

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY -1 P 1:55

1. Minutes of the City Council Meeting, April 28, 2014.
2. PUBLIC HEARING On the 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., Order No. 14-1005760.
3. Communication from the Mayor re: (See. Click. & Fix. & Marlborough Works).
4. Communication from the Mayor re: Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane, and Those Certain Sewer Easements Located on Farrington Lane.
5. Communication from the Mayor re: FY2015 Budget Proposal. (You may view the 2015 Proposed Budget in the City Clerk's Office).
6. Communication from the City Solicitor Rider re: Proposed Zoning Ordinance, Medical Marijuana Treatment Centers, Order No. 13/14-1005247D.
7. Communication from the Assistant City Solicitor Panagore-Griffin re: Special Permit, VNG Co., 413 Lakeside Ave., in proper legal form, Order No.13/14-1005581D.
8. Communication from the Attorney Rowe re: Special Permit Conditions for VNG Co., 413 Lakeside Ave., Order No.13/14-1005581D.
9. Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd.
10. Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd.
11. Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd.
12. Minutes, Planning Board, April 7, 2014.
13. Communication from Hanover Insurance Group, on behalf of Daniel Byron, 134 Bracken Drive.
14. CLAIMS:
 - A. Erica Connolly, 630 Stevens St., other property damage and/or personal injury
 - B. Scott Duane, 524 Hemenway St., pothole or other road defect claim

REPORTS OF COMMITTEES:

15. That the City Council support a request from the Marlborough Public Library Board of Trustees to apply for, receive, and expend grant funds to be awarded by the Massachusetts Board of Library Commissioners for the purposes of a feasibility and planning study for the renovation or new construction of a public library facility.....Submitted by Councilor Ossing

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

UNFINISHED BUSINESS:

From Urban Affairs Committee

16. **Order No. 13/14-1005581D** - Application for Special Permit by Bohler Engineering on behalf of VNG Co. to construct a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping to the existing Shell Station located at 413 Lakeside Avenue.

Motion made by Councilor Landers, seconded by Chair, to refer to the full City Council without a recommendation. Adopted 4-0. Clancy absent

Motion made by Councilor Tunnera, seconded by the Chair, to request a suspension of the rules at the April 28, 2014 City Council meeting to refer to the Assistant City Solicitor to place in proper legal form. Adopted 4-0. Clancy absent

From Personnel Committee

17. **Order No. 14-1005741** - The appointment of Karin Jost-Paquin to the Conservation Commission for a three year term to expire from the date of approval. Recommendation of the Personnel Committee is to approve Karin Jost-Paquin to the Conservation Commission, 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Karin Jost-Paquin to the Conservation Commission. Carries 3-0.

18. **Order No. 14-1005704** - The appointments to the Conservation Commission for the following with noted expiration terms: Alan White, March 6, 2017; David Williams, March 2, 2015; and Dennis Demers, March 2, 2015. Recommendation of the Personnel Committee is to approve Alan White, David Williams, and Dennis Demers to the Conservation Commission, 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Alan White, David Williams, and Dennis Demers to the Conservation Commission. Carries 3-0. [Note: Clancy, Skarin, Roy unable to attend and remain in committee.]

19. **Order No. 14-1005738** - That the following Zoning Board of Appeals Appointments:
- Paul Giunta as a regular member for a term to expire five years from date of approval.
 - Theodore Scott as a regular member for a term to expire five years from date of approval.
 - Ralph Lotfin will serve the balance of the unexpired term of Robert Page which will expire on May 5, 2017:

Recommendation of the Personnel Committee is to approve Paul Giunta as a regular member of the Zoning Board of Appeals, 2-0 (Elder opposed) to approve Theodore Scott as a regular member of the Zoning Board of Appeals, 3-0; and to approve Ralph Lotfin as a regular member of the Zoning Board of Appeals, 3-0.

Motion made by Councilor Irish, seconded by the Chair, to approve Paul Giunta as a regular member of the Zoning Board of Appeals. Carries 2-0 (Elder opposed).

Motion made by Councilor Irish, seconded by the Chair, to approve Theodore Scott as a regular member of the Zoning Board of Appeals. Carries 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Ralph Lotfin as a regular member of the Zoning Board of Appeals. Carries 3-0.

20. **Order No. 14-1005739-** The appointment of Connie Mish to the Youth Commission for a three year term to expire from the date of approval. Recommendation of the Personnel Committee is to approve Connie Mish to the Youth Commission, 3-0.
Motion made by Councilor Elder, seