

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR -3 P 12:31

1. Minutes of the City Council Meeting, March 24, 2014.
2. Communication from the Mayor re: Fire Department transfer request in the amount of \$152,246.17 of which \$82,246.17 is necessary for retirements and remaining balance will fund necessary OT associated with absences.
3. Communication from the Mayor re: Legal Department transfer request in the amount of \$73,800.00 which moves funds from and to various accounts as noted on the spreadsheet to fund higher than anticipated outside legal expenses.
4. Communication from the Mayor re: Gift Acceptance in the amount of \$1,000.00 from the Cummings foundation in honor of Ginger Ryan.
5. Communication from the Mayor re: Library Planning Grant.
6. Communication from City Solicitor Rider re: Revised Order for Earth Moving, Order No. 13/14-1005446C.
7. Communication from City Solicitor Rider re: Special Permit, DBK Realty, LLC, 1000 Nickerson Rd. in proper legal form, Order No. 13/14-1005555D.
8. Communication from City Solicitor Rider re: the Gutierrez Company, Comprehensive Permit off Ames St. and Rt. 20.
9. Application for Special Permit from Amber Debole of TRM on behalf of T-Mobile Northeast, LLC for minor upgrade to existing telecom site, which consists of replacing all nine existing antennas, adding a cable divider, fiber jumpers, and hybrid cable to existing tower at 75 Donald Lynch Blvd.
10. Application for Special Permit from Mark Donahue of Fletcher Titlton on behalf of Chick-Fil-A, Inc. to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Rd. West.
11. Application for Renewal of Secondhand Article Dealer's License, Theresa Denoncourt Smith, Hint of Class Consignment, 72A-B Hosmer St.
12. Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.
13. Application for Renewal of Secondhand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St.
14. Minutes, Traffic Commission, February 25, 2014.
15. Minutes, Marlborough Community Development Authority, March 17 & 27, 2014.
16. Minutes, Conservation Commission, March 6, 2014.
17. Minutes, License Board, February 26, 2014.
18. Minutes, Planning Board, March 10, 2014.
19. Communication from Irene Richardson, 204 Ridge Rd. pertinent to a claim.
20. CLAIMS:
 - A. Bonnie Hill, 150 Simpson Rd., residential mailbox claim 2(b)
 - B. Samantha Bower, 7 Nolan Way, pothole or other road defect claim
 - C. Michael Sansonetti, 228 Littlefield Ln., residential mailbox claim 2(a)
 - D. Charles Pinto, 84 Framingham Rd., residential mailbox claim 2(a) & other property damage

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.

21. That the Operations and Oversight Committee investigate the status for streaming and making available on our website all City Council and sub-committee meetings.Submitted by Councilor Joseph Delano

UNFINISHED BUSINESS:

From Public Services Committee

22. **Order No. 14-1005671A - Petition of NGrid and Verizon to locate existing P.C6 Laviolette Street 35 feet south towards the entrance to Lake Williams condominiums. This will be used as a primary riser pole to feed a pad-mounted transformer required to provide service to the new building (destroyed by fire). Motion by Councilor Clancy, seconded by Councilor Irish, to approve subject to eight (8) following conditions proposed by City Engineering Division. Approved 3-0.**
- 1) A street opening permit must be applied for by the proposed contractor performing the work;
 - 2) A proper staging area is to be located/acquired before work commences – material and equipment shall not be parked/stockpiled within the city right of way;
 - 3) The contractor is to ensure residents are always able to enter and exit their driveways;
 - 4) Ensure construction safety controls are established (signage, drums, police details, etc) and are in accordance with the latest MUTCD standards;
 - 5) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended;
 - 6) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765;
 - 7) National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles;
 - 8) If existing pole 6 is no longer necessary, this pole is to be removed immediately after overhead wires are transferred.

From Finance Committee

23. **Order No. 14-1005721 – Transfer \$63,600.00 from the Fringes Account to the Public Works Department Accounts for Retirements.** The Finance Committee reviewed the Mayor’s letter dated March 6, 2014 requesting three transfers from the Fringe account totaling \$63,600.00 to fund the DPW Commissioner, sick leave buy back and longevity accounts for the retirement of a member of the Department of Public Works Department. **The Finance Committee voted 5 – 0 to approve the three transfers.**
24. **Order No. 14-1005722 – Transfer \$21,500.00 from the Fringe Account to Fund Postage and Office Supplies in the Comptroller’s Office.** The Finance Committee reviewed the Mayor’s letter dated March 6, 2014 requesting the transfer of \$21,500.00 from the Fringe account to fund the postage and office supply accounts in the Comptroller’s office. **The Finance Committee voted 5 – 0 to approve the transfer.**

25. **Order No. 14-1005723 – Transfer \$7,000.00 from Senior Clerk to the Legal/Tax/Appeal Account in the Assessor’s Office.** The Finance Committee reviewed the Mayor’s letter dated March 6, 2014 requesting the transfer of \$7,000.00 from the Senior Clerk account to the Legal/Tax/Appeal account to ensure sufficient funds are available for the remainder of the year to cover abatement filings and appraisals. **The Finance Committee voted 5 – 0 to approve the transfer.**

From Urban Affairs Committee

26. **CONTINUED REVIEW Order No. 13/14-1005555D - On the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small parts for the medical instrument, airline and defense industries. Because the location of the business will be in Zone B of the Water Protection Zoning District, a Special Permit for such use is required.**
Councilor Clancy makes a motion to ask for a suspension of the rules at the next regularly scheduled City Council meeting for the purpose of referring to the City Solicitor for proper legal form. The motion is made and seconded by the Chair. All are in favor, the motion carries, vote 5-0.

From Legislative and Legal Affairs Committee

27. **Order No. 13/14-1005649 – Bi-Directional/Uni-Directional Antenna Specification Ordinance.** The Emergency Response Personnel requested that an Ordinance be added to the Code of the City of Marlborough. This Ordinance would require that all renovations to existing structures, that met the present MGL 915.1 Building Code, be required to be tested and possibly have installed a Bi-Directional/Uni-Directional Antenna System. **Motion to approve by Councilor Delano seconded by the Chair, Motion Passed: 3-0.**
28. **Order No.14-1005690 - Communication from the Mayor requesting amendments to the City Code relative to the BOARD OF ASSESSORS and position of PRINCIPAL ASSESSOR as follows:**
--Eliminate the practice of a full-time City employee serving as Chairman of the Board of Assessors while simultaneously managing the Assessors’ Office;
--Formally establish in the City Code the position of Principal Assessor who will serve as a member of the Board of Assessors, but never in the role of Chairman;
--Ensure that stipends are not available to employees of the Assessors’ Office who also serve on the Board of Assessors.
Motion to approve by Councilor Delano, seconded Councilor Robey. Motion Passed: 3-0.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR -3 A 10:16

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

MARCH 24, 2014

Regular meeting of the City Council held on Monday, March 24, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Irish, Clancy, and Landers. Absent: Tunnera. Meeting adjourned at 8:55 PM.

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

ORDERED: That the Building Department transfer request in the amount of \$75,000.00 which moves funds from Undesignated to Contract Services pertinent to mitigation funds for AvalonBay, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$75,000.00
Undesignated Fund

TO:

Acct. # 12410004-53140 \$75,000.00
Contract Services

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 \$1,850,000 for snow and ice removal for fiscal year 2014, **APPROVED**; adopted.

ORDERED: That the following Zoning Board of Appeals Appointments:

- a) Paul Giunta as a regular member for a term to expire five years from date of approval.
- b) Theodore Scott as a regular member for a term to expire five years from date of approval.
- c) Ralph Lotfin will serve the balance of the unexpired term of Robert Page which will expire on May 5, 2017

Refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Connie Mish to the Youth Commission for a term to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointment of Elizabeth Evangelous to the Board of Registrars for a two year term to expire on April 1, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Karin Jost-Paquin to the Conservation Commission for a term to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from PERAC re: Appropriation from Fiscal Year 2015, **FILE**; adopted.

Suspension of the Rules request-granted to allow Joseph Zink, the President and CEO of Atlantic Management to speak.

ORDERED: That the City Council, under the provisions of Article VI Chapter 650-33 Results Way Mixed Use Overlay District Section 33D Exclusivity/Control and Article II Section 270-2 Site plan review and approval F Prior earthmoving, **APPROVE** the draft "Site Plan" for the placement of fill material as provided in the plans dated March 18, 2014 Symmes Maini & McKee Associates, 1000 Massachusetts Avenue, Cambridge, Massachusetts 02138, Marlborough Hills Forest Street, Marlborough, MA consisting of sheets C-111 Site Preparation and Erosion Control Plan, C-141 Grading and Surface Treatment Plan and C-501 Details 1 Plan, collectively the "Plans" under the following terms and conditions:

1. That the work be performed in accordance with the Plans and the notes recited in the Plans;
2. That there be a preconstruction meeting with the Conservation Officer, the Site Contractor and the City Engineer (designee) once the erosion controls are in place and prior to doing any hauling for the purpose of reviewing the Plans and to exchange emergency contact information;
3. That in the event the future parking lot contemplated to be constructed in the fill area is not constructed within a year of the placement of the fill it be loomed and seeded and the temporary erosion control of tackifier be placed on the fill prior to looming and seeding in order to accomplish the erosion control of the fill area.

APPROVED AND REFER TO URBAN AFFAIRS COMMITTEE; adopted.

ORDERED: That the Communication from Attorney Gadbois re: Minor Site Plan Change, AvalonBay-200 Forest St. Plan is in City Clerk's office for viewing, Order No.13/14-1005446A, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, December 17, 2013, **FILE**; adopted.

ORDERED: That the Minutes, License Board, January 22, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, January 7, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, January 23 & February 20, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, February 10, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Registrars, March 10, 2014, **FILE**; adopted.

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

ORDERED: That the Minutes, Council on Aging, February 11, 2014, **FILE**; adopted.

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

- A. Christopher Jarvis, 31 Brigham Ave., pothole or other road defect
- B. Leslie Meyers, 223 Vega Rd., residential mailbox claim 2(b)
- C. Eileen Barry, 555 Farm Rd., residential mailbox claim 2(b)
- D. Elizabeth Fialho, 302 Boston Post Rd. #C6, other property damage
- E. Sharon Clewes, 9 White Bagley Rd., Southborough, pothole or other road defect
- F. Michael Manning, 19 Longfellow Ter., other property damage
- G. Arthur Bergeron, 27 Prospect St., other property damage
- H. Irene Richardson, 204 Ridge Rd., other property damage
- I. Paul Ferreira, 67 Diana Dr., pothole or other road defect

Reports of Committees:

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

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

Also Present: NGrid Representative Crystal Tognazzi

1-27-14- Order No.14-1005671: Petition of NGrid and Verizon to locate existing P.C6 Laviolette Street 35 feet south towards the entrance to Lake Williams condominiums. This will be used as a primary riser pole to feed a pad-mounted transformer required to provide service to the new building (destroyed by fire).

The Public Services Committee met with a representative from National Grid to discuss the relocation of Pole 6 35 feet south of its current location. National Grid is ready to do the work and it should proceed quickly once approvals are in place. The committee would like the old Pole 6 removed upon completion of the work. Chairman Landers read the proposed conditions from Engineering Assistant Mark Dascoli:

Motion by Councilor Clancy, seconded by Councilor Irish, to approve subject to eight (8) following conditions proposed by City Engineering Division. Approved 3-0.

- 1) A street opening permit must be applied for by the proposed contractor performing the work;
- 2) A proper staging area is to be located/acquired before work commences – material and equipment shall not be parked/stockpiled within the city right of way;
- 3) The contractor is to ensure residents are always able to enter and exit their driveways;
- 4) Ensure construction safety controls are established (signage, drums, police details, etc) and are in accordance with the latest MUTCD standards;
- 5) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended;

Reports of Committees cont'd:

- 6) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765;
- 7) National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles;
- 8) If existing pole 6 is no longer necessary, this pole is to be removed immediately after overhead wires are transferred.

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Elder, and Irish. The meeting convened at 7:03 PM.

Order No. 14-1005721 – Transfer \$63,600.00 from the Fringes Account to the Public Works Department Accounts for Retirements. The Finance Committee reviewed the Mayor's letter dated March 6, 2014 requesting three transfers from the Fringe account totaling \$63,600.00 to fund the DPW Commissioner, sick leave buy back and longevity accounts for the retirement of a member of the Department of Public Works Department. **The Finance Committee voted 5 – 0 to approve the three transfers.**

Order No. 14-1005722 – Transfer \$21,500.00 from the Fringe Account to Fund Postage and Office Supplies in the Comptroller's Office. The Finance Committee reviewed the Mayor's letter dated March 6, 2014 requesting the transfer of \$21,500.00 from the Fringe account to fund the postage and office supply accounts in the Comptroller's office. **The Finance Committee voted 5 – 0 to approve the transfer.**

Order No. 14-1005723 – Transfer \$7,000.00 from Senior Clerk to the Legal/Tax/Appeal Account in the Assessor's Office. The Finance Committee reviewed the Mayor's letter dated March 6, 2014 requesting the transfer of \$7,000.00 from the Senior Clerk account to the Legal/Tax/Appeal account to ensure sufficient funds are available for the remainder of the year to cover abatement filings and appraisals. **The Finance Committee voted 5 – 0 to approve the transfer.**

In other business, the Finance Committee discussed the draft FY15 Finance Committee budget hearing schedule and asked Councilors for comments on the meeting dates. The Finance Committee adjourned at 7:29 PM.

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

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, Tunnera, and Page

Also Present: Attorney Gadbois, Barry Kittredge, Bruce Saluk, City Solicitor Rider

Reports of Committees cont'd:

CONTINUED REVIEW Order No. 13/14-1005555C: On the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small parts for the medical instrument, airline and defense industries. Because the location of the business will be in Zone B of the Water Protection Zoning District, a Special Permit for such use is required.

REFER TO URBAN AFFAIRS

PUBLIC HEARING: FEBRUARY 10, 2014

The Urban Affairs Committee met on March 11, 2014 to continue their review of the Special Permit Application and Conditions for DBK Realty, LLC and Ktron Inc. Minor changes were made to the draft Special Permit application and it was approved by the Committee as amended. A suspension of the rules will be requested at the next City Council meeting for the purpose of referring to the City Solicitor for proper legal form.

Councilor Clancy makes a motion to approve as amended. The motion is made and seconded by the Chair. All are in favor, the motion carries, vote 5-0.

Councilor Clancy makes a motion to ask for a suspension of the rules at the next regularly scheduled City Council meeting for the purpose of referring to the City Solicitor for proper legal form. The motion is made and seconded by the Chair. All are in favor, the motion carries, vote 5-0.

Councilor Clancy makes a motion to adjourn. The motion is made and seconded by the Chair. All are in favor, the motion carries, vote 5-0. Adjourned at 6:28 PM.

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

Meeting Called to Order: 5:05 PM

Members Present: Councilors Clancy, Delano and Robey

Also: Councilor Landers and City Solicitor Rider

City Officials: Fire Chief Fortin and EMS Director Cusson

Cyber Comm. Inc. Representatives: Mc Kay and Connolly

Order No. 13/14-1005649 – Bi-Directional/Uni-Directional Antenna Specification Ordinance. The Emergency Response Personnel requested that an Ordinance be added to the Code of the City of Marlborough. This Ordinance would require that all renovations to existing structures, that met the present MGL 915.1 Building Code, be required to be tested and possibly have installed a Bi-Directional/Uni-Directional Antenna System.

Reports of Committees cont'd:

Chief Fortin and Director Cusson, along with representatives from Cyber Comm., explained how the testing of present structures would be conducted and how the antenna systems worked, if added to a building. The system is meant as a method to protect emergency personnel when placed in situations that would require emergency communications within a structure. Impact ramifications were discussed with input from the Building Inspector and all others present. It should be noted that single family homes and wooden structures would be considered exempt from this proposed Ordinance. Changes to the proposed Ordinance were discussed and added where necessary. The proposed Ordinance, as amended, is attached.

Motion to approve by Councilor Delano seconded by the Chair, Motion Passed: 3-0.

Meeting Adjourned: 6:40 PM

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

Members Present: Chairman Clancy, Councilors Delano and Robey

Also: Councilor Landers and Asst. Solicitor Panagore-Griffin

City Officials: Mayor Arthur Vigeant, Ex. Asst. Michael Berry

2-10-14 – Order No.14-1005690: Communication from the Mayor requesting amendments to the City Code relative to the BOARD OF ASSESSORS and position of PRINCIPAL ASSESSOR as follows:

- Eliminate the practice of a full-time City employee serving as Chairman of the Board of Assessors while simultaneously managing the Assessors' Office;**
- Formally establish in the City Code the position of Principal Assessor who will serve as a member of the Board of Assessors, but never in the role of Chairman;**
- Ensure that stipends are not available to employees of the Assessors' Office who also serve on the Board of Assessors.**

-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

Mayor Vigeant outlined the proposed amendments and changes to Article VI, Board of Tax Assessors. The wording changes to S 67-27 Board of Tax Assessors; Chairman, S 67-28 Principal Assessor; Powers and Duties and S 67-32 Senior Assessor; Powers and Duties.

The members of committee reviewed and addressed the reasoning for the changes and agreed that the proposed changes would bring into line the existing operation and management of the Assessor's Office.

Motion to approve by Councilor Delano, seconded Councilor Robey. Motion Passed: 3-0

Suspension of the Rules requested – granted

ORDERED: That, in light of the fact that opiate overdose is presently the leading cause of accidental death in the Commonwealth of Massachusetts, the Mayor is hereby requested to implement, as soon as is possible, the deployment of nasal naloxone, or Narcan, to be carried by police in marked police vehicles, as well as by fire personnel in their fire department medical bags, for the administration of Narcan to opiate overdose victims in situations where emergency medical service personnel have not yet arrived to attend to such victims; provided, however, that such deployment is in any event contingent upon receipt of adequate funding, whether through grants or otherwise, **APPROVED**; adopted.

Yea: 9 - Nay: 1 – Absent: 1

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

Nay: Ossing

Absent: Tunnera

Suspension of the Rules requested – granted

ORDERED: That the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small parts for the medical instrument, airline and defense industries. Because the location of the business will be in Zone B of the Water Protection Zoning District, a Special Permit for such use is required, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM**; adopted.

ORDERED: That following transfer requests in the amount of \$63,559.06 which moves funds from Fringe to Sick Leave Buy Back to fund costs associated with the retirements of members of the Police and Public Works Departments, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	DPW - Water				FISCAL YEAR:	2014			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$463,313.00	\$18,740.88	11990006	51500	Fringes	\$18,740.88	61090003	51920	Sick Leave Buy Back	\$1,472.32	
	Reason:	Sick Leave Buy Back				Retirement				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	DPW - Streets Division				FISCAL YEAR:	2014			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$463,313.00	\$18,741.00	11990006	5150	Fringes	\$18,741.00	14001303	51920	Sick Leave Buy Back	\$2,183.89	
	Reason:	Sick Leave Buy Back				Retirement				

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT:		Police				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	
\$463,313.00	\$26,077.18	11990006	51500	Fringes			\$26,077.18	12100003	51920	Sick Leave Buy Back	\$15,130.53
Reason:		Sick Leave Buy Back						Retirement			

ORDERED: That the transfer request in the amount of \$12,000.00 which moves funds from Fringe to Actuarial Study to fund an actuarial study regarding our OPEB (Other Post-Employment Benefits) obligations, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT:		Comptroller				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	
\$463,313.00	\$12,000.00	11990006	51500	Fringes			\$12,000.00	11990006	53052	Actuarial Study	\$3,000.00
Reason:		Surplus in account						Update OPEB report for GASB 45			

ORDERED: That the transfer request in the amount of \$10,000.00 which moves funds from Fringe to Conference & Training to fund participation in the Supervisory and Leadership Development Program through the Collins Center for Public Management, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT:		Personnel				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	
\$463,313.00	\$10,000.00	11990006	51500	Fringes			\$10,000.00	11520006	57380	Conference & Training	\$13,754.31
Reason:		Surplus in account						Personnel Management training			

ORDERED: That the transfer request in the amount of \$1,710.00 which moves funds from P/T Nurse to Medical Supplies to fund higher than anticipated demand for flu vaccinations, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Board of Health				FISCAL YEAR:		2014		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$12,608.15	\$1,710.00	15120001	50391	Part Time Nurse	\$1,710.00	15120005	55050	Medical Supplies	\$152.93	
Reason:		Surplus due to retirement				Heavy activity this year for flu vaccines				

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, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2014		
FROM ACCOUNT:					TO ACCOUNT:					
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:				
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, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Fire Department				FISCAL YEAR: 2014					
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 EMT's and unfilled positions									
	\$30,000.00	Total			\$30,000.00	Total			

ORDERED: That the Reappointments of the following to the Disabilities Commission:
 a) Debra McManus for a term of two years
 b) John Usinas for a term of three years
 c) Richard Towle for a term of two years

APPROVED; adopted.

ORDERED: That the Communication from Council President Pope re: Reappointment of Lisa Thomas as City Clerk for a three year term to expire on February 28, 2017, **APPROVED;** adopted.

ORDERED: That the Mayor's Communication pertinent to the Open Space Plan, **FILE;** adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:55 PM.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2014 APR -3 A 11:42

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

April 3, 2014

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

RE: Transfer Request – Fire Department

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request from the Fire Department totaling \$152,246.17, of which \$82,246.17 is necessary to fund the retirements of three members of the department.

The balance of the request, in the amount of \$70,000.00, is available due to 111F payments resulting from long-term injury and illness to members of the department. This request will fund necessary overtime costs associated with these absences. Included for your information is a cover letter from Chief James Fortin.

Thank you in advance for your consideration. Please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
FIRE DEPARTMENT

April 1, 2014

Mayor Vigeant,

I am requesting a transfer to our overtime account #12200003-51300 from 111F payments in the amount of \$70,000.00; this transfer should carry us through the remainder of FY14 and is necessary due to injuries, retirements, vacant position and personal medical reasons.

I am also requesting a transfer in the amount of \$82,246.17 to our sick leave buy-back account #12200003-51920. This transfer in addition to the available balance of \$26,938.23 will fund three upcoming retirements.

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

A handwritten signature in black ink, appearing to read "James M Fortin".

James M Fortin
Fire Chief



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2014 APR - 3 A 11: 42
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

April 3, 2014

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

RE: Transfer Request – Legal Department

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request from the Legal Department totaling \$73,800.00.

The bulk of this transfer request is necessary to fund higher than anticipated expenses in the outside legal services line item associated with ongoing litigation. The remaining funds will fund several other line items for the remainder of the fiscal year.


Thank you in advance for your consideration. Please do not hesitate to let me know if you have any questions.


Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

		DEPT: Legal					FISCAL YEAR: 2014		
		FROM ACCOUNT:					TO ACCOUNT:		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,851,941.00</u>	<u>\$70,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$70,000.00</u>	<u>11510004</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$37,573.35</u>
	Reason:	_____				Legal expenses running higher than anticipated			
<u>\$12,844.82</u>	<u>\$500.00</u>	<u>11510006</u>	<u>57600</u>	<u>Claims & Judgements</u>	<u>\$500.00</u>	<u>11510006</u>	<u>53880</u>	<u>Registry of Deeds</u>	<u>\$725.00</u>
	Reason:	Fewer claims than anticipated				Fund account through end of fiscal year			
<u>\$12,844.82</u>	<u>\$800.00</u>	<u>11510006</u>	<u>57600</u>	<u>Claims & Judgements</u>	<u>\$800.00</u>	<u>11510006</u>	<u>57100</u>	<u>Instate Travel</u>	<u>\$58.00</u>
	Reason:	Fewer claims than anticipated				Fund account through end of fiscal year			
<u>\$12,844.82</u>	<u>\$2,500.00</u>	<u>11510006</u>	<u>57600</u>	<u>Claims & Judgements</u>	<u>\$2,500.00</u>	<u>11510006</u>	<u>57350</u>	<u>Lawbook Updates</u>	<u>\$1,330.00</u>
	Reason:	Fewer claims than anticipated				Fund account through end of fiscal year			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	\$73,800.00	Total			\$73,800.00	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: _____

Legal Services
FY2014

Mirick O'Connell

Labor Counsel

\$58,724.66

Halloran & Sage, LLP

Santa Buckley

\$1,250.20

Wright – Pierce

SDCO St. Martin

\$989.12

Petrini & Associates

SDCO St. Martin

\$14,682.74

Don Anglehart

WeCare

\$44,819

\$10,150 ± Pending

McGregor & Associates

Senior Center / Ward Park

\$12,948.26

\$14,000 + Pending

Avery & Associates

Sudbury Street Sewer Easements

\$8,000

Fred Sleeper

Sudbury Street Sewer Easements

Deerfoot Park

\$1,880

Total through March 2014 = \$167,443.98



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 APR -3 A 11:42

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

April 3, 2014

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

RE: Gift Acceptance

Honorable President Pope and Councilors:

Enclosed for your acceptance is a gift to the Conservation Commission (via the City) in the amount of \$1,000.00. Through the generosity of the Cummings Foundation, this grant is made in honor of Ginger Ryan, a city resident, active volunteer, and employee of New Horizons.

Enclosed you will find all the relevant paperwork and backup information from Conservation Officer Priscilla Ryder. I respectfully ask that you accept this gift so that the funds may be expended for appropriate environmental and preservation purposes by the Conservation Commission.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Conservation Commission

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

March 20, 2014

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

RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund

Dear Mayor Vigeant,

The City of Marlborough through the Conservation Commission has been given a gift of \$1,000 from the Cummings Properties at the recommendation of and in honor of Ginger Ryan one of their employees. Ms. Ryan has been an active volunteer with the city's Stream Team for several years and has offered to donate these funds to help advance the work that the Conservation Commission does on our conservation land properties and trails. The Commission is grateful for these funds and will use them wisely.

As required by MGL Ch. 44 Section 53A the acceptance and expenditure of these gifts require your approval as well as the approval of City Council. We request that these funds be accepted and placed in the Conservation Maintenance Fund account #845- 00005-54000 to be used for conservation land maintenance projects.

If you have any questions on the above, please let me know.

