
CITY OF TALLAHASSEE

2014 FEB 24 P 7 20

Notice of Project Change EEA #13755

Beacon - North

Marlborough, Massachusetts

**Submitted to: Executive Office of Energy and Environmental Affairs
Massachusetts Environmental Policy Act**

**Proponent: Marlborough/Northborough Land Realty Trust
One Wall Street
Burlington, Massachusetts 01803**

**Submitted by: Vanasse Hangen Brustlin, Inc.
Worcester, Massachusetts**

**In association with: Bohler Engineering, Inc.
Southborough, Massachusetts**

February 2014

**Transportation
Land Development
Environmental**
Services



imagination | innovation | energy Creating results for our clients and benefits for our communities

Vanasse Hangen Brustlin, Inc.

February 18, 2014

Ref: 12500.00

Richard K. Sullivan, Jr., Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deirdre Buckley, MEPA Director
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office; EEA No. 13755
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: **Notice of Project Change EEA #13755**
Beacon - North previously Beacon @ 495 Center
Marlborough, Massachusetts

Dear Secretary Sullivan and Director Buckley:

On behalf of Marlborough/Northborough Land Realty Trust ('The Proponent'), Vanasse Hangen Brustlin, Inc. (VHB) is pleased to submit a Notice of Project Change (NPC) for the Beacon @ 495 Center located at Boston Post Road Marlborough. The most recent MEPA filing for the Beacon @ 495 Center was a Notice of project Change filing for "The Preserve at Ames". This 225 unit apartment complex is to be constructed on the southern portion of the overall Beacon @ 495 Center parcel. In addition to the recently reviewed and Certified apartment complex, the construction of a 6,000 SF '99 Restaurant' and approximately 15,000 SF of retail space was Certified through a Phase 1 Waiver issued in 2006.

The Project presented in this NPC consists of a mixed-use development that is currently envisioned to include an approximately 3,000 sf, 90-seat café/donut shop with drive thru window; a 5,000 sf, 160-seat fast food restaurant; a 7,000 sf, 275-seat, restaurant; an approximately 60,000 sf, 105-room business hotel; an approximately 80,000 sf, 105-room comfort hotel; and, an approximately 300,000 sf building containing office space and potentially other mixed uses. In total, this Project will trigger a MEPA Mandatory Environmental Impact Report (EIR) threshold for traffic generation in excess of 3,000 new average daily trips to a single location (see 301 CMR 11.03 (6)(b)(6)) requiring a MassDOT-State Highway Access Permit. Environmental impact consideration for the previously Certified Projects will be included in the overall EIR assessment as well.

Union Station, Suite 219
2 Washington Square
Worcester, Massachusetts 01604
508.752.1001 • FAX 508.752.1276
email: info@vhb.com
www.vhb.com

Secretary Richard K. Sullivan, Jr.
MEPA Director Diedre Buckley
Beacon – North, Marlborough
February 18, 2014
Page 2

We appreciate your consideration of the NPC and look forward to working with you and your staff on the state environmental review of this Project. Please do not hesitate to contact Doug Vigneau, VHB Project Manager at 508-513-2718 (dvigneau@vhb.com) should you require additional information or clarification pertaining to the enclosed information.

Very truly yours,

Vanasse Hangen Brustlin, Inc.



Douglas E. Vigneau,
Senior Project Manager

NPC Enclosure

cc: NPC Distribution List (Attachment A)
John A. Cataldo, Northborough/Marlborough Land Realty Trust
Scott Weiss, The Gutierrez Company



Commonwealth of Massachusetts
 Executive Office of Energy and Environmental Affairs ■ MEPA Office

For Office Use Only
 Executive Office of Environmental Affairs

MEPA Analyst:

Phone: 617-626-

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

EEA #	13755		
Project Name:	Beacon - North formerly Beacon @ 495 Center		
Street Address:	Boston Post Road (US Route 20)		
Municipality:	Marlborough	Watershed:	Concord (Assabet)
Universal Transverse Mercator Coordinates:	Latitude:	42° 20' 18.31"	
Lat. 42.33819 Long. -71.588330	Longitude:	-71° 35' 17.98"	
Estimated commencement date:	Fall 2014	Estimated completion date:	Fall 2018
Project Type:	Mixed Use - Retail/Hotel/Office	Status of project design:	15% complete
Proponent:	Marlborough/Northborough Land Trust		
Street Address:	One Wall Street		
Municipality:	Burlington	State:	MA
		Zip Code:	01803
Name of Contact Person:	Doug Vigneau		
Firm/Agency:	Vanasse Hangen Brustlin, Inc.	Street Address:	2 Washington Sq. Suite 219
Municipality:	Worcester	State:	MA
		Zip Code:	01604
Phone:	508-752-1001	Fax:	508-752-1276
		E-mail:	dvigneau@vhb.com

With this Notice of Project Change (NPC), are you requesting:

a Single EIR? (see 301 CMR 11.06(8)) Yes No

a Special Review Procedure? (see 301CMR 11.09) Yes No

a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No

a Phase I Waiver? (see 301 CMR 11.11) Yes No

Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?
 Development of the Beacon - North parcel exceeds MEPA review threshold 11.03 (6)(a) 6 in that it will generate more than 3,000 New ADT providing access to a 'single' location for which a MassDOT Highway Access Permit is required for access from US Route 20.

Which State Agency Permits will the project require? MassDOT Highway Access Permit.

Identify any financial assistance or land transfer from an Agency of the Commonwealth, including the Agency name and the amount of funding or land area in acres: The Project does not involve financial assistance or a land transfer from the Commonwealth.

PROJECT INFORMATION

In 25 words or less, what is the project change? The project change involves development on the north side of the overall project site and change in land use from retail, office and residential to retail uses on the west side of the property and mixed office/retail on the east side of the property.
See full project change description beginning on page 3.

Date of publication of availability of the ENF in the Environmental Monitor: (Date: 03/22/06)

Was an EIR required? Yes No; if yes,
was a Draft EIR filed? Yes (Date:04/09/06) No
was a Final EIR filed? Yes (Date:) No
was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s): (06/07/06; No
10/09/13)

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to

ATTACHMENTS & SIGNATURES.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed: **dd w/ list of State Agency Actions (e.g., Agency Project, Financial Assistance, Land Transfer, List of Permits).** A MassDOT Highway Access Permit is required for access to Route 20.

Are you requesting a finding that this project change is insignificant? A change in a Project is ordinarily insignificant if it results solely in an increase in square footage, linear footage, height, depth or other relevant measures of the physical dimensions of the Project of less than 10% over estimates previously reviewed, provided the increase does not meet or exceed any review thresholds. A change in a Project is also ordinarily insignificant if it results solely in an increase in impacts of less than 25% of the level specified in any review threshold, provided that cumulative impacts of the Project do not meet or exceed any review thresholds that were not previously met or exceeded. (see 301 CMR 11.10(6)) Yes No; if yes, provide an explanation of this request in the Project Change Description below.

FOR PROJECTS SUBJECT TO AN EIR

If the project requires the submission of an EIR, are you requesting that a Scope in a previously issued Certificate be rescinded?

Yes No; if yes, provide an explanation of this request. The previously issued Certificate on the Draft EIR, which dates back to April 2008 has been rescinded with the issuance of the December 20, 2013 Certificate on the NPC (included in Attachment B). That Certificate states 'if the Proponent wishes to propose any additional development on the remainder of the site, it is likely that additional MEPA review would be required. In order to ensure that the project does not violate the anti-segmentation provisions of the MEPA regulations, the Proponent should consult with the MEPA Office to determine the appropriate course of action for any additional environmental review.' The Proponent met with MEPA staff on January 30, 2014 and was directed to file an NPC so that a Scope for an EIR

would be issued by the MEPA office.

If the project requires the submission of an EIR, are you requesting a change to a Scope in a previously issued Certificate?

Yes No; if yes, provide an explanation of this request _____.

SUMMARY OF PROJECT CHANGE PARAMETERS AND IMPACTS

Summary of Project Size & Environmental Impacts	Previously reviewed ¹	Net Change ³	Currently Proposed ⁴
LAND			
Total site acreage	79.9 ¹ /34.61 ²	0/45.3 ³	79.9
Acres of land altered	17.08 ²	25.90	42.98
Acres of impervious area	8.87 ²	15.25	24.12
Square feet of bordering vegetated wetlands alteration	Perm - 842 ² Temp - 769 ²	0	Perm - 842 ² Temp - 769 ²
Square feet of other wetland alteration B=Bank; RA=Riverfront Area	B - 338 LF ² RA - 44,259 ²	B - 0 RA - 51,592	B - 338 LF ² RA - 95,851
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	247,000 ²	455,000	702,000
Number of housing units	225 ²	0	225
Maximum height (in feet)	64 ²	1	65
TRANSPORTATION			
Vehicle trips per day	2,966 ²	9,810	12,776
Parking spaces	664 ²	1,365	2,029
WATER/WASTEWATER			
Gallons/day (GPD) of water use	48,910 ²	69,990	118,900
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	44,465 ²	63,625 ⁵	108,090
Length of water/sewer mains (in miles)	W - 0.83 ² S - 0.54 ²	W - 0.80 S - 0.55	W - 1.63 S - 0.99

1 - Total Beacon Parcel Acreage.

2 - Based on Previously Certified Retail/Restaurant Site and The Preserve at Ames 40B Residential Development.

3 - Based on current proposal for Beacon - North Development.

4 - Total 79.9 acre Beacon Parcel Development including the Previously Certified Projects and Beacon - North.

5 - Three separate sewer connections will be sought from the City of Marlborough, none exceeding 50,000 gpd.

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No
2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No
3. impacts on Rare Species? Yes No
4. demolition of all or part of any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?
Yes No
5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) if applicable, the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a draft of the modified Section 61 Finding (or it will be required in a Supplemental EIR).

This NPC is being filed for a mixed use development on the northern portion of the formerly named Beacon @ 495 Center. Please refer to Figure 1.1, a USGS Site Location Map, which depicts the location of the overall Beacon @ 495 Parcel, which has remained consistent throughout. Figure 1.2 depicts the existing site conditions that with the exception of the retail component in the far northeast corner of the site remain undeveloped. Depicted in Figure 1.3 is a preliminary conceptual master plan for the entire site. The 'Beacon - North' parcel includes approximately 45.3 acres of land of which approximately 19.4 acres will remain undeveloped. The land areas to be developed will include an approximately 3,000 sf, 90-seat café/fast food restaurant with drive thru window; a 5,000 sf, 160-seat fast food restaurant; a 7,000 sf, 275-seat, sit-down restaurant; an approximately 60,000 sf, 105-room business hotel; an approximately 80,000 sf, 105-room comfort hotel; and, an approximately 300,000 sf building containing office space and potentially other mixed uses. In addition to the development proposed on the northern portion of the Beacon Parcel, the EIR will recognize the previously Certified projects as well, including the 225 unit apartment complex to be constructed on the southern portion of the site as well as the background traffic (which will be captured in new traffic counts) generated by the previously constructed retail space in the northeast corner of the site.

- (a) In addition to the previously constructed retail parcel, as most recently reviewed, the Project consists of the construction of four multi-family residential buildings containing 226,000 gross square feet (gsf) and 225 units, and associated facilities including a clubhouse, pool, outdoor recreation area, parking for 463 vehicles, a bus stop along Ames Street, a nature trail, off-site sidewalks, utility

improvements, and storm water management facilities. Access will be provided from Ames Street across from Reilly Way.

- (b) As previously reviewed the most significant material change is the build out of the remainder of the 'Beacon @ 495' parcel. Development of the so-called Beacon - North portion of the site will result in increased demand on area infrastructure. These impacts will be analyzed in the Environmental Impact Report to be required for this and past phases of parcel development.
- (c) It is recognized that the development proposed for the Beacon - North parcel is significant and requires the preparation of an EIR.
- (d) Measures to mitigate Project impacts will be provided in the EIR.

ATTACHMENTS & SIGNATURES


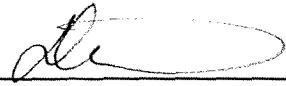
Attachments:

1. Secretary's most recent Certificate on this project – Attachment B – *Secretary's Certificate on the NPC*.
2. Plan showing most recent previously-reviewed proposed build condition – Please refer to Figure 1.3, which depicts the conceptual full build Master Plan of the Beacon parcel.
3. Plan showing currently proposed build condition - Please refer to Figure 1.3, which depicts the conceptual full build Master Plan of the Beacon parcel.
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries. Please refer to Figure 1.1 – *Site Location Map*.
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7). Please refer to Attachment A – *NPC Distribution List* (which includes the names of all persons having commented on any aspect of previous MEPA filings).

List of Attachments:

- Attachment A – *NPC Distribution List*
- Attachment B – *Secretary's Certificate on the NPC*

Signatures:

		2-14-14	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

Arthur Gutierrez, Jr., Trustee	Douglas E. Vigneau
Name (print or type)	Name (print or type)

Marlborough/Northborough Land Trust	Vanasse Hangen Brustlin, Inc.
Firm/Agency	Firm/Agency