Sincerely,

Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Diane Smith
Ginger Ryan

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 3/20/2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Gift

GRANTOR: Cummings Properties

GRANT AMOUNT: \$1,000

GRANT PERIOD: N/A

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used to advance Conservation Commission projects

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: May 2014

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

RECEIVED FEB 7 - 2014

February 3, 2014

Priscilla Ryder
Marlborough Conservation Committee
140 Main Street
Marlborough, MA 01752

Dear Priscilla,

We are delighted to present Marlborough Conservation Committee with the enclosed donation of \$1,000 to be used for the Conservation Committee. This gift is being made at the recommendation of and in honor of:

Ginger Ryan, 186 Essex Street, Marlboro, MA 01752


Cummings Properties, through its **Employee Directed Giving** program, is recognizing all colleagues who are regular full-time employees of the Cummings organization. Each of these valued staff members was recently invited to designate a local charity to receive a \$1,000 donation from the Company. As a result, we are pleased to distribute a total of \$251,000 this week to nonprofits like yours that are making a meaningful difference in the communities where our staff members live.

Along with this gift, please accept our sincere gratitude for your valuable work, as well as our very best wishes for your organization's continued success.

If you have any questions about this contribution, please contact Communications Specialist Nicole Davis at 781-932-7093 or cpcum@cummings.com. More information about the program, including a full list of local charities benefiting from Employee Directed Giving, is available on our website, www.cummingsproperties.com/employee_directed_giving.htm.

Sincerely,

CUMMINGS PROPERTIES, LLC



Dennis A. Clarke
President and CEO

P.S. In the interest of conserving your time and funding, we request that you please not add our organization to your mailing lists for fundraising requests and informational updates. We do not generally make contributions in response to mass mailings, and while we are very interested in the good work so many nonprofits are doing in our local communities, we are unable to read all of the many newsletters, event notices, and other announcements that arrive with increasing frequency via both email and postal mail. *Thank you.*

✓
188



City of Marlborough
Conservation Commission

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

March 20, 2014

Dennis Clarke, President
Cummings Properties
200 West Cummings Park
Woburn, MA 01801-6396

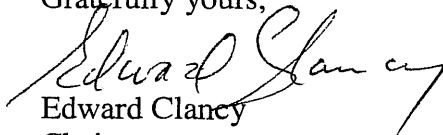
RE: Thank you for your donation

Dear Mr. Clarke,

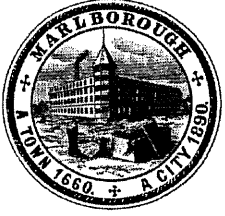
On behalf of the Marlborough Conservation Commission I wanted to send our sincere THANK YOU for your gift of \$1,000 from Cummings Properties that was provided at the recommendation of and in honor of Ginger Ryan. Ginger Ryan has been a valuable volunteer to the Commission spending hours checking our streams for our stream team inventory. We are so pleased that you thought of us for this donation. We will use it wisely to advance conservation land projects in the city and continue to maintain and preserve our trail network and natural resources, including the open space behind your New Horizons property in Marlborough.

Thank you again for this generous gift.

Gratefully yours,


Edward Clancy
Chairman

Cc: Con. Com
Mayor Vigeant



City of Marlborough
Conservation Commission

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

March 20, 2014

Ginger Ryan
186 Essex St.
Marlborough, MA 01752

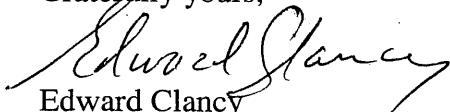
RE: Thank you for your donation

Dear Ms. Ryan,

On behalf of the Marlborough Conservation Commission I wanted to send our sincere THANK YOU for the gift of \$1,000 from Cummings Properties that was provided at your recommendation and presented to us in your honor. You have been a valuable volunteer to the Commission when you helped with the Stream Team project. We are so pleased that you thought of us for this donation. We will use it wisely to advance conservation land projects in the city and continue to maintain and preserve our trail network and natural resources.

Thank you again for thinking of us for this generous gift.

Gratefully yours,


Edward Clancy
Chairman

Cc: Con. Com
Mayor Vigeant



City of Marlborough
Conservation Commission

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

March 20, 2014

Dennis Clarke, President
Cummings Properties
200 West Cummings Park
Woburn, MA 01801-6396

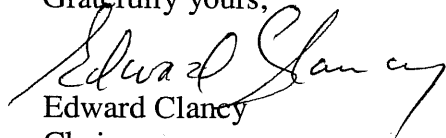
RE: Thank you for your donation

Dear Mr. Clarke,

On behalf of the Marlborough Conservation Commission I wanted to send our sincere THANK YOU for your gift of \$1,000 from Cummings Properties that was provided at the recommendation of and in honor of Ginger Ryan. Ginger Ryan has been a valuable volunteer to the Commission spending hours checking our streams for our stream team inventory. We are so pleased that you thought of us for this donation. We will use it wisely to advance conservation land projects in the city and continue to maintain and preserve our trail network and natural resources, including the open space behind your New Horizons property in Marlborough.

Thank you again for this generous gift.

Gratefully yours,


Edward Clancy
Chairman

Cc: Con. Com
Mayor Vigeant



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2014 APR - 3 A 11:12
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

April 3, 2014

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

RE: Library Planning Grant

Honorable President Pope and Councilors:

Marlborough Public Library Director Margaret Cardello informed me earlier this year that the Massachusetts Board of Library Commissioners is currently accepting matching grant applications for the purpose of planning and designing library facilities.

This particular grant opportunity last occurred in 2006. Both Ms. Cardello, as well as the Library Trustees, believe we must capitalize on this opportunity as it is unlikely to reappear again for several years. The grant would provide the city with \$50,000.00 provided we commit to an additional \$25,000.00 as a local contribution.

In reviewing our current debt service payments and our aggressive payment schedule, more than \$2 million annually will drop off by the end of the year 2022, the year anticipated library payments would begin. This provides the city with an added measure of financial capacity to take such a project on.

The prospect of a new library has been widely discussed over the past several years and the coming grant application deadline of May 1st prompts us to collectively make a decision. Given that any construction or renovation is at least six years away, I am happy to support the Trustees' pursuit of this grant opportunity and to initiate the planning process.

Ms. Cardello and members of the Board of Trustees will be happy to discuss this proposal with you in greater detail and answer any questions you may have. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Marlborough Public Library
35 West Main Street
Marlborough, MA 01752
Phone 508-624-6900 FAX 508-485-1494
TDD 508-460-3610

Margaret Cardello
Director

January 22, 2014

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

Dear Mayor Vigeant,

The Marlborough Public Library seeks approval to apply for, receive and expend grant funds of up to \$50,000 to be awarded by the Massachusetts Board of Library Commissioners for the purpose of planning and designing a new public library facility.

We also request approval of \$25,000 to fulfill the grant's local match requirement. We would like to take advantage of this opportunity at this time, since the last similar grant round occurred back in 2006.

We look forward to answering any questions about this request.

Margaret Cardello



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2014 APR - 2
CYNTHIA A. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

April 2, 2014

Patricia Pope
President
Marlborough City Council

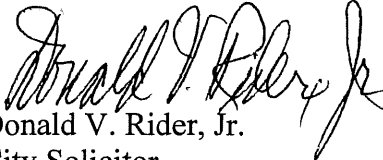
RE: Avalon Bay – Revised Order for Earth Moving
Order No. 13/14-1005446C

Dear President Pope and Members:

The vote taken by the City Council on March 24, 2014 regarding earth moving at Avalon Bay recited plans dated March 18, 2014. However, various City departments provided the developer with their comments on those March 18 plans, so the developer then generated plans dated March 20, 2014. The Council had the March 20 plans at its March 24 vote. Accordingly, I enclose a revised motion reciting the March 20 plans, and ask the Council to confirm its approval of the March 20 plans.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: David Gadbois, Esquire

Motion to Approve

That the City Council, under the provisions of Articled VI Chapter 650-33 Results Way Mixed Use Overlay District Section 33D Exclusivity/Control and Article II Section 270-2 Site plan review and approval F Prior earthmoving, **approve** the draft "Site Plan" for the placement of fill material as provided in the plans dated March 20, 2014 Symmes Maini & McKee Associates, 1000 Massachusetts Avenue, Cambridge, Massachusetts 02138, for Marlborough Hills 200 Forest Street, Marlborough, MA consisting of sheets C-111 Site Preparation and Erosion Control Plan, C-141 Grading and Surface Treatment Plan and C-501 Details 1 Plan, collectively the "Plans" under the following terms and conditions:

1. That the work be performed in accordance with the Plans and the notes recited in the Plans;
2. That there be a preconstruction meeting with the Conservation Officer, the Site Contractor and the City Engineer (designee) once the erosion controls are in place and prior to doing any hauling for the purpose of reviewing the Plans and to exchange emergency contact information;
3. That in the event the future parking lot contemplated to be constructed in the fill area is not constructed within a year of the placement of the fill, it be loomed and seeded and the temporary erosion control of tackifier be placed on the fill prior to looming and seeding in order to accomplish the erosion control of the fill area.

ADOPTED
In City Council
Order No. 13/14-1005446C

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY OF MARLBOROUGH
CITY OF MARLBOROUGH

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

April 3, 2014

Patricia Pope
President
Marlborough City Council

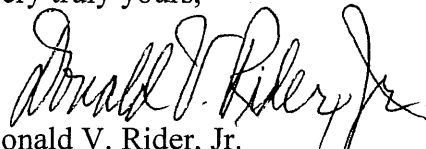
RE: Order No. 13/14 1005555D
Application for Special Permit
DBK Realty, LLC (Ktron, Incorporated)
1000 Nickerson Road, Marlborough

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the special permit application submitted by DBK Realty, LLC to conduct a business owned and operated by its tenant, Ktron, Incorporated, for the manufacturing of specialty parts for defense, medical instrument and airline industries on approximately six acres of land located at 1000 Nickerson Road. Although the Building Inspector has determined that the proposed use is otherwise allowed by right in the underlying Limited Industrial zoning district, the special permit application is before you because a portion of the site is also located in Zone B of the Water Supply Protection District.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: David Gadbois, Esquire

IN CITY COUNCIL

Marlborough, Mass. April ____, 2014

ORDERED:

DECISION FOR SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
DBK Realty, LLC
Ktron, Incorporated
Order No. 13/14 1005555B

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to DBK Realty, LLC (Applicant) and Ktron Incorporated (Tenant), each having a usual place of business at 583 Berlin Road, Marlborough, Massachusetts 01752 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. DBK Realty, LLC is a limited liability company organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 583 Berlin Road, Marlborough hereinafter referred to as the Applicant.
2. Ktron Incorporated is a corporation organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 583 Berlin Road, Marlborough hereinafter referred to as the Tenant.
3. The Applicant is the owner of the property shown as "Lot #1" on a Plan of Land in Marlborough, MA recorded in the Middlesex South District Registry of Deeds as Plan No. 535 of 2013 and being a portion of the land owned by the Applicant described in said Registry of Deeds in Book 61865 Page 419. Said Lot #1 is further known as 1000 Nickerson Road, Marlborough, MA, as shown on the City of Marlborough Assessors Maps as a portion of Map 88, Parcel 29 (hereinafter referred to as the "Site").
4. The Applicant, on or about September 19, 2013 filed with the City Clerk of the City of Marlborough, an Application To City Council for Issuance of Special Permit (hereinafter referred to as the "Application") under the Ordinances of the City of

Marlborough, Article VI Section 650-24, Paragraph E. Sub-paragraph (2) (c) (d) to permit Tenant to conduct a business owned and operated by Tenant for the manufacturing of specialty parts for defense, medical instrument and airline industries on approximately six acres of land located at 1000 Nickerson Road being Lot #1 referenced in paragraph 3 above (the "Project").

5. The manufacturing of said specialty parts requires the storage and use of toxic materials/chemicals in the cleaning and welding of the parts. Toxic materials/chemicals herein are hereinafter referred to as Hazardous Materials.
6. A portion of the Site is located in Zone B of the City of Marlborough Water Supply Protection District and is subject to the Zoning Ordinance Chapter 650 section 24 Paragraph E Sub-Paragraph (2) (c) (d).
7. The Application filed on September 19, 2013 consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit (b) Special Permit-Summary Impact Statement with Exhibit A List of Hazardous Waste Materials (c) Filing Fee check in the amount of \$1,000.00 (d) (e) Plan Delivery Certification (f) Tax Payment Certification (g) Abutters List (h) Preliminary Site Plan (the "Site Plan") (i) Planning Department Certification (collectively the "Documents") which Documents are incorporated herein and become a part of this decision. Twelve sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer and the Conservation Officer, all in accordance with Chapter 650 Section 650-59 of the Zoning Code of the City of Marlborough. The Abutters List was updated as of January 1, 2014 and filed with the City Clerk.
8. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner on behalf of the City Planner for the City of Marlborough as having complied with the provisions of Chapter 650 (Zoning Code) Section 650-59, C. (7) (a), (b) and (c).
9. Under the provisions of Massachusetts General Laws Chapter 40A, on October 3, 2013 Applicant filed with the City Clerk to be placed on the City Council Agenda for October 7, 2013 an agreement to extend the public hearing date to no later than February 11, 2014. At the October 7, 2013 meeting, the Council voted to approve the agreement.
10. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established February 10, 2014 as the date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto, all in accordance with Massachusetts General Laws Chapter 40A.
11. The Marlborough City Council held a public hearing on the Application on February 10, 2014 in accordance with the published notice, (the "Public Hearing"). The hearing was opened at the time provided for in the notice and following the completion of testimony the hearing was closed on said date.