One Wall Street	2 Washington Square – Suite 219
Street	Street

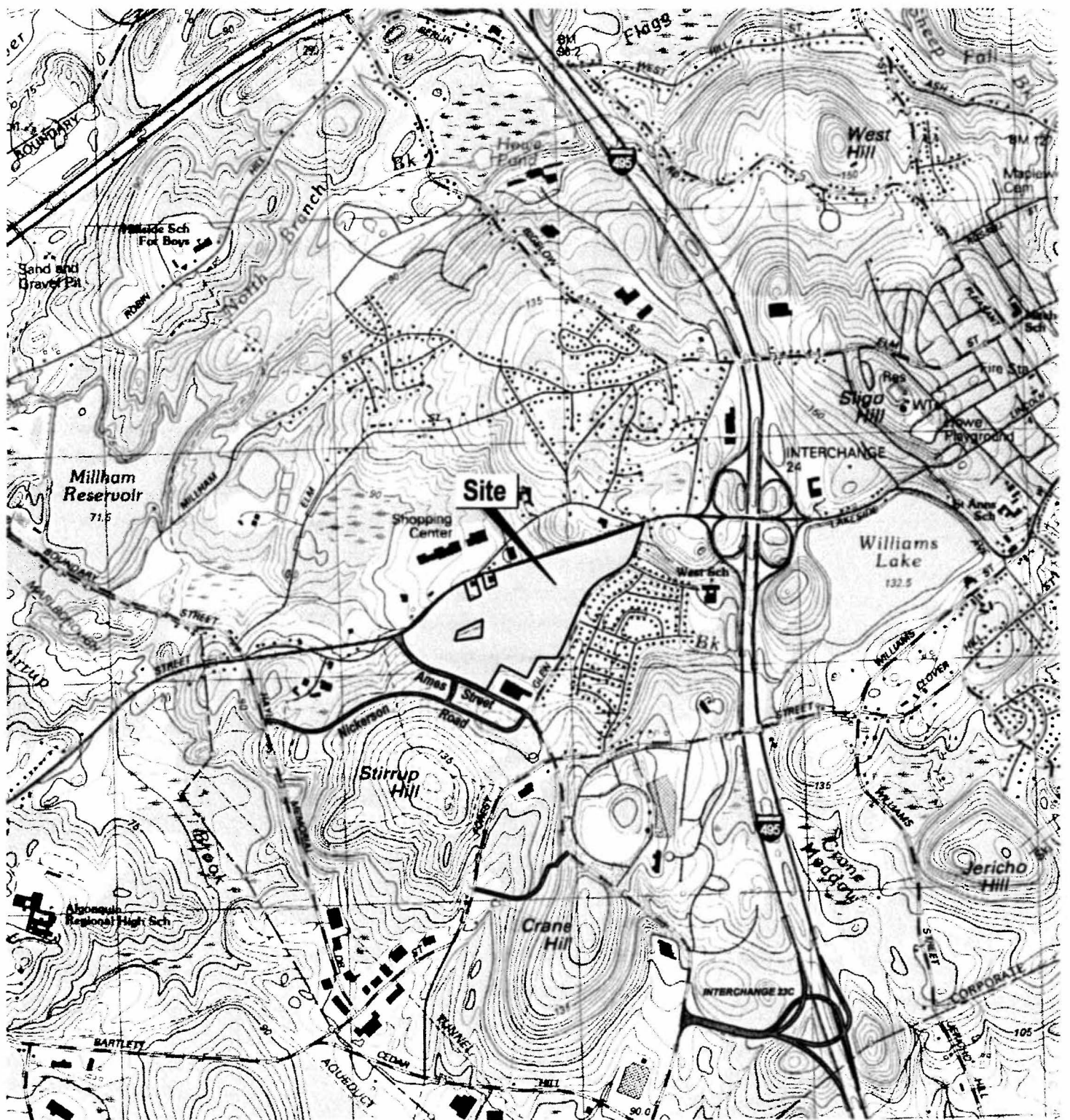
Burlington, MA 01803	Worcester, MA 01604
Municipality/State/Zip	Municipality/State/Zip

(781) 272-7000	508-752-1001
Phone	Phone

Attachment A

Notice of Project Change Distribution List

Beacon - North Marlborough, Massachusetts

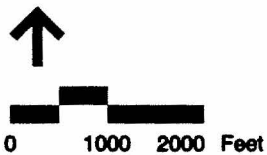


Source: Office of Geographic and Environmental Information (MassGIS) - Commonwealth of Massachusetts Executive Office of Environmental Affairs
 Note: The MassGIS map has been modified to show recent development that occurred after the publication of this map.

Vanasse Hangen Brustlin, Inc.

Site Location Map

Figure 1.1



Beacon @ 495 Center
 Marlborough, Massachusetts

Notice of Project Change Distribution List

In accordance with the MEPA regulations at 301 CMR 11.10(7), the Proponent is distributing/circulating this Notice of Project Change (NPC) for the Preserve at Ames to the public agencies and commenters listed below. Notice of the availability of this ExENF will be published in the February 26, 2014 edition of *The Environmental Monitor*, initiating a 20-day public comment period that will end on or about March 21, 2014.

Commonwealth of Massachusetts

Richard K. Sullivan, Jr., Secretary (two copies)
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Executive Office of Transportation
Attn: MEPA Coordinator
10 Park Plaza, Room 3510
Boston, MA 02116-3969

MassDOT - Highway Division
Public/Private Development Unit
Attn: Lionel Lucien, P.E., Director
10 Park Plaza
Boston, MA 02116

MassDOT - Highway District #3
Attn: MEPA Reviewer
403 Belmont St.
Worcester, MA 01604

MassDOT - MBTA
Attn: Andrew Brennan
10 Park Plaza, 6th Floor
Boston, MA 02216-3966



City of Marlborough

City of Marlborough City Council
Attn: Ms. Karen Boule, Secretary
140 Main Street
Marlborough, MA 01752

City of Marlborough Planning Board
Attn: Alfred J. Lima, Director of Planning
140 Main Street
Marlborough, MA 01752

City of Marlborough Conservation Commission
Attn: Ms. Priscilla Ryder, Conservation Officer
140 Main Street
Marlborough, MA 01752

City of Marlborough Board of Health
Attn: Mr. Robert Landry, R.S.
Walker Building, Room 101
255 Main Street
Marlborough, MA 01752

City of Marlborough Department of Public Works
135 Neil Street
Marlborough, MA 01752

City of Marlborough, Department of Public Works
Attn: City Engineer
135 Neil Street
Marlborough, MA 01752

Marlborough Public Library
35 West Main Street
Marlborough, MA 01752

Commenter's on DEIR

Akuete W. Sassavi
12 MacKay Drive
Marlborough, MA 01752

Aristotelis and Valerie Tzimoulis
19 MacKay Drive
Marlborough, MA 01752



MassDEP
Office of the Commissioner
One Winter Street
Boston, MA 02108

MassDEP
Attention: Nancy Seidman
One Winter Street
Boston, MA 02114

MassDOER
Attn: John Ballam
100 Cambridge Street – Room 1020
Boston, MA 02114

MassDEP-CERO
Attn: MEPA Coordinator
627 Main Street
Worcester, MA 01604

Massachusetts Historical Commission
Attn: MEPA Coordinator
The Massachusetts Archives Building
220 Morrissey Boulevard
Boston, MA 02125

Massachusetts Department of Agriculture
Attn: MEPA Coordinator
Department of Agricultural Resources
251 Causeway Street
Boston, MA 02114

Massachusetts Natural Heritage and Endangered Species Program
Attn: MEPA Coordinator
1 Rabbit Hill Road
Westborough, MA 01581