12. The Applicant presented testimony at the Public Hearing detailing the construction of the Site, the construction of the building, especially as it pertained to the use of Hazardous Materials therein, its impact upon municipal service, the neighborhood, traffic, drainage and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing. A subject of concern to the public was the content of the public notice.
13. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the Site, traffic impacts, open space, landscaping, drainage, lighting, water and sewer use, and other utilities associated with the Site.
14. The Applicant provided to Urban Affairs written and oral documentation as to the handling of the Hazardous Materials (HM). (a) HM will be unloaded inside the building. In the event of a spill during the unloading process, the unloading area is designed so that the HM will drain into a 300 gallon capacity polypropylene containment catch tank with no drain. The maximum delivery of HM to the building at any one time is 250 gallons. The HM will be transferred within the building to the Wash Room, where they are stored and used. The Wash Room is described in a "Spill Prevention and Control Plan" dated January 15, 2014, a copy of which was provided to the City Council.
15. Tenant currently conducts its business at 583 Berlin Road, Marlborough, MA. Applicant provided to the City Council, as proof that Tenant is qualified to conduct its business and the handling of HM, a copy of the Commonwealth of Massachusetts Department of Environmental Protection Waste Water Permit WO33266, a copy of the Waste Water Permit # CAT22901919 issued by the City of Marlborough, a copy of the license issued to the in-house Wastewater Treatment Plant Operator issued by D.E.P to James P. Leveille an employee of Tenant and a copy of the Annual Inspection Permit issued by the City of Marlborough to Tenant dated April 11, 2013.
16. The Site is located north of Nickerson Road and is bounded to the west by Hayes Memorial Drive, to the north by Lot #2 shown on the Plan of Land referred to in paragraph 3 above, and to the east by an industrial subdivision.
17. The Site approximately of 6 acres and is located within the Limited Industrial district. According to the Building Inspector, the Project proposes a use which is allowed as of right in the LI district.
18. According to the Building Inspector, the Project meets all requirements of the zoning ordinance.
19. The Project consists of one building of approximately forty thousand (40,000 s/f) square feet and will be located as shown on the Site Plan submittal.
20. Access to the building and parking will be off of Nickerson Road as shown on the Site Plan.
21. According to the Applicant, the Project will generate 2000 gallons of treated sewage per day and approximately 1000 gallons of domestic sewage per day. The sewage will

be directed through the City of Marlborough's wastewater system to the westerly wastewater treatment plant through a connection to a sewer manhole located on Northborough Road. Said plant has the capacity to treat the wastewater generated by the Project.

22. According to the Applicant, natural gas is available to serve the Project Site.
23. According to the Applicant, telephone, electricity and cable TV services are all available to serve the Project.
24. According to the Applicant, the Site Plan provides for proper management of storm water runoff from the project; proposed runoff rates are less than existing; there will be no adverse impact to any surrounding areas; the drain systems have been properly designed to handle the design flow rates; and reduced TSS results in improved quality of storm water runoff to receiving areas.
25. According to the Applicant, all buildings will be fully sprinkled and constructed in accordance with the latest life safety and building codes.
26. The Applicant will maintain all walls, driveways and storm drainage structures.

BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF
MABLBOROUGH MAKES THE FOLLOWING FINDINGS:

- A. The City Council finds that it may grant a Special Permit (Special Permit) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or General Laws. C.40A, et. seq.
- C. The City Council finds that the use of the site for the Project is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the Project will complement the existing light manufacturing nature of the abutting properties and the surrounding neighborhood, and will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.
- D. The Site Plan, as submitted, and as may be amended by Site Plan Review Committee during the site plan review process, provides improvements that will protect the environment. The City Council makes this determination subject to the completion and adherence by the Applicant to the approved site plan by the Site Plan Review Committee and the conditions more fully set forth herein.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant a Special Permit to construct the Project to be used as a light manufacturing facility using hazardous or toxic chemicals as set forth in the application documents and as per site plans submitted to the City Council, and subject to the following conditions which shall be binding on the Applicant, its successors and assigns, as well as on the Tenant:

1. Construction. Construction of all structures on the Site is to be in accordance with all building codes and zoning regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the site entitled Ktron, Inc. 1000 Nickerson Road Marlborough, MA Preliminary Site Plan prepared by Bruce Saluk & Assoc., Inc. Civil Engineering & Land Surveying 576 Boston Post Road East Marlborough, MA 01752 Tel: 508 485 1662 Fax: 508 481 9929" filed with the Application and as may have been amended during the application process. The Applicant's Site Plan indicates a permitted building area where the building is to be located.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to this Special Permit and no Occupancy Permit shall be issued until all conditions are complied with by the Applicant. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of this Special Permit.

3. Hazardous Waste. (a) The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts, The Conservation Commission, the Fire Chief, and the department of Public Works of the City of Marlborough relative to the existence of any hazardous waste and toxic materials/chemicals which may be located on the Site, compliance of the provisions of M.G.L. Chapter 21E, Chapter 510 Sewers of the Code of the City of Marlborough and any other applicable government codes and as they relate to the use of hazardous and toxic materials/chemicals; (b) No more than 300 gallons of hazardous and toxic materials/chemicals may be delivered to the Site at any one time; (c) No more than 2000 gallons of hazardous and toxic materials/chemicals may be stored on the Site at any one time; (d) There shall be no loading or unloading of hazardous and toxic materials/chemicals outside of the building and no storage of hazardous and toxic materials/chemicals outside the building.

4. Compliance with Local State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and Federal Agencies as they may apply to the construction, maintenance and operation of the Project, including, without limitation, compliance with local Conservation Commission Orders, the Massachusetts Environmental Policy Act (MEPA), and the State Building Code. The terms and conditions of such decisions and findings will become a part of this decision.

5. Inspectional Services Mitigation. Applicant shall, prior to issuance of the Building Permit for the Project, provide a payment to the City of Marlborough Inspectional Services fund in the amount of three thousand (\$3,000.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies and equipment so as to enable the Inspections Staff to provide adequate and timely inspections of the Project construction.

6. Detention Basins. The on-Site detention basins shall be inspected by the Applicant not less than annually with respect to sedimentation accumulation with copies of annual written reports given by the Applicant to the City Engineer and the Conservation Officer. To the extent such reports indicate the need for sediment removal, the same shall be removed by the Applicant.

7. Catch Basins. All catch basins shall be installed by the Applicant in accordance with the City Code or as required by the Site Plan Review Committee, as more fully shown on the Site Plan. The catch basins shall be monitored on an annual basis with reports given to the City Engineer and the Conservation Agent. The catch basins are to be cleaned by the Applicant annually, or at more frequent intervals as determined by the City Engineer and the Conservation Agent. The existing catch basins and all drainage structures and detention facilities shall be monitored by Applicant on an annual basis, per the storm water operation and maintenance plan to be developed by Applicant, with a written report given to the City Engineer and Conservation Commission by June 1st of each year. The catch basins are to be cleaned by Applicant when debris buildup is within 24 inches of the pipe invert to remain functioning properly.

8. Snow Storage. Snow storage is to be provided on-Site, but not within the Water Supply Protection District. The Applicant may elect to utilize off-Site storage. Snowmelt runoff is to be directed toward catch basins.

9. Parking Areas. (i) Parking areas will be swept, as necessary. (ii) Pursuant to the provisions of M.G.L. c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-Site traffic and parking. Applicant shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Uniform Manual of Traffic Control Devices.

10. Construction Traffic. During construction of the Project, the Applicant shall impose on each of its contractors a requirement that all heavy equipment accessing the Site shall use Route 20 and not to use residential streets abutting the Project.

11. Off-Site Improvements. In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineer shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. A police detail shall be provided for any utility work performed within the public way.

12. Landscaping. Pursuant to Chapter 270 of the Marlborough City Code, the Project shall be subject to Site Plan Review at which time, and under which procedure, changes and alterations to the Site Plan may be incorporated. The Project landscaping shall be implemented as shown on the Site Plan submitted with the Application as may be amended during Site Plan

Review. The Project shall be sufficiently screened with landscaping so that the building and areas where trucks unload and park, are not significantly visible from Hayes Memorial Drive. The Site Plan Review staff is authorized to assure that this condition is implemented through the Site Plan Review process. In addition, following the construction of the Project, but before final signoff is approved by Site Plan Review staff prior to occupancy, the Site Plan Review staff shall again review the adequacy of the landscaping that was planted in conformance with the Project's Site Plan. The Site Plan Review staff shall determine whether the planted landscaping is adequate to screen the Site and, if staff determines that it is not, they shall have the authority to require reasonable landscaping changes to assure that the project's building is not significantly visible from Hayes Memorial Drive.

13. Utilities Review. The detailed review of on-Site and off-Site utilities will be performed as part of the Site Plan Review process and such utilities as may be required by the City Engineer during this review shall be provided. The Applicant will deliver to the City Engineer, prior to the commencement of construction of the water and sewer improvements, copies of the final plans and schedule of work of such improvements for final review and approval by the City Engineer.

14. Water-Sewer. Water and sewer services provided to the Project shall be subject to currently applicable citywide water and sewer policies and charges subject to annual adjustment by the Commissioner of Public Works. Prior to occupancy, Tenant shall obtain a Waste Water Permit from the City of Marlborough for operation of the on-Site pretreatment facility. Applicant shall develop an on-Site water supply for irrigation purposes. Use of the City's water supply for irrigation purposes may only be permitted, upon demonstration by the Applicant to the City Engineer, that on-Site supplies are inadequate, due to quantity or quality.

15. Spill Prevention and Control Plan. Prior to the operation of the pretreatment facility and use of hazardous and toxic material/chemicals, Tenant shall submit to the Department of Public Works and Fire Chief for approval a Spill Prevention and Control Plan ("the Plan") consistent with that which was submitted to the Council at the Public Hearing. Any changes to the Plan must be approved by the Fire Chief and the Department of Public Works.

16. Conservation Commission. The Applicant shall comply with the terms and conditions of any final Order of Conditions duly issued pursuant to the Wetlands Protection Act (M.G.L. c. 131, § 40).

17. Prior to the issuance of any Permanent Occupancy Permit ("Occupancy Permit") for this Project, Applicant must complete all landscaping, architectural design and planting installation together with all other site improvements, unless weather is prohibitive in which case landscaping and planting installation shall be complete within a reasonable time, but no more than 6 months from the issuance of the Occupancy Permit, taking into consideration the weather conditions.

18. All signage erected on the subject property shall be monument-type signs that are consistent in size, lay-out and design, including fonts, as is the existing signage in the office park known as "Marlborough Technology Park". The signs shall be painted with flat tone paint without gloss and with exterior illumination only.

19. All signage at the subject location shall comply with the existing City of

Marlborough sign ordinance, without variance, and shall be as shown on the Site Plan. No LED signs shall be used.

20. All illuminations of individual parking area light fixtures shall not exceed 250-watt fixtures and shall be screened from abutting property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.

21. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

22. Applicant shall provide as-built plans for the Site prior to the issuance of an Occupancy Permit.

23. The building to be constructed on the Site shall have brick siding on the sides facing Hayes Memorial Drive and Nickerson Road. The brick shall be similar in style and design to the brick used at Marlborough Technology Park.

24. No outside storage, except for wooden pallets, is permitted. Wooden pallets may only be stored within the fenced-in area of the dumpster and may not be viewable from any public way.

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

Yea: - Nay: - Absent:

ADOPTED

In City Council

Order No.

Adopted 2014

Approved by Mayor

Date: 2014

A TRUE COPY

ATTEST:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
APR 3 12:00
2014 APR 3

City of Marlborough
Legal Department

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

April 3, 2014

Patricia Pope
President
Marlborough City Council

RE: The Gutierrez Company
Comprehensive Permit
Off Ames Street and Route 20, Marlborough

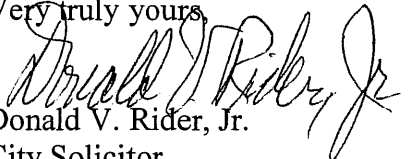
Dear President Pope and Members:

The Chapter 40B comprehensive permit granted by the Zoning Board of Appeals to The Gutierrez Company in January 2013 contained a number of conditions. Two are at issue here. The first condition (no. 20) requires that Gutierrez convey to the City a public walking trail easement, so as to provide passive recreational opportunities along with access to the existing traffic light across from RK Plaza for access to the nearby retail centers. The second condition (no. 41) requires that Gutierrez place a restriction on its land that will be remaining after the 40B land is sold at the closing scheduled for the end of this month; the restriction, which runs to the benefit of the City as well as the 40B buyer, restricts the development of that remaining land so as to prohibit additional residential use.