Metropolitan Area Planning Commission
Attn: MEPA Coordinator
60 Temple Place
Boston, MA 02111



Carol Mitchell
198 Glen Street
Marlborough, MA 01752

Christopher Wydom
142 Glen Street
Marlborough, MA 01752

Patricia "Trish" Pope, Councilor at Large
City of Marlborough
Office of the City Council
140 Main Street
Marlborough, MA 01752

Scott D. Schafer, City Councilor, Ward Three
City of Marlborough
140 Main Street
Marlborough, MA 01752

Denis G. Denommee
58 Burns Road
Marlborough, MA 01752

Dianne and John Candido
154 Glen Street
Marlborough, MA 01752

Donald and Mary Whitten
72 Foley Road
Marlborough, MA 01752

Catherine and Edward Mulrey
Marlborough residents

Ernest Black
73 Conrad Road
Marlborough, MA 01752

Francis and Marie Bedard
21 Burns Road
Marlborough, MA 01752

Francis O'Reilly
23 Hurley Circle
Marlborough, MA 01752

J. Reynolds
58 Hurley Circle
Marlborough, MA 01752

Jacqueline Locie
47 Hurley Circle
Marlborough, MA 01752

Jamey and Alyse Giancola
124 Glen Street
Marlborough, MA 01752

John Cinelli
7 Conrad Road
Marlborough, MA 01752

Karen and Jim Gosselin
106 Glen Street
Marlborough, MA 01752

Margaret T. McDougall
178 Glen Street
Marlborough, MA 01752

Mary Black
73 Conrad Road
Marlborough, MA 01752

Donna Jacobs, Director
Growth Management Committee
160 Waverly Street
Framingham, MA 01702

Ritul Patel
212 Glen Street
Marlborough, MA 01752

Ronald L. Bucchino
88 Glen Street
Marlborough, MA 01752

Sarah and Steve Atwood
20 Teller Street
Marlborough, MA 01752



Vanasse Hangen Brustlin, Inc.

Scott David Gray
228 Glen Street
Marlborough, MA 01752

Stephanie Vilensky
Glen Street resident
Marlborough, MA 01752

Attachment B

Notice of Project Change Secretary's Certificate on the 2013 Notice of Project Change

**Beacon - North
Marlborough, Massachusetts**



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Richard K. Sullivan Jr.
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

December 20, 2013

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : The Preserve at Ames (previously reviewed as Beacon
@ 495 and Proposed Retail Center)
PROJECT MUNICIPALITY : Marlborough
PROJECT WATERSHED : Assabet River
EOEA NUMBER : 13755
PROJECT PROPONENT : Marlborough/Northborough Land Trust
DATE NOTICED IN MONITOR : October 9, 2013

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Sections 11.03 and 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and hereby determine that this project **does not require** the preparation of a mandatory Environmental Impact Report (EIR).

Procedural History

As described in a Draft EIR (DEIR) reviewed in 2008, the project entailed the proposed construction of a mixed-use development, including 675,000 square feet (sf) of office and retail space, two restaurants, and associated infrastructure on a 79.9-acre site. A Final Record of Decision was issued August 17, 2006 allowing Phase 1 (15,000 sf of retail space and a 6,000-square foot restaurant on a 6.6-acre portion of the site) to proceed prior to completion of an EIR for the entire project. Phase 1 has since been constructed and partially occupied. The Phase 1 site contains a sit-down restaurant and a liquor store, as well as some vacant retail space.

The development proposed for the remainder of the site included 600,000 sf of office space (or 235,000 sf of office space and 304 residential units under an alternative development

scenario), 60,000 sf of retail space, and another 6,000-square foot restaurant. Access to the project site was proposed from Route 20 and Ames Street, and a site drive off Glen Street. The project site, which was the location of an apple orchard, is currently undeveloped and predominantly wooded with extensive wetlands areas. Millham Brook, a tributary to a public water supply, traverses the site. The brook and Bordering Vegetated Wetlands (BWV) on the site are Outstanding Resource Waters (ORW).

According to the DEIR, under a worst-case scenario, the project would have resulted in the creation of 25.4 acres of new impervious area and the alteration of approximately 35.4 acres of land, 2,305 sf of Isolated Vegetated Wetlands and 245 linear feet of Bank. Water use was estimated at 92,910 gallons per day (gpd) and wastewater generation was estimated at 84,460 gpd. The proposed project involved construction of approximately two miles of new water main and 1.07 miles of new sewer main. Traffic impacts associated with the project were estimated at 9,765 average daily trips (adt) on a typical weekday and the project was to include 2,515 new parking spaces. The Certificate on the DEIR issued on May 16, 2008 required the submission of a Supplemental DEIR.

MEPA Jurisdiction and Permitting Requirements

The project underwent MEPA review and was subject to a mandatory EIR pursuant to 301 CMR 11.03 (1)(a)(2), (6)(b)(a)(6) and (6)(b)(a) (7) of the MEPA regulations because it required State Agency Actions and would have created more than 10 acres of new impervious area, generated more than 3,000 adt and provided more than 1,000 new parking spaces, respectively. The project also exceeded MEPA review thresholds at 301 CMR 11.03(3)(b)(1) because it would have altered 25 or more acres of land; 11.03(3)(b)(c) because it may have altered 1,000 sf or more of ORW; and 11.03(5)(b)(3)(c) because it would have entailed the construction of ½ or more miles of sewer mains.

The project required a State Highway Access Permit from the Massachusetts Department of Transportation (MassDOT), formerly the Highway Department for access onto Route 20 for both Phase 1 and the full build-out of the project. MassDOT subsequently issued an Access Permit for Phase 1. Other permits required for the previously proposed full build-out included a Sewer Connection/Extension Permit and a Water Supply Distribution System Modification Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project also required Orders of Conditions from the City of Marlborough and a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA). The project may have also required pre-construction permits pursuant to MassDEP Air Quality Control Regulations.

The Proponent did not seek Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction applied to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extended to transportation, air quality, wetlands and water quality, water supply, wastewater, land, and stormwater and drainage.

Project Change Description

As described in the NPC, the project now entails the development of only the 28-acre southern portion of the original 79.9-acre project site. The proposed 235,000 square feet of office space has been eliminated from the development program and, in its place, the Proponent proposes to construct four multi-family residential buildings containing 226,000 gross square feet (gsf) and 224 units, and associated facilities including a clubhouse, pool, outdoor recreation area, parking for 463 vehicles, a bus stop along Ames Street, a nature trail, off-site sidewalks, utility improvements, and stormwater management facilities. Access would be provided from Ames Street across from Reilly Way. No development is currently proposed on the remainder of the site.