Accordingly, since both the public walking trail easement and the restriction involve an interest in land, they are enclosed for your review and acceptance by the April 21 Council meeting, keeping in mind the 40B closing scheduled for the end of this month. A signed version of each document will be supplied at the pertinent Council committee meeting.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Gloria Gutierrez, Esquire
Zoning Board of Appeals

PUBLIC WALKING TRAIL EASEMENT

We, Arturo J. Gutierrez, John A. Cataldo and Arthur J. Gutierrez, Jr., Trustees of the Marlborough/Northborough Land Realty Trust, u/d/t dated October 12, 2000 and recorded with the Middlesex South Registry District of Deeds in Book 31932, Page 433, as amended, having an address c/o The Gutierrez Company, One Wall Street, Burlington, Massachusetts 01803 (collectively, the "Grantor"), for consideration paid of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in conformance with a comprehensive permit (No. 1410-2012) approved by the City of Marlborough Zoning Board of Appeals on January 29, 2013 and recorded with the Middlesex South District Registry of Deeds in Book 61374, Page 404 hereby grant to the City of Marlborough, Massachusetts, having an address of 140 Main Street, Marlborough, Massachusetts 01752 (collectively, the "Grantee"), with QUITCLAIM COVENANTS, the perpetual right and easement to use a certain portion of the Grantor's land located off Boston Post Road, more particularly shown as a portion of Lot 14 on a Plan of Land entitled "Plan of Land in Marlborough, Massachusetts", scale 1"=160', dated September 19, 2000, by Vanasse Hangen Brustlin, Inc., which plan is recorded with Middlesex South Registry of Deeds as Plan 1157 of 2000 and a portion of Lots 4 and 5 on a plan entitled "Plan of Land in Marlborough, Massachusetts", scale 1"=150', dated August 3, 1999, by Vanasse Hangen Brustlin, Inc., which plan is recorded with Middlesex South Registry of Deeds as Plan 1111 of 1999 (collectively, the "Grantor's Land"), specifically only within such portion of the Grantor's Land described as the "Easement Area", as hereinafter provided.

The easement area (the "Easement Area") consists of an approximate 20,000 square foot strip of land referred to as the "Walking Trail" currently existing on portions of the Grantor's Land, and specifically shown as the area labelled "Walking Trail" on the plan attached hereto as "Exhibit A".

The purpose of this Public Walking Trail Easement is to provide members of the general public with the passive recreational use of said walking trail, including to provide access to the existing traffic light in front of said Lot 14 for access to the nearby retail centers.

Upon acceptance of said easement by the Grantee, the Grantee and the members of the general public shall have the perpetual right to enter onto the Easement Area. Grantor shall have the obligation to maintain the Easement Area.

Notwithstanding any language to the contrary contained in this Public Walking Trail Easement, Grantor and Grantee shall all have the benefit and protection of the limitation on liability contained in Massachusetts General Laws Chapter 21, Section 17C to the fullest extent provided therein.

Grantor reserves to itself, and its successors and assigns (i) the right to relocate, at Grantor's sole cost and expense, the Easement Area as may be necessary or desirable for Grantor's use and development of the Grantor's Land (and/or its adjacent land), provided that (a) Grantor notifies Grantee in writing in advance which such notice shall contain a new description and plan, both to be prepared and recorded at Grantor's expense, and Grantee approves the proposed relocation in writing, and further provided that (b) the relocated Easement Area does not significantly lessen the utility of the Easement Area, does not increase the burdens on the use and enjoyment of the Easement Area by the Grantee and members of the general public, and does not frustrate the purpose for which the Easement Area was created but continues to provide the public with passive and recreational use to provide access to the existing traffic light in front of Lot 14 for access to the nearby retail centers, (ii) the right to use portions of the Easement Area for the purposes of providing access and egress to and from the Grantor's Land, including without limitation, for ways, drives, and parking areas; and (iii) the right to use the Easement Area for any and all purposes that do not interfere with the enjoyment by the Grantee, and members of the general public, of the rights granted herein.

The rights and obligations established hereby shall run with Grantor's Land and shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective successors and/or assigns. If Grantor conveys to a third party(ies) any land through which the Public Walking Trail Easement passes, any and all such conveyances shall be made expressly subject to, and with the benefit of, the continuing easement for the passive recreational use of said Easement. This Public Walking Trail Easement may not be amended without written consent of the Grantor and the Grantee.

The undersigned John A. Cataldo and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust hereby certify that said Trust remains in full force and effect and has not been altered, amended, rescinded, revoked or terminated in whole or in part; that Arturo J. Gutierrez, Arthur J. Gutierrez, Jr. and John A. Cataldo are the current Trustees of said Trust; and that they have been authorized and directed by all of the beneficiaries of the Trust to execute and deliver this Public Walking Trail Easement and to execute and deliver such other documentation as said Trustees, in their sole discretion, deem reasonably necessary in order to effectuate the terms and provisions of this Public Walking Trail Easement.

For Grantor's title reference, see Deed recorded with said Registry in Book 31932, Page 445.

*Remainder of Page Intentionally Left Blank
Signature Page to Follow*

WITNESS our hands and seals as of this _____ day of _____, 2014.

By: _____
John A. Cataldo, as Trustee
on behalf of himself and his
co-Trustees, but not individually

By: _____
Arthur J. Gutierrez, Jr., as Trustee
on behalf of himself and his
co-Trustees, but not individually

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared John A. Cataldo and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust on behalf of themselves and their co-Trustees, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document(s), and acknowledged to me that they signed it voluntarily for its stated purpose.

(official seal)

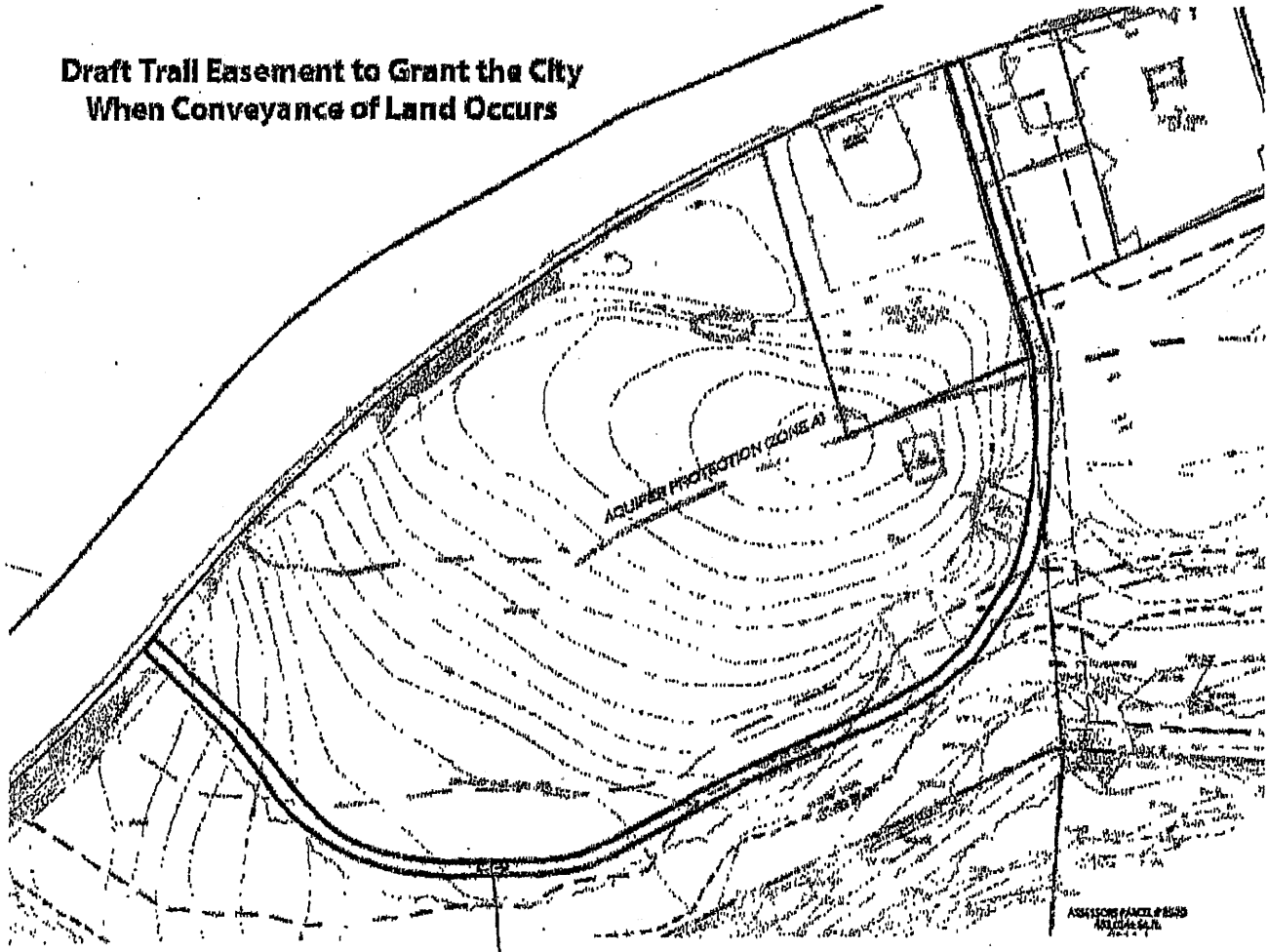
By: _____
Notary Public
My Commission Expires:

EXHIBIT "A"

PLAN SHOWING EASEMENT AREA

EXHIBIT "A"

**Draft Trail Easement to Grant the City
When Conveyance of Land Occurs**



"Walking Trail"

ACCEPTANCE OF WALKING TRAIL EASEMENT

Pursuant to its vote taken on April ____, 2014, a certified copy of which is recorded herewith, the City Council of the City of Marlborough, being duly authorized, has accepted the Public Walking Trail Easement from Arturo J. Gutierrez, John A. Cataldo, and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust, u/d/t dated October 14, 2000 and recorded with the Middlesex South District Registry of Deeds in Book 31932, Page 433, as amended (the "Grantor"), granted to the City of Marlborough, in conformance with Section D.20 of the comprehensive permit (No. 1410-2012) approved by the City of Marlborough Zoning Board of Appeals on January 29, 2013 and recorded with the Middlesex South District Registry of Deeds in Book 61374, Page 404.

RECORD AND RETURN TO:

~ Recording Information Area ~

RESTRICTION

This Restriction is granted as of the ____ day of _____, 2014, by Arturo J. Gutierrez, John A. Cataldo, Arthur J. Gutierrez, Jr., Trustees of the Marlborough/Northborough Land Realty Trust, created u/d/t dated October 12, 2000 and recorded with the Middlesex South Registry of Deeds in Book 31932, Page 433, as amended, having an address c/o The Gutierrez Company, Burlington Office Park, One Wall Street, Burlington, MA 01803 (the "Declarant"), to FAIRFIELD MARLBOROUGH LIMITED PARTNERSHIP, a Delaware limited partnership, having an address of 5510 Morehouse Drive, Suite 200, San Diego, California 92121 and its successors and assigns ("Project Owner"), and to the City of Marlborough, having an address of 140 Main Street, Marlborough, Massachusetts 01752 ("the City").

WHEREAS, Declarant is the owner of certain undeveloped parcels of land located off of Boston Post Road (Route 20) in Marlborough, Massachusetts being shown as Lots 2, 3, 4, and 5 on the plan entitled "Plan of Land in Marlborough, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated August 3, 1999 and recorded with said Registry as Plan No. 1111 of 1999, and Lot 14 on the plan entitled "Plan of Land in Marlborough, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated September 19, 2000 and recorded with said Registry as Plan 1157 of 2000 (collectively, the "Declarant's Land"). Declarant's Land is currently undeveloped; and

WHEREAS, by Quitclaim Deed of even date herewith Project Owner is the owner of a certain parcel of land located adjacent to the Declarant's Land, located off Ames and Glen Streets in Marlborough, Massachusetts, being shown as Lot A on that certain plan entitled "Approval Not Required", prepared by Vanasse Hangen Brustlin, Inc., dated November 7, 2013 and recorded with said Registry as Plan No. 1021 of 2013 (the "Residential Property"); and

WHEREAS, the Residential Property shall be developed by Project Owner pursuant to a certain Massachusetts General Laws, Chapter 40B, Section 21-23 Comprehensive Permit (ZBA Case # 1410-2012) granted by the City of Marlborough Zoning Board of Appeals on January 29,

2013, and recorded with said Deeds in Book 61374, Page 404, as the same may hereafter be amended or modified (the "Comp Permit"); and

WHEREAS, Section D.41 of the Comp Permit requires that a restriction be placed on the Declarant's Land in order for Project Owner to construct improvements on the Residential Property pursuant to the Comp Permit;

WHEREAS, Declarant agrees to impose on Declarant's Land said development restriction set forth in Section D.41 of the Comp Permit for the benefit of Project Owner and the City.

NOW THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant hereby declares the following development restriction on Declarant's Land and Declarant agrees as follows:

1. During the Restriction Term (defined below), Declarant's Land may not be used for residential purposes, unless said development is for use as an assisted living or congregate care facility for the elderly as those uses are defined by applicable federal, state and local law (the "Restriction"). The Restriction does not include hotels, motels or any other non-residential use allowed by zoning. The "Restriction Term" shall mean the period commencing on the date hereof and continuing thereafter as long as the Comp Permit has not lapsed and the use of the Residential Property remains residential under the Comp Permit; provided, however, that if the Comp Permit is revived and/or reinstated after any lapse, the Restriction Term shall not be deemed to have expired, but shall be deemed to have remained in effect during the period of said lapse and to continue as long as the use of the Residential Property remains residential under the revived and/or reinstated Comp Permit. Upon the expiration of the Restriction Term, Declarant, or its successors and assigns, may record a termination of the Restriction.
2. The Restriction shall run with Declarant's Land for the Restriction Term and shall be binding on the Declarant's successors and assigns.
3. The Restriction is of actual and substantial benefit to Project Owner, the City and to the Residential Property.
4. The Restriction may be enforced by Project Owner and/or the City, and their respective successors and assigns, and shall be enforceable pursuant to Massachusetts General Law, Chapter 184 and other applicable law, including without limitation, equitable remedies.

[Remainder of page intentionally left blank.]

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

DECLARANT:

Marlborough/Northborough Land Realty Trust

By: _____
John A. Cataldo
Trustee and not individually

By: _____
Arthur J. Gutierrez, Jr.
Trustee and not individually

PROJECT OWNER:

FAIRFIELD MARLBOROUGH LIMITED PARTNERSHIP,
a Delaware limited partnership

By: BF VAMF II GP LLC,
a Delaware limited liability company,
its general partner

By: _____
Name: _____
Title: _____

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared John A. Cataldo and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust on behalf of themselves and their co-Trustees, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document(s), and acknowledged to me that they signed it voluntarily for its stated purpose.

(official seal)

By: _____
Notary Public
My Commission Expires:

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared _____, the _____, of BF VAMF II GP LLC, a Delaware limited liability company, general partner of FAIRFIELD MARLBOROUGH LIMITED PARTNERSHIP, a Delaware limited partnership, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(official seal)

Notary Public
My Commission Expires:

ACCEPTANCE OF RESTRICTION

Pursuant to its vote taken on April ____, 2014, a certified copy of which is recorded herewith, the City Council of the City of Marlborough, being duly authorized, has accepted the Restriction from Arturo J. Gutierrez, John A. Cataldo, and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust, u/d/t dated October 14, 2000 and recorded with the Middlesex South District Registry of Deeds in Book 31932, Page 433, as amended (the "Declarant"), granted to the City of Marlborough in conformance with Section D.41 of the comprehensive permit (No. 1410-2012) approved on January 29, 2013 by the City of Marlborough Zoning Board of Appeals and recorded with the Middlesex South District Registry of Deeds in Book 61374, Page 404.

Lisa Thomas
City Clerk
City of Marlborough

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2014 MAR 24 A 10:19

1. Name and address of Petitioner or Applicant:

Amber Debole, 16 Chestnut St. Suite 220, Foxborough, MA 02035

2. Specific Location of property including Assessor's Plate and Parcel Number.

75 Donald Lynch Boulevard

3. Name and address of owner of land if other than Petitioner or Applicant:

New Cingular Wireless PCS, LLC POC: Briffanny Dohmen 770-708-6085
bd5120@att.com

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

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

Article VI Section 650.25 Paragraph C Sub-paragraph 2

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

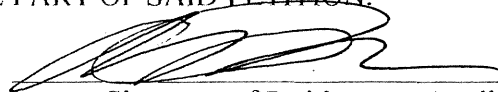
light Industrial

7. Specific reason(s) for seeking Special Permit

Applicant proposes to do a minor upgrade to existing telecom site, which consists of removing all nine (9) existing antennas and replacing them with six (6) antennas of like size on the existing tower. Applicant also proposes to add a cable divider, fiber jumpers and a hybrid cable to the existing tower

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

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



Signature of Petitioner or Applicant

Address: 16 Chestnut St. Suite 220

Foxborough, MA 02035

Telephone No. 781-424-9253

Date:

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Amber Debole-on behalf of T-Mobile Northeast, LLC
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF
MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting
Authorities**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Amber Debole Address: 16 Chestnut St. Suite 220
Foxborough, MA 02035

Project Name: T-Mobile Modernization Address: 16 Chestnut St. Suite 220
Foxborough, MA 02035

1. PROPOSED USE: (describe) Existing telecom site upgrade / modification to enhance service in the area.

2. EXPANSION OR NEW: Modification (Existing Structures)

3. SIZE: floor area sq. ft. N/A 1st floor N/A all floors N/A

buildings N/A # stories N/A lot area (s.f.) (lease) area = 40 more than 100'

4. LOT COVERAGE: _____ % Landscaped area: _____ % N/A (existing structure)

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 3 Peak period: 5-7

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 1 Peak period: 1

(B) How many service vehicles will service the development and on what schedule?

One vehicle will visit site for routine maintenance approx. every 2 months

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

No major noise. Minor modification to upgrade existing facility.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. N/A - minor upgrade to already existing facility

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

NONE

10. WATER AND SEWER: Describe any unusual generation of waste. _____

NONE

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

*Attach additional sheets if necessary



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: T-Mobile Modernization Project
Project Use Summary: Existing telecom site modification
Project Street Address: 75 Donald Lynch Boulevard
Plate: _____ Parcel: 2 Map: 13
Applicant/Developer Name: Amber Dehole - Tower Resource Management
Plan Date: _____ Revision Date: _____

Dear President and Members:

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

Very truly yours,

Michael Mendoza

Building Inspector

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

\$250.00

The Guaranty Building

370 Main Street, 12th Floor
Worcester, MA 01608-1779
TEL 508.459.8000
FAX 508.459.8300

March 24, 2014

The Meadows

161 Worcester Road, Suite 501
Framingham, MA 01701-5315
TEL 508.532.3500
FAX 508.532.3100

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

Cape Cod

171 Main Street
Hyannis, MA 02601
TEL 508.815.2500
FAX 508.459.8300

RE: Application of Chick-Fil-A, Inc. for Special Permit from the Marlborough City Council

FletcherTilton.com

Dear Ms. Thomas:

On behalf of Chick-Fil-A, Inc., Applicant for a Special Permit from the Marlborough City Council pursuant to Article VII, Section 650, Paragraph 17 of the Marlborough Zoning Ordinance, enclosed please find the following Application materials:

1. Application of City Council for issuance of a Special Permit.
2. Memorandum in Support of Application for Special Permit.
3. Application fee in the amount of \$500.00.
4. Abutter's list as certified by the City of Marlborough Assessors.
5. Plan entitled "Site Development Plans for Chick-Fil-A with Drive Thru, 230 Boston Post Road West (Route Number 20), City of Marlborough, Middlesex County, Massachusetts" consisting of twenty (20) sheets prepared by Bohler Engineering dated as of February 7, 2014.
6. "Traffic Impact Study for the Chick-Fil-A Restaurant, 230 Boston Post Road West (Route 20), Marlborough, MA" prepared by McMahan Associates, Inc. and dated March, 2014.
7. Certification of Completeness of Application.

Kindly transmit same to the President of the City Council for establishment of a public hearing and appropriate notification of same.

Lisa M. Thomas, City Clerk
March 24, 2014
Page 2

Should you have any questions or need any further information, please do not hesitate to contact me.

Very truly yours,



Mark L. Donahue

MLD/mmp
Enclosures

Direct Line: (508) 459-8029

Direct Fax: (508) 459-8329

E-Mail: mdonahue@fletchertilton.com

Please direct all correspondence to our Worcester office.

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAR 24 P 2:10

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Chick-Fil-A, Inc., 5200 Buffington Road, Atlanta, Georgia 30349-2998

2. Specific Location of property including Assessor's Plate and Parcel Number.

230 Boston Post Road, West, A portion of Map 89, Lot 77

3. Name and address of owner of land if other than Petitioner or Applicant:

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

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

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

Article V Section 650 Paragraph 17 Sub-paragraph _____

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

Business B/Water Supply Protection Overlay District

7. Specific reason(s) for seeking Special Permit

Petitioner seeks to construct and operate an approximately 4,876 square foot

single story building with drive through service to be operated as a Chick-Fil-A

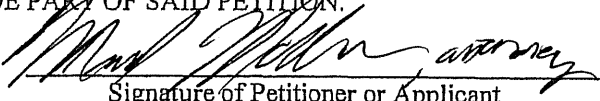
quick service restaurant. Such use is identified in Section 650-17 of the

Marlborough Zoning Ordinance as a use requiring a special permit in the Business

B Zoning District.

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

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


Signature of Petitioner or Applicant

Address: 5200 Buffington Road

Atlanta, Georgia 30349-2998

Telephone No. 508-459-8029

Date: _____

City Clerk's Office

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

CHICK-FIL-A, INC.

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 11/17/2014

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Chick-Fil-A

Project Use Summary: Apprx. 4,876 sq. ft. single story restaurant with drive through service and outdoor dining

Project Street Address: 230 Boston Post Road West

Plate: 89 Parcel: 77

Applicant/Developer Name: Chick-Fil-A, Inc.

Plan Date: _____ Revision Date: _____

Dear President and Members:

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

Very truly yours,

Michael Mendoza

Building Commissioner

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

500.00

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Chick-Fil-A, Inc. Address: 5200 Buffington Road, Atlanta, Georgia

Project Name: Chick-Fil-A Restaurant Address: 230 Boston Post Road West

1. PROPOSED USE: (describe) An approximately 4,876 square foot single story restaurant with drive through service and outdoor dining to be utilized as a Chick-Fil-A quick service restaurant.

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 4,876 1st floor 4,876 all floors 4,876
buildings 1 # stories 1 lot area (s.f.) _____

4. LOT COVERAGE: 69 % Landscaped area: 31 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 50 Peak period: 95

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: _____ Peak period: _____

(B) How many service vehicles will service the development and on what schedule?

Food delivery = 3 to 4 times per week. Trash removal weekly.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Exterior lighting will be utilized around the proposed building and drives and the associated parking area as shown on the submitted site plans. The same lighting plan reflects minimal light spillage onto abutting commercial property.

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

See attached

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

9. AIR: What sources of potential air pollution will exist at the development? Odors resulting from cooking operations, all of which are controlled by the appropriate filters and scrubbers.

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

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? Any hazardous material would be a derivative of cleaning products which are maintained in small quantities and appropriately labeled and stored.

*Attach additional sheets if necessary

8(A). The noise associated with the operation will be consistent with other localized quick service restaurants and will consist primarily of passenger vehicle travel to and from the site with occasional commercial vehicles. There are no residential residents in the immediate vicinity of this site.

\$25 Pd
(CK # 484)
10/1



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

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAR 24 A 10: 31

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: March 24, 2014

To the City Council:

Owner Name: Theresa M. Denoncourt Smith

Residential Address: 84 STOW Road, MARLBorough

Telephone Number: 508-251-1582

Business Name: Hint of Class Consignment INC.

Business Address: 72 A-B Hosmer Street

Business Telephone Number: 508-485-0040

Owner Signature: Theresa Denoncourt Smith

The above-signed Hint of Class Consignment INC. respectfully requests that he/she be granted a Secondhand Article Dealer's license.

In City Council

PD \$25.
t/1/14
we



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

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CITY OF MARLBOROUGH

2014 APR -1 P 1:43

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 4-1-14

To the City Council:

Owner Name: TONY BITAR

Residential Address: 5 ROLLING RIDGE LANE, FAYTON, MA 01612

Telephone Number: (508) 981-5080

Business Name: HANNOUSH JEWELERS

Business Address: 601 DONALD LYNETT BKD. 01752

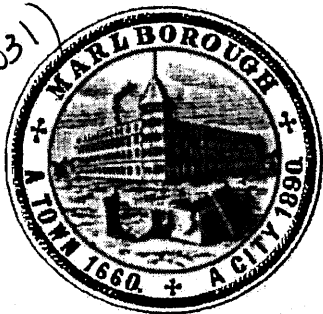
Business Telephone Number: (508) 303-6595

Owner Signature: [Signature]

The above-signed TONY BITAR respectfully requests that he/she be granted a JUNK DEALERS LICENSE license.

In City Council

Pay \$25 (OK # 1031)



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CITY OF MARLBOROUGH

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

2014 APR -2 A 9:40

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 3/31/14

To the City Council:

Owner Name: Mary E. Giorgi

Residential Address: 270 Mechanic St., Marlborough

Telephone Number: 774-893-3242

Business Name: Giorgi's Consignment Boutique

Business Address: 226 Main St., Marlborough

Business Telephone Number: 508-485-2660

Owner Signature: M. Giorgi

The above-signed Mary E. Giorgi respectfully requests that he/she be granted a Junk Dealer's license.

In City Council

February 25, 2014

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAR 27 A 9:13



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, February 25, 2014 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner Ronald LaFreniere, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins and Assistant Civil Engineer Mark Dascoli. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, December 17, 2013.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2a) Traffic concerns in vicinity of 397 Bolton Street.

Chief Leonard received a letter from Mr. Clayton Whitney regarding this issue. Mr. Whitney described trying to take a left turn out of the Bolton Street Senior Housing Complex, as "a HUGE problem". He says that he can't believe how fast the cars go and that you would never know the police station was right next door. He was asking if it was possible to have a blinking light yellow light installed opposite the complex exit that would turn to red when a car comes to the end of their road.