According to the NPC, construction of the project as it is currently proposed will result in the following environmental impacts:

- creation of 7.54 acres of new impervious area (for a total of 10.09 acres of impervious area including Phase 1 based on the ENF);
- 12.18 acres of new alteration (for a total of 17.08 acres including Phase 1 based on the ENF);
- the permanent alteration of alteration of 1,531 square feet (sf) of BVW;
- the temporary alteration of 3,242 sf of BVW;
- the alteration of 245 linear feet (lf) of Bank;
- the alteration of 44,259 sf of Riverfront Area;
- the generation of 1,480 new adt (for a total of 3,055 adt including Phase 1 based on the ENF);
- the creation of 463 new parking spaces (for a total of 664 parking spaces including Phase 1 based on the ENF);
- the use of approximately 40,849 gpd of water (for a total of 48,909 gpd including Phase 1 based on the ENF);
- the generation of approximately 37,135 gpd of wastewater (for a total of 44,465 gpd including Phase 1 based on the ENF);
- the installation of 0.73 miles of new water main (for a total of 0.83 miles of water main including Phase 1 based on the ENF); and
- the installation of 0.44 miles of new sewer main (for a total of 0.54 miles of sewer main including Phase 1 based on the ENF).

The Proponent has requested that I rescind the Scope for the Supplemental DEIR based on the reduced development program and associated environmental impacts, as compared to the proposed build-out described in the DEIR. While this is true, I note that, based on the information presented in the NPC, the project would appear to still exceed two mandatory EIR thresholds for creation of new impervious area and new traffic generation when the impacts of Phase 1 and the project change described in the NPC are considered cumulatively.

As a result, the Proponent provided supplemental information based upon calculations of the actual as-built impervious area on the Phase 1 parcel, as well as a recalculation of impervious area for the proposed housing development based upon revised plans prepared since the

submission of the NPC. Based upon this information, it now appears that the cumulative amount of impervious area would fall below the 10-acre threshold requiring the submission of a mandatory EIR. The proposed amount of impervious for the housing development is now 6.47 acres (not 7.54 acres, as reported in the NPC) and the amount of impervious area for the Phase 1 parcel as built is 2.4 acres (not 2.6 acres, as reported in the ENF). Therefore, the cumulative amount of impervious area would be 8.87 acres, not 10.09 acres as indicated above.

The Proponent also submitted revised cumulative traffic generation information for Phase 1 and the proposed housing development based on actual traffic counts conducted at the Phase 1 project site on Thursday, December 19, 2013. This supplemental information indicates that, based on a combination of Institute of Transportation Engineers trip generation rates for the proposed housing development and the unoccupied retail space and actual traffic counts for the high-turnover sit-down restaurant and liquor store, the cumulative traffic generation would be 2,901 adt, not 3,055 adt as indicated above. Although the former figure approaches the 3,000-trip threshold requiring the submission of a mandatory EIR, I am satisfied that the Proponent has demonstrated that the project would not exceed the threshold.

Review of the NPC

Wetlands

In its comments, MassDEP indicates that the project can be permitted under the Wetlands Protection Act as it will now alter less than the 10 percent maximum required under 310 CMR 10.58(4). Additionally, although the installation of the looped water main will result in impacts to 1,831 sf of BVW, these impacts will be temporary and the wetland resource area will be restored upon completion of construction. Project alternatives will be considered through the 401 Water Quality Certification process.

Water Supply and Wastewater

In its comments, MassDEP notes that all proposed work in the Zone A associated with Millham Brook has been eliminated with the exception of the proposed sewer line crossing of an unnamed tributary. However, the sewer line and manholes will be constructed so as to be watertight at this location and the wetland and stream channel will be restored upon completion of construction. In its comments, the Marlborough Conservation Commission states that, as currently designed, the project can meet the stormwater standards for sensitive resource areas.

Traffic and Transportation

In its comments, the Massachusetts Department of Transportation (MassDOT) indicates that the proposed housing development would result in minimal impacts to the surrounding roadway network and would not require any modifications to the roadway infrastructure with the exception of a sidewalk that the Proponent has committed to construct along Ames Street from the project site drive to Route 20, which will connect to existing sidewalks along Route 20 via a crosswalk at the intersection of Route 20 and Ames Street. If warranted, the Proponent should consider constructing a pedestrian signal and crosswalk at the intersection of Route 20 and Glen

Street, as recommended by the Marlborough Site Plan Review Committee. MassDOT also recommends that the Proponent provide adequate bicycle facilities in conjunction with the project, including secure, weather-protected parking.

The Proponent proposes to provide a total of 463 parking spaces, which is in excess of two spaces per residential unit. I strongly recommend that the Proponent work with the City of Marlborough to minimize the number of parking spaces through land banking, whereby additional parking spaces could be constructed in the future if there is a demonstrated need for them.

The Proponent has committed to work with the City of Marlborough School Department to locate a bus stop on or adjacent to the project site and to provide an adequate bus shelter for students. While this is commendable, I also recommend that the Proponent consider supporting the Metrowest Regional Transit Authority's Route 7C service by providing a bus shelter either on-site or at the intersection of Route 20 and Ames Street.

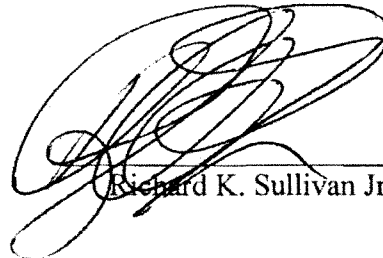
Finally, as the project continues to require a Vehicular Access Permit, MassDOT indicates that it will require the Proponent to implement a Transportation Demand Management (TDM) program as a condition of its permit. At a minimum, the Proponent should implement the specific measures noted in MassDOT's comment letter.

Conclusion

As the permitting agencies have indicated their support for the Proponent's request and that the project's environmental impacts can be addressed during the permitting processes, I hereby rescind the previously issued Scope for a Supplemental EIR. The NPC and supplemental information has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on the information in the NPC and after consultation with the permitting agencies, I find that no further MEPA review is required at this time. Remaining issues can be addressed through the local, state and federal permitting and review processes.

However, if the Proponent wishes to propose any additional development on the remainder of the site, it is likely that additional MEPA review would be required. In order to ensure that the project does not violate the anti-segmentation provisions of the MEPA regulations, the Proponent should consult with the MEPA Office to determine the appropriate course of action for any additional environmental review.

December 20, 2013
Date



Richard K. Sullivan Jr.