Chief Leonard said that he has spoken to Mr. Whitney and advised him that the City would not be able to install a light at this location. He went on to explain to him that we have the same situation at the Police Department. Chief Leonard told him that we could check on the striping and signage for the crosswalk and possibly check on the timing of the lights to make sure there is enough of a gap for turning.

Commissioner LaFreniere agreed that it is an extremely poor design when trying to get out of the senior housing complex. You are on the hill with the driveway on a grade. It is not a good situation. He mentioned that there are some plans to acquire additional land which may make it possible to take advantage of the High School driveway when trying to get out of the complex on a level surface. He advised that talks are underway with the Mayor's office and Priscilla Ryder with regard to the potential purchase of the adjacent tree farm. This area would also enhance parking at the senior housing complex. Commissioner LaFreniere explained that the tree farm is an agricultural property and the City has the right of first refusal when the property becomes available for sale. The parcel is certainly big enough for more development so he said we will see how that plays out.

Tim Collins advised that there is advance warning signage for the crosswalk already in place.

MOTION was made, seconded, duly VOTED to REFER to the Police Department for speed enforcement and to the DPW for proper signage and painting of the crosswalk.

And:

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE until further redevelopment in the area.

2b) Speeding concerns/request for sidewalk on Wayside Road.

The city council received this request from a resident of Wayside Inn Road and forwarded it along to the Traffic Commission. Chief Leonard advised that on the speed concern, he can request directed patrols in the area and get the speed board out there in the spring. On the sidewalk issue, Commissioner LaFreniere said that there is plenty of space for a sidewalk but a few specific areas may make it pricey. He advised that they usually like to see a connection to an existing sidewalk and there is no sidewalk there at all. Sudbury Street is under plans for reconstruction. There is currently utility and patch work being done. He said that it may be possible to incorporate a sidewalk into the plan later and possibly be an added component onto the design plan.

Chief Leonard said that he mentioned it to Councilor Delano. It is not a bad idea and it would be a nice area to walk around with the country store and other shops.

MOTION was made, seconded, duly VOTED to REFER to the Police Department now for enforcement and to the DPW and ENGINEERING later in conjunction with the Sudbury Street project.

2c) Speed limits on Fitchburg St. / Pleasant St. area.

Tom Cullen requested that this item be placed on the Agenda. Tim Collins was thinking he was looking for proper signage. Tom Cullen noted in an e-mail to Chief Leonard that there are black and white speed limit signs coming into the City (i.e. southbound) but none northbound. Tim Collins passed out a diagram with the speed limits and existing signs indicated. He said that this is a State owned road and also noted that there is no speed limit sign off the Route 85 connector.

Commissioner LaFreniere asked if this area is a designated speed zone. Tim Collins advised that it is. The State does have a special speed zone in place here. A copy of Special Speed Regulation #386-A, for Pleasant Street, Fitchburg Street and Hudson Street, was included in the Agenda packet. Speeds in the area are indicated as 20mph, 30mph and 35 mph (as shown on Tim Collin's diagram).

Tom Cullen was also concerned about the Rail Trail crossing. Boston Scientific was supposed to have taken care of this. The proposed crossing system was similar to what is in place where the Rail Trail crosses Washington Street in Hudson. He explained in his e-mail to a local resident, "The flashing yellow beacon (advance signals and at the crosswalk) are triggered by motion on the rail trail (walkers or bikers). When triggered the advance flashing yellow light begins." There was also some discussion about a stop light at the pedestrian crossing here. It appears that the state has denied this request. They would prefer a push button.

Commissioner LaFreniere said that the bigger issue at the moment is the additional speed limit signage. Tim Collins noted that a request for additional signage needs to come from the City to the State. Commissioner LaFreniere advised that he would "circle back" with Tom Cullen and pull together a follow up letter to the State. He noted that they probably have their own sign people and could turn it around quickly.

MOTION was made, seconded, duly VOTED to REFER to the DPW (Commissioner LeFreneiere) to work with Tom Cullen (former City Engineer) and the State.

2d) 2014 Meeting Schedule.

Chief Leonard included a copy of the proposed monthly meeting schedule for 2014. He noted that they are not always on the last Tuesday of the month anymore. He was trying to avoid the conflict with the Monday night City Council meetings. There are still three dates that do follow the City Council meeting but, if necessary, they can be moved from 10:00am to 11:00am.

MOTION was made, seconded, duly VOTED to APPROVE the Traffic Commission meeting schedule for 2014.

2e) Communication from Michael Oliveira, re: Price Chopper driveway on Hosmer St. traffic concerns.

Mr. Oliveira expressed concern regarding the number of accidents that have occurred at this location over the years. He also mentioned that "the telephone pole on the corner blocks view of oncoming traffic and could be a major factor of the problem". He was questioning if the City has noticed this problem and looked into any solutions. Chief Leonard advised that it is very difficult to get a telephone pole moved. He also said that he is aware of a couple of accidents here that were actually due to alcohol and occurred at night. He does, however, agree that the site distance here is tough with the curve in the road and it is complicated by the pole and the speed on the hill. Chief Leonard has spoken to the resident and advised that he would try to hit Hosmer Street with speed enforcement.

Commissioner LaFreniere also agreed that this is a very busy area and said that he would be happy to take a closer look at it. It is his recollection that there are a lot of wires connected to this pole, which complicates the issue.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement and to Commissioner LaFreniere for further review.

Chief Leonard Requested a Suspension of Rules to discuss an additional item not on the agenda. All in favor.

Oversize vehicles attempting to take right turn onto Pleasant Street from Fitchburg St.

Officer Taylor brought this issue to the attention of the Traffic Commission. He asked if it was possible for the City to restrict oversized commercial vehicles from attempting to make the right turn onto Pleasant Street from Fitchburg Street. He has witnessed buses having trouble making this turn on several occasions. He specifically noted a bus that got caught on a snowbank which tied up traffic in all directions. He said that this “is concerning because ambulances coming from parts of Hudson use that as a way to the hospital.” The problem appears to be that they are attempting to make a turn “that is too sharp for them to navigate.”

Commissioner LaFreniere said that the Right of Way here may allow for the area to be “busted out a bit” to accommodate larger vehicles. There is a good portion of land on the Pleasant Street layout that may allow it to be changed from a “T” intersection to a larger turn around area. He said that more likely than not, this would require a capital expense.

Chief Leonard said that he thinks the Traffic Commission has talked about a commercial vehicle exclusion in this area before.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for a preliminary review of the intersection and an estimate of the cost.

3-Old Business

3e) Whitcomb School parking lot – One-Way and No Parking

Chief Leonard revised the description on the regulation as amended and approved at the last meeting.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to forward the amended regulation to City Clerk Lisa Thomas for advertisement.

3f) Request for a crosswalk on Hudson St. at Windmill Dr.

Tim Collins advised that he thinks that Josh, from their office, was working on this issue. He said that a sidewalk would need to be constructed here first. It appears that there was evidence of a sidewalk at one time but it is now buried with snow and debris.

MOTION was made, seconded, duly VOTED to leave this item on the Agenda until the Traffic Commission is presented with a formal recommendation from Engineering.

3g) Request from Councilor Landers to look at speeding and signage on Thomas Drive.

Tim Collins passed out a map of the roadway which included notations on the length of the road and average distance between the houses. These are two of the criteria used to consider an area “thickly settled.” He also included an overview of portions of MA Speed Laws Chapter 90, section 17 and 18. In order to be considered a “thickly settled” area, houses must average less than 200 feet apart for ¼ mile. Tim Collins determined that the houses on Thomas Drive average 100 feet apart, however, the road is only .20 miles in length. As such, the road cannot be posted as “thickly settled”.

Commissioner LaFreniere said that the speed limit here is 30mph and the City could post advisory signage. Chief Leonard said that if the speed is posted a driver can be ticketed for “unreasonable speed” right away. If the speed is NOT posted the driver must travel at the “unreasonable speed” for a certain distance before he can be ticketed. For example, “Exceeding 30mph for 1/8 mile in a “thickly settled” area” would be considered “prima facie evidence of unreasonable speed.”

Tim Collins advised that this type of advisory sign would be a yellow diamond with black letters.

MOTION was made, seconded, duly VOTED to REFER to the DPW for implementation of advisory signage.

3d) Traffic Commission rules and regulations update.

Tim Collins advised that he is still working on the best way to advertise all the revisions. He is currently in the process of compiling a document that would be sorted by type of regulation rather than by street name. He noted that it may be necessary to have a public hearing to review the document.

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

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3c) Stop signs on Bigelow Street.

MOTION was made, seconded, duly VOTED:

To TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:10 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, February 25, 2014 (Including City of Marlborough Meeting Posting.
- E-mail from Michael Oliveira to Chief Leonard, dated 2/5/14, Re: Car Accidents on Price Chopper Side Street.
- Copy of handwritten letter from Clayton Whitney to Chief Leonard, re: traffic concerns at 307 Bolton Street.
- Copy of an e-mail from the City Council to Chief Leonard (originating from Stephen Richardson), dated 12/28/13, re: Resident request for sidewalk on Wayside Road.
- E-mail chain from Tom Cullen to Chief Leonard, dated 12/24/13, re: Crowley Drive / Fitchburg Street Concerns.
- E-mail from Tim Collins to Traffic Commission Members, dated 1/23/14, re: Thomas Drive – Thickly Settled (including map and summary of Massachusetts Speed Limit Laws, Chapter 90, Section 17 & 18)
- Traffic Commission Meeting Schedule for 2014.
- Emergency Preamble and amended regulation for “No Stopping, Standing or Parking” signage for Whitcomb School Parking Lot.
- Emergency Preamble and amended regulation for “Do Not Enter Streets” at Whitcomb School Parking Lot.
- Revised regulation for “Yield Intersections”.

Additional Handouts

- Diagram of Pleasant St. Fitchburg St. & West Hill Road with speed limits indicated.
- E-mail from Officer Scott Taylor to Chief Leonard, dated 2/14/14, re: Traffic Commission Request (Oversize vehicles attempting to take right turn onto Pleasant Street from Fitchburg St.)

Marlborough Community Development Authority

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

SPECIAL MEETING MINUTES

2014 MAR 27 A 9:59

**Monday, March 17, 2014, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room**

Members Present: Mayor Vigeant, Eric Asman, Sally Swartz, Brian Doheny, Lynn Faust, Steve Vigeant

Also Present: Anne Marie Blake, Beverly Sleeper

Absent: Joyce Torelli, Steve Leduc

Meeting opened at 8:30 by Chairman

Mayor Vigeant discussed the purpose of the meeting being to consider the one proposal presented for the purchase of 16 Clinton. A discussion followed about the manner in which the property was to be sold. A motion by Steve Vigeant and seconded by Lynn Faust to reject the received bid was approved by the Board.

Bev explained that the due date could not be extended and we would have to go back out to bid. A motion by Steve V. and seconded by Lynn to re-issue the RFP with changes in the LMS listing to list the Mayor's Assistant, Mike Berry, as the contact person and to have a new bid due date 60 days from Central Register notice was approved.

A motion by Steve and seconded by Lynn to set the sale price the value determined by the City Assessor as the more reasonable value (Assessor vs. Appraisal).

The Mayor suggested holding a pre-proposal conference. Mike is to arrange for 2 weeks from now.

Meeting adjourned at 8:50.

Respectfully submitted, Anne Marie Blake

Marlborough Community Development Authority

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

2014 MAR 31 P 12: 25

**Thursday, March 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, Steve Vigeant

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

Meeting opened at 8:30 by Chairman Vigeant
Minutes of January and February and March Special Meeting approved.
Housing and CDA bills payable approved.

Committee Reports:

Winter St. Property: on a motion by Steve Leduc and seconded by Steve Vigeant the Board voted to table the discussion on the Winter St. property.

Clinton St. property: The Board voted to reject the sole bid for the sale of Clinton St as being too low and are going back out to bid. The Mayor's assistant will handle the bidding with Bev Sleeper and will arrange to have a pre-bid conference with prospective bidders.

Housing Director's Report:

The Housing Director discussed the increase in water usage in all three properties. A short discussion followed about the reasons for same. The director will look into the issue for explanations. The existing budget will be short about \$12k and it will be necessary to use emergency funds for the remainder of the fiscal year.

Section 8 Terminations: There are two additional hearings scheduled for section 8 terminations. There is a pending law suit based on the previous decision of the hearing officer.

Section 8 Audit: The city audit is complete and there were no findings. Steve V. would like to see a checklist of the items that were reviewed and the full audit.

Capital projects: The courtyard project construction should resume in April.

Bolton St. Parking Project: The Marlborough Conservation Commission has issues with the water retention and drainage systems proposed for the project and the fact that a drainage pipe is going under the retaining wall. Public Works is looking into both issues. The Conservation Commission is meeting on April 3rd to take up this issue again.

Main St. canopy: Drafting a scope of work for the Main St. canopy is underway.

NSTAR projects: Bolton St. has received new insulation and Pleasant St. has received new interior and exterior lights.

CDA Board Minutes – March 27, 2014

Page Two

HVAC: The MCDA has been awarded funds for the installation of 25-30 more advanced HVAC systems at Bolton St. This award is from ABCD a non-profit organization that also helped fund the new boilers at Pleasant Street. The Board voted to have Mr. Bushman to pursue this project.

The East hallways for all floors at 240 Main St. have been painted by the Middlesex Sherriff's office prisoner work release program. This painting saved the CDA well over \$12,000. Mr. Bushman and the Board expressed their thanks and authorized Mr. Bushman to send the Sheriff a thank you letter.

The Board also expressed their thanks to the Marlborough Target Store who send over volunteer employees to help the MCDA paint the alcoves of the basements at Pleasant St. on March 4th. They also hosted a lunch for the seniors at the Pleasant St. Community room.

DHCD HLAPP Grant: DHCD has issued another round for the High Leverage Asset Preservation Program grant and the application is due April 1. The match for the grant if we get it will come from bond funds which is the same approach used when we submitted the Round 1 grant in 2013. On a motion by Steve V. and seconded by Joyce T. the Board approved submitting the grant applications for the 689 and 667 housing programs which indicates that the MCDA will borrow for the matching funds.

The Section 8 Empowerment Program coordinator, Deborah Noble resigned her position. The Housing Director has asked their CPA to review the balance in the grant which must be completed by June 30. Lynn suggested getting some help from the CDC.

The Housing Director's Report was accepted.

Financial Manager's Report:

Housing Rehab: A new emergency roof project has been approved but the Notice to Proceed for the rehab inspector is pending finalization of the Hudson housing case.

In reviewing files, Anne Marie has discovered that when the old Sign and Façade programs were done, UCC filings were placed on businesses. They have now expired and require discharging. Anne Marie asked for help in trying to complete this project. On a motion by Steve and seconded by Lynn, the Board voted to table this project but to place a reminder on next month's agenda to discuss further.

Housing Rehab files: A review of the housing rehab files by Breezeway Farm Consulting and Anne Marie has found that the accounts receivables need to be adjusted by approximate \$132k. Anne Marie asked for help to complete a final review before asking for a vote of the Board. Diane Smith volunteered to meet with Anne Marie and review the adjustments.

The Board received a copy of the bi-annual subsidized housing inventory with updates. The Board approved the SHI as submitted and approved submittal to DHCD.

The Financial Manager's report was accepted.

Respectfully submitted, Anne Marie Blake

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes -

March 6, 2014 (Thursday)

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

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2014 MAR 28 A 10:56

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

Absent: Edward Clancy-Chairman,

Approval of Minutes: The following minutes were unanimously approved January 23, 2014 & February 20, 2014

Public Hearings:

Request for Determination of Applicability

413 Lakeside Ave. (Shell Gas Station) - Motiva Enterprise LLC,

Jim Smith from Sovereign Consulting Inc. was present and represented the owner. He explained that this site has a history associated with the petroleum release cleanup which stated in 2007. He provided a brief summary of the past cleanup process. 6 recovery wells were installed initially to remove the impacted groundwater which was hauled off site. Then they changed the system to treat and reinject the treated water into some injection wells to help with speeding up the cleaning process. Initially they were processing 2,000 gallons per day. However, the reinjection wells began getting clogged when the naturally occurring iron was oxidized in this process and the injection wells efficiency decreased. They tried to open the wells and rejuvenate them with little success. The system has been down for the past two years, and they would like to finish the cleanup. The proposal on the table now is to extract, treat through the three carbon filter systems and then discharge into the sewer line on site. They will need to get a sewer discharge permit from the DPW and will be required to monitor and evaluate the discharge on a regular basis. Limits will be set as to what can be discharged etc. Monitoring will be done at the wells and between the treatment systems to ensure that only clean water is discharged. The Commission asked what impact, if any, the groundwater extraction would have on the adjacent wetland. Mr. Smith said they had not had any problems with the groundwater table in the times he has been there. The Commission wondered if a discharge limit of 2,000 gal per day could be set to be sure this doesn't affect the groundwater levels and wetland. Mr. White wanted to be sure a DPW discharge permit was obtained before any work was done. Mr. Demers questioned why "clean" treated water would be directed to the sewer and not the storm drain. In all cases he's worked on groundwater and was NOT permitted to be discharged to the sewer. After much discussion about the treatment system and trace levels of contaminants that remain in the ground and where it could be discharged and any impacts to the wetland. The Commission with the applicants consent continued the hearing to the March 20th meeting in order for Ms. Ryder to get feedback from the DPW Sewer division to determine why/whether the treated discharge could go to the storm drain and if not, then what controls/conditions must be added to protect the sewer discharge (if needed).

Notice of Intent (Continued to March 20th)

93 Framingham Rd. - Melanson Development Group Inc.

At the applicants request this item was continued to the March 20th meeting to allow time to make some changes to the plan.

Notice of Intent (Continued to March 20th)

397 Bolton Street - The Marlborough Community Development Authority

At the applicants request this item was continued to the March 20th meeting to allow time to make some changes to the plan.

Discussion:

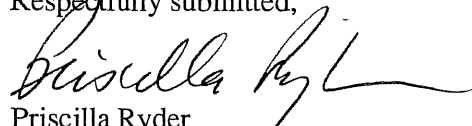
- Preserves at Ames – Wetland Restoration Plan for violation area
Ryan Bianchetto from Allen and Major was present and reviewed the plan submitted showing the wetland replication area intended to resolve the wetland disturbance violation. He reviewed the planting plan and placement. A portion of the replication area shown will be part of the final replication for the Preserve at Ames project. There was some discussion about whether the entire replication area can be constructed at this time with a conclusion that the replication for the violation MUST be done in April and the rest can follow with the larger development. The Commission noted that the buffer zone should be marked in field with permanent markers. After some discussion the Commission voted unanimously 5-0 to approve the plans as presented and to have Ms. Ryder send a letter which emphasizes the steps needed for the replications, site visits etc. and includes the requirement for the installation of the buffer zone markers.
- Community Garden update- Ms. Ryder explained that the Community Garden sign up occurred on February 26th and the garden is fully subscribed with a few people on the waiting list. Everyone still needs to pay up, so that deadline is March 14th. She also noted that a man had approached her to find out if he could keep several 2-5 bee hives at the site (away from the garden) for his own use. He is not a commercial grower, just doing it as a hobby. The Commission in general had no objections, but requested that Ms. Ryder find out how other Community gardens handle such a request and if it is something that can/should be done and any precautions to take.

Correspondence/Other Business:

Meetings: Next Conservation Commission meetings - March 20th and April 3, 2014 (Thursdays)

Adjournment: There being no further business, the meeting was adjourned at 8:30 PM.

Respectfully submitted,



Priscilla Ryder
Conservation officer

MINUTES OF THE LICENSE BOARD MEETING HELD FEBRUARY 26, 2014

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2014 APR -2 P 3: 14

There was a regular monthly meeting of the License Board held on Wednesday, February 26, 2014 at 7:30 pm, City Hall, 3rd floor, Memorial Hall.

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

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

NEW BUSINESS:

- 1: MASONIC CORP – CATERING BY TASTY HOME COOKING — **4** - ALL ALCOHOL ONE DAY PERMITS

Ed Walsh presented **4** ALL alcohol one day permit applications. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 2: IC SCHOOL – PARENTS ASSOCIATION – 1 ONE DAY – BEER/WINE

Heather Short present for IC School Parents Association. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 3: AMERICAN CANCER SOCIETY – 2 – ONE DAY ALL ALCOHOL PERMITS

Nicholas Huertas present for the American Cancer Society. This will be a bike ride event starting and ending at the Hillside School. The two permits are for a kick-off event, and the day of the event. We had the same event last year and it was a great success. Motion made to approve by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

- 4: ST. MATTHIAS CHURCH – 1- ONE DAY BEER/WINE PERMIT

Parish St. Patrick's dinner. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

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- 5: DISCUSS: WESTENDER BAR ON OUTDOOR PATIO -
493 BOSTON POST ROAD – WEST

Matt LeDuc owner of Westender Restaurant: I had previously been approved for an outdoor patio; would now like to add a bar with up to 21 seats. He also discussed expanding his entertainment license to include stereo/TV with low sound just for light background on the patio. Motion made to schedule a public hearing to discuss both matters at the next monthly meeting scheduled for Wednesday, March 26th. Notifying abutters for their input. Motion carried 3-0

- 6: DISCUSS ISSUE W/SULLY'S

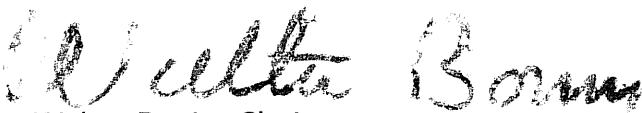
Issue corrected. No discussion required.

OLD BUSINESS:

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

MOTION MADE TO ADJOURN: 8:30 PM

Respectfully submitted,



Walter Bonin, Chairman

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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Call to Order

March 10, 2014 A 10: 29

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

Also in attendance was Board Secretary Melissa Irish, Assistant City Engineer Timothy Collins & Assistant Civil Engineer Mark Dascoli

1. Meeting Minutes:

A. Regular Meeting February 10, 2014

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the minutes of the February 10, 2014 meeting as presented. Motion carried with Mr. Hodge abstaining.

B. Regular Meeting February 24, 2014

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to table the minutes of the February 24, 2014 meeting. Motion carried with Mr. Hodge abstaining.

2. Chair's Business:

A. Discussion Regarding Collection Bins

Chairperson Fenby supplied an updated listing of collection bins to all members. There were several additions to the new list. There are 3 bins that still needed to be verified as to placement. Ms. Hughes and Chairperson Fenby will be making the verifications by sight before the next meeting.

Both Mr. Fay & Ms. Hughes questioned what the process would be if an owner wants a bin removed from their property and the owning company is unwilling to remove it or unresponsive to the owner would the City then step in and remove it? If so what would be done with it? Could it be sold off as scrap metal or recycled?

The City Council will be made aware of the concerns as they have been discussed this evening.

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant City Engineer Timothy Collins reported out to the Board the issue of the Sterling Woods request from Ansari Builders has been looked into. Mr. Collins read his letter to the proponent into the record, the letter will be sent officially to the Board for the next agenda.

The LaCombe Street subdivision is working toward completion and acceptance. There should be movement on that soon.

Mr. Steve Poole was in touch with the Engineering Department regarding the Berlin Farms Subdivision he is working on As-Builts for Mr. Freeman as soon as Mr. Freeman has cleared some issues with the Engineer of record they will be submitted for acceptance. There is movement on this subdivision as well.

B. Walker Brook Estates (March 11, 2014) Request for Extension

Ms. Hughes read into the record the request for extension as submitted by Mr. Bruce Saluk Engineer of Record for the project. The request for extension was until March, 25, 2014.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the request for extension until March 25, 2014. Motion carried.

C. Hudson Street Crossing (April 8, 2014) Discussion if necessary

Solicitor Rider informed the Board via Secretary Irish that he is currently working with the proponents Legal Counsel regarding the proposed subdivision. Mr. Collins also noted that the proponent is currently going through the Conservation Commission as well.

D. ANR Decision 136/162 Farm Road (March 17, 2014) Decision

Mr. Collins read the Engineering favorable recommendation into the record.

On a motion made Mr. Fay, seconded by Mr. Coveney it was voted to accept and endorse the plan of land believed to be Approval Not Required 136 Farm Road., Owned by Community Resources for Justice, 136 Farm Rd., Marlborough, MA 01752 Engineer of Record Finlay Engineering Services, 625 Chandler St, Worcester, MA. Date of Submission February 24, 2014. Motion carried with Mr. Hodge abstaining.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Communication between First Church & Code Enforcement Officer

Ms. Hughes read the 2 communications into the record.

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

On a motion made by Mr. DuPont, seconded by Mr. Coveney it was voted to table the discussion until the entire Board is present and discussions between the Church and the Board can be agreed upon. Motion carried.

9. Unfinished Business: None

10. Informal Discussions: None

11. Correspondence:

A. CPTC Annual Conference (March 15, 2014)

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

12. Public Notices of other Cities and Towns:

- A. Town of Framingham, Planning Board, Public Hearing March 6, 2014**
- B. Town of Framingham, Planning Board, Public Hearing March 13, 2014**
- C. Town of Framingham, Planning Board Public Hearing March 13, 2014**
- D. Town of Framingham, Planning Board, Public Hearing March 20, 2014**
- E. Town of Framingham, Planning Board, Notice of Decision**
- F. Town of Sudbury, Planning Board, Public Hearing March 12, 2014**
- G. Town of Sudbury, Board of Appeals, Notice of Decision**
- H. Town of Sudbury, Board of Appeals, Notice of Decision**

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

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Coveney it was voted to adjourn at 7:41pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

City of Marlborough

Legal Department

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2014 APR -2 A 9 36

To Whom It May Concern:

Attached you will find a copy of the first letter I sent to you in regards to my medical bills for a fall that I suffered on Main Street on 2.15.14. You will also find a copy of the bill from Marlborough Hospital for my portion of the ER visit.

As of today 3.31.14 I still have not received any bills from the New England Hand Specialists office in regards to Dr Michael Burnelli's charges for my treatments. Once I receive them I will forward them along.

If you have any questions please do not hesitate to contact me.

Sincerely,

Irene Richardson

774-245-1004

CC: Legal
ID 3