Comments received:

- 10/29/2013 Massachusetts Department of Transportation (MassDOT)
- 10/29/2013 Massachusetts Department of Environmental Protection/Central Regional Office (MassDEP/CERO)
- 10/31/2013 Marlborough Conservation Commission (on behalf of the Marlborough Site Plan Review Committee)
- 12/05/2013 Massachusetts Department of Environmental Protection/Central Regional Office (MassDEP/CERO)
- 12/17/2013 Vanasse Hangen Brustlin, Inc. (on behalf of the Proponent)
- 12/20/2013 Vanasse Hangen Brustlin, Inc. (on behalf of the Proponent)

RKS/RAB/rab

CITY OF MARLBOROUGH

BOARD OF ASSESSORS

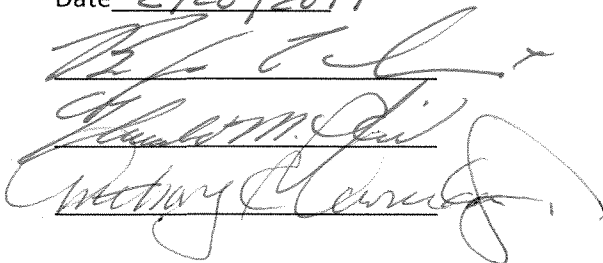
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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 FEB 24 A 11: 38

MEETING MINUTES: January 30, 2014

1. CALL TO ORDER: 2:30 pm
MEMBERS PRESENT: Anthony Arruda, Harald Scheid, Bradford Dunn
Also in attendance: Paula Murphy, Head Clerk
2. Motion to Accept minutes of the January 13, 2014 meeting : Mr. Arruda, second Mr. Scheid
Vote: 3-0
3. Motor Vehicle Excise Tax commitments 2013-07 and 2014-01 were signed by Board.
4. DISCUSSION AND VOTE: Real Estate Abatement Applications :
 - Slocumb Ln 8 parcels of vacant land, Brook Village East Apartment complex 8 parcels, 39 Newton St, 119 Barnard Rd, 249 Pleasant St, 272 Vega Rd, 20 River St, 38 Lakeshore Dr,
Motion to grant: Mr. Arruda, second Mr. Scheid
Vote: 3-0
 - 64 Village Dr, 15 Wilshire Way, 66 Berlin Rd, 286 West Main St, 201 Boston post Rd
West, 573 Donald J Lynch Blvd, 423 Donald J Lynch Blvd, 300-350 Value Way, 400 Value
Way, Madden Ct, Grant Ct
Motion to deny: Mr. Arruda, second Mr. Scheid
Vote: 3-0
 - 28 Wilshire Way
Motion to table for further discussion: Mr. Arruda, second Mr. Scheid
Vote: 3-0
5. Motion to Conclude: Mr. Arruda, second Mr. Scheid
Meeting Adjourned : 4:10 pm

Date 2/20/2014


Three handwritten signatures are present, each written over a horizontal line. The signatures are in cursive and appear to be those of the board members mentioned in the minutes.

Marlborough Community Development Authority

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

2014 MAR -5 P 2:55

Thursday, January 23, 2014, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room

Members Present: Mayor Vigeant, Steve Vigeant, Eric Asman, Joyce Torelli, Sally Swartz, Brian Doheny, Diane Smith, Lynn Faust, Steve Leduc

Also Present: Douglas M. Bushman, Anne Marie Blake, press

Meeting opened at 8:30 by Vice-Chair Faust

Minutes of last meeting accepted.

Housing and CDA bills payable approved.

Housing Director's Report:

Lynn Faust asked about the water meter at Main St. Mr. Bushman said that the city had bonds for the water meter replacements but the City was going to charge the CDA to replace the meter on Main St. Doug was going to discuss this further with Water & Sewer Dept.

Monthly Budget Report:

Sect. 8 SQS inspections

Sect 8 increase in inspection fees. Doug and Vonnie Morris are certified to complete inspections and will do some which will create a \$400/mo savings.

Assisted Housing via First Responders: Doug is continuing to work with the IMPACT Team to evaluate tenants who use the first responders for non-emergency calls. A written policy is being prepared and may be ready for the Feb. meeting.

Section 8 Terminations: The processing of Section 8 terminations is continuing. At a suggestion by Mayor Vigeant, Doug will pursue using interns from the law school.

Ongoing and Planned Capital Improvement Projects: Bolton St Parking is going to be completed in 2 phases. The first will be the parking and the next will cover the sidewalks. \$237k will come from DHCD and \$86k from our reserves. Steve Vigeant was concerned with us using all five years funding in the first two years; however, everyone agreed that the projects being completed needed to be done. After much discussion the Board decided to proceed with Phase 1 and hold off on Phase 2 until we have the plans and estimates of Phase 1. Concerns with wetlands is also a factor in the number of spaces that will be constructed.

The backup generator for Liberty Hills is in the design stage. A site inspection was held and DHCD has been approved the Work Order. *On a motion by Steve V. and seconded by Eric Asman, Amendment 3 to Capital Improvement Work Plan for the new generator at Liberty Hills was unanimously approved.*

Utility Monitoring equipment has been installed in four units by Giombetti Electric and DHCD is very happy with their work.

On a motion by Joyce T. and seconded by Lynn F. the Board voted to accept the grant from National Grid to provide new refrigerators for Liberty Hill apartments.

Updated Section 8 Plan: The Section 8 Administrative Plan is in the final stages of being drafted and should be ready for Steve V.'s review this next month. The plan had not been updated since 2000.

Administration Changes and New Initiatives. This period a review of the process for issuing No Trespass Orders and towing of motor vehicles were discussed with the IMPACT Team.

Annual Board Report to DHCD: Deborah Noble with input from Doug and his personnel completed the MCDA's annual report to DHCD. A copy was distributed in their Board packets and everyone was very impressed with its presentation.

Alarm Testing: Giombetti Electric has started their annual testing the alarms on all three properties.

The Housing Directors Report was accepted.

Joyce Torelli asked about Doug Bushman's employment contract and the renewal of same. Some Board members were unaware that Doug's employment was only for one year and needed to be renewed. A Sub-Committee of Joyce T. and Eric Asman will meet with Doug to discuss the terms of a renewed contract and will present it to the Board for approval.

Financial Manager's Report:

Anne Marie Blake discussed the process needed to sell CDA properties. Joyce discussed the advantages of using a MLS listing to sell the Clinton St. property and how to determine which real estate agent to use. Joyce explained that she had started with a listing of agents and would go down the list. There then was a discussion about paying a commission. Joyce said that there was a way to list by paying \$1,000 to a listing agent but they don't do any further work. As our properties must be sold by sealed bids it seemed the way to go; however, Joyce will check into the option further. *On a motion by Lynn F. and seconded by Steve V. the Board voted to have the Mayor and Joyce decide on the best approach. On a motion by Joyce T. and seconded by Lynn F. the Board also voted to authorize the Mayor to sign all listing and sale documents on behalf of the CDA. On a motion by Steve V. and seconded by Joyce T. the Board also voted issue an addendum to extend the due date of the bids for Clinton St. until March 7th and to include a place for the proposer to write in how they heard about the property for sale in order to determine if an agent was entitled to a commission.*

Lynn and Joyce gave a committee report with regard to our vacant properties and use/disposition of same. They discussed that they felt we should also sell our Winter St. property. After further discussion by the Board they decided to wait for the appraisal to be completed. *The motion to declare the property as surplus and available for disposition was tabled.*

Anne Marie had received a call from a communications company wanting to know if we would be interested in purchasing 2 lots that they were selling. *On a motion by the Mayor and seconded by Lynn, they voted to table the motion to pursue or not pursue the purchase until the next meeting.* Joyce will look into the price, etc. and report at the next meeting.

The Financial Manager's Report was accepted.

Respectfully submitted, Anne Marie Blake

Marlborough Community Development Authority

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

2014 MAR -5 P 2:55

**Thursday, February 27, 2014, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room**

Members Present: Mayor Vigeant, Eric Asman, Joyce Torelli, Sally Swartz, Brian Doheny, Diane Smith, Lynn Faust, Steve Leduc

Also Present: Douglas M. Bushman, Anne Marie Blake, press

Absent: Steve Vigeant

Meeting opened at 8:30 by Vice-Chair Faust
Minutes of last meeting to be approved at next month's meeting
Housing and CDA bills payable approved.

Committee Reports:

Onamog St – the Board voted to not pursue the purchase of the property on Onamog St.

Housing Director's Contract – Joyce Torelli and Eric Asman – Joyce reported that she had contacted DHCD regarding Doug's contract and pay raise. She said that DHCD maximizes raises to 3% a year. She presented a contract for the Board approval for 1 years @ 37.5 hours and a 3% pay increase. However, after discussion, the board approved a 1 year, 3%, 40 hour contract.

Winter St. property – the Board wants to move forward and list the Winter St. property. Joyce will talk to both appraisers and come up with a new listing price for next month's meeting.

Clinton St. property – The Board agreed to lower the price of Clinton by on March 7th is no bids are received. The Board voted to authorize Joyce and the Mayor to modify the price.

Housing Director's Report:

The Board was pleased that the four vacancies during the month of January had been rehabbed and completed with an average work time of 16 days which was less than DHCD's mandatory 21 days. As of Feb 1 there were no vacancies.

Housing received a second Health and Safety grant in the amount of \$20,750 to pay for the broken up asphalt and concrete under the canopy at 240 Main St. The grant includes a \$500 administrate budget.

A question came up about the 2014 budget including the hiring of a .5 FTE employee. Doug clarified that the 2014 budget increase was not for a new employee but that last year's budget only included salary for ½ year of a ½ time employee. The 2014 budget included the whole year for the ½ time employee. The MRVP/DMH budget has a cost overrun due to finding out that the inspections for this program was being incorrectly assigned to the Section 8 program. That has been changed and thus the MRVP/DMH has an unanticipated increase. Mr. Bushman stated that him and staff are doing a percentage of the inspections to decrease costs in both the Section 8 and MRVP/DMH budgets.

Douglas M. Bushman informed the Board that Alan Gale the Maintenance Supervisor resigned from the position and will return as a Maintenance Laborer and that he has named Frank Hinckley as Temp. Maintenance Supervisor until instructed by the Board on how to promote a new Maintenance Supervisor. Mr. Bushman stated that the Maintenance Supervisor position comes with an increase of \$1.00 per hour. The Board told Mr. Bushman that the discretion was his to name the new Supervisor. Mr. Bushman stated he was going to name Frank Hinckley effective Sunday, March 2, 2014.

As of today's meeting there have been five Section 8 termination hearings. Three of those cases have been decided in favor of termination. One of those three will be appealing the decision in Court. Housing is awaiting the decision on one but the second one an agreement was reached that the family must utilize the MCDA's Empowerment Program to seek education and/or employment.

Ten other voucher holders are being reviewed for termination, six are in Marlborough.

Mr. Bushman explained to the Board that the Bolton St. Parking and Walkway project's budget was increased again due to the proposed retaining wall which increased the cost to almost \$90,000 for TDC of \$335,000.00. This is Phase I of the project which is the parking expansion, which Mr. Bushman said it is critical to complete before July 1, 2014. The MCDA Board agreed and directed him to proceed. Mr. Bushman is going to approach DHCD to make a case that this is a Life and Safety project and see if DHCD will release their program reserves for this project. Mr. Bushman explained that in addition to Formula Funds and MCDA Housing reserves DHCD also holds FF emergency reserves for each housing authority and has reserves for Life and Safety projects. Mr. Bushman explained he is going to work with other city agencies to make a case that Phase II of the Bolton Street project (sidewalks and the expansion of the U driveway) is in fact a Life & Safety project worthy of using DHCD reserves.

The hallways at 240 Main St. are going to be painted by the Middlesex Sherriff's office prisoner work release program beginning March 10.

Liberty Hill courtyard will be rededicated in May. The backup generator will be completed by August.

The Housing Director's Report was accepted.

Financial Manager's Report:

Anne Marie reported that the Hudson housing rehab case is completed and that she has enough money to complete a roof project and is looking for a qualified applicant. All of the applicants she has waiting, ended up having delinquent city charges.

The city audit is complete.

Eric approved a LIP refinance that was also approved by DHCD. The homeowner was refinancing with a HARP loan which is for a lower interest rate only. The Board voted to approve the refinance.

Anne Marie has sent out six bid packages for the Clinton St. property which are due on March 7th. She will notify the Board members of the bid results.

The Financial Manager's report was accepted.

Respectfully submitted, Anne Marie Blake

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

January 9, 2014 (Thursday)

Marlborough City Hall - 3rd Floor, Memorial Hall

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 FEB 28 P 12:00

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

Absent: Michelle Higgins,

Approval of Minutes: The minutes of May 3, 2012 and Sept. 20, 2012 were reviewed and the Commission voted unanimously 6-0 to accept and file them.

Public Hearings:

Notice of Intent

25 Reagin Ln. - Capital Group Properties, Inc. (Mauro Farm Subdivision)

Rachel Watsky from Goddard Consulting was present and explained that they propose to build a single family house and two retaining walls and associated utilities within the 200 ft. Riverfront Area to Mowry Brook in the Mauro Farm Subdivision. This is the only lot in the subdivision that is within a resource area and per the Order of Conditions for the subdivision; they were required to file with the Commission. The Commission reviewed the plans and asked about the wall type and construction. Ms. Watsky said she'd have to get those details for the Commission. The wall would be above the erosion control barrier shown on the plans. The work is within the Riverfront Area and the disturbance is still within the allowable 10% alteration of the entire subdivision. The limit of work has shifted toward the wetland from the original subdivision plan depiction. After some discussion about the wall type and the need for some details, the Commission closed the hearing and asked Ms. Watsky to provide a wall detail and Ms. Ryder to draft conditions for the January 23rd meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the request of the applicant this hearing was continued to the March 20 2014 meeting.

Notice of Intent (Continuation)

Lakeside Ave. - Crabtree Lake Williams, LLC - Overlook at Lake Williams

Mika Lassila of S.J. Mullaney Co. was present. He explained that at the last meeting, he was requested to provide revised construction sequencing plans and wall design plans. He discussed the poured wall with a stone face. He then discussed at length the construction sequencing plan and the sub phases as shown. The Commission also noted that behind buildings 6A and 8B there needs to be some type of demarcation to separate the yard from the wetland. The operation and maintenance plan, including snow storage location and dumpster location were discussed as well as the erosion controls to be used. After some discussion the Commission continued the hearing to the next meeting to allow the small changes to the plan to be made. Ms. Ryder was asked to draft a set of conditions for review at the next meeting as well.

Notice of Intent - Continued to Jan. 23, 2014

397 Bolton Street - The Marlborough Community Development Authority

At the applicants request this hearing was continued to the January 23, 2014 meeting.

Certificate of Compliance:

- DEP 212-1046 197 Stow Rd. – Full Certificate of Compliance - Ms. Ryder indicated that she checked the site and the conditions and all appears to be in order. The Commission voted 6-0 to issue a full Certificate of compliance for this project.

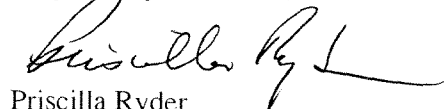
Correspondence/Other Business:

- OAR Stream Study - Ms. Ryder indicated that a draft of the study of the trout brooks in the area is coming soon. They have some suggestions for trout stream improvements that they will share when the report is complete. The Commission agreed they should come and present when ready.
- Letter from MWRA, dated November 27, 2013 RE: MWRA Wachusett Aqueduct, 69 kV Power Pole Relocation - the Commission reviewed the letter and agreed unanimously that the pole could be removed prior to filing the Notice of Intent for the new building. Ms. Ryder will send a letter indicating same.
- Letter from National grid, dated Dec. 4, 2013 RE: Five Year Vegetation Management (2014-2018) - the Commission reviewed this and voted to place it on file.

Meetings: Next Conservation Commission meetings January 23rd and February 6th, 2014 (Thursdays)

Adjournment: There being no further business the meeting was adjourned at 8:29 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

**February 6, 2014 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 FEB 28 P 12:00

Members Present: Edward Clancy-Chairman, Lawrence Roy, John Skarin, and David Williams
Also present was Priscilla Ryder-Conservation Officer

Absent: Dennis Demers and Allan White

Approval of Minutes: The following minutes were reviewed and unanimously approved- August 18, 2011; May 17th, June 7th and 21, 2012 ; Feb. 7th, March 7th and 21st, April 4th and 25th, May 9th and 23rd, June 6th, July 1st and July 18th, August 22nd, September 5th and September 19th, and October 3, 2013.

Public Hearings:

Abbreviated Notice of Resource Area Delineation

200 Forest St. - Forest Park 200 Forest St.

Brian Lawlor and Julie Sterns and Will Park from SMMA, and Joe Zinc from Atlantic Properties were present. Mr. Lawlor explained that they had now flagged all the wetlands on the 100 acres site and would like approval of the remaining two wetland systems that have not previously been reviewed. These are shown as wetland A and E on the plans. He noted that in March 2013, the portion of the site which will contain the Avalon project was flagged and his wetlands were approved. Wetland A includes the area below the detention basin proposed for the Avalon project and is a wetland defined by steep slopes and is feed by surface and groundwater. Wetland E is a large wetland system along the property line next to I-495. Ms. Ryder indicated she had checked the wetland boundary with the consultants and agreed with the flagging. Inspection was done on Monday prior to the snow storm, so the ground was visible. After some discussion the Commission voted unanimously 4-0 to issue a positive determination and to accept the wetland boundaries as presented.

Notice of Intent

**93 Framingham Rd. - Melanson Development Group Inc. – Walker Brook Estates
Subdivision**

Scott Smyers of Oxbow Associates, Ed Melanson the property owner, and Bruce Saluk of Bruce Saluk and Associates PE were present. Mr. Smyers explained that an ANRAD was done a while ago which verified the wetland boundary at the base of the hill and identified the riverfront area and inner and outer riparian zones which are reflected on this subdivision plan. The plan is for the approval of the roadway and drainage & utilities only, not for the individual house lots. The erosion control line on the plans will serve as the limit of work. Mr. Saluk explained the drainage systems, detention basins,

infiltration chambers, and discussed two infiltration chambers/dry wells which will be located on lots 5 & 6. The Commission discussed these chambers at length. They are part of the subdivision drainage structures and will be on private property. How will they be maintained and by whom? The Commission asked Ms. Ryder to discuss with the City Engineer since this is a new system. The dry well design is 17 ½ x 6 ½ feet in size. The Commission wondered if they should be under the driveway rather than back yard to avoid impact with landscaping, sheds, pools etc. in the future. The details of the detention basin were reviewed as well including the weir design. They discussed the construction sequencing plan etc. The Commission will wait for comments from the City Engineer and with the applicants consent continued the hearing to the next meeting on Feb. 20, 2014.

Certificate of Compliance:

- DEP 212-938 29 Bartlett St. – Full Certificate of Compliance - Ms. Ryder said she received the as-built plan and documentation that the drainage system has been cleaned. All conditions of the Order of Conditions have been met. The Commission voted 4-0 to issue a full Certificate of Compliance with the ongoing conditions as required.

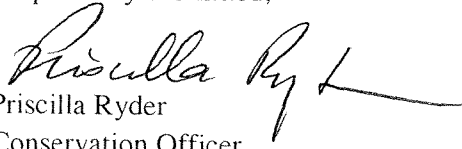
Correspondence/Other Business: The following correspondences were reviewed and the Commission voted to accept and place on file.

- Letter to Mayor Vigeant dated January 24, 2014 RE: Acceptance of Gift of \$2,000 to Conservation Maintenance Fund – Felton Conservation Land
- Letter to Mayor Vigeant dated January 27, 2014 RE: Conservation Commission reappointments and resignation
- Letter from Dept. of Environmental Protection, dated Jan. 24, 2014 RE: Water Quality Certification Application for BRP WP10, Major Project at Ames St. Marlborough, MA DEP 212-1117
- City of Marlborough Dept. of Public Works – Vegetation Management Plan for Calendar Years 2014 thru 2018.

Meetings: Next Conservation Commission meetings: February 20, 2014 and March 6, 2014 (Thursdays)

Adjournment: There being no further business, the meeting was adjourned at 8:09 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer

Property Unit
PO Box 15147
Worcester MA 01615-0147
Telephone: 800-628-0250 Ext: 5400
Fax Number: 508-926-5660

February 20, 2014

CITY CLERK'S OFFICE
140 MAIN ST
MARLBOROUGH MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 FEB 24 A 10:58

Re: Our Insured: Kathryn Webster
Policy Number: HPN 3689814
Claim Number: 15-00271822 001
Date of Loss: 02/19/2014
Property Address: 31A CHURCH ST MARLBOROUGH MA

To whom it may concern :

Claim has been made involving loss, damage or destruction of the above captioned property, which may either exceed \$1,000.00 or cause Mass. General Laws, Ch. 143, Sec. 6 to be applicable. If any notice under Mass. General Laws, Ch. 139, Sec. 3B is appropriate, please direct it to the attention of the undersigned and include a reference to the captioned insured, location, policy number, date of loss, and claim number.

On this date, I caused copies of this notice to be sent to the persons named above at the addresses indicated above by first class mail.

Sincerely,

Melissa Johnson

Melissa Johnson
Associate Adjuster
Citizens Insurance Company of America
mjohnson@hanover.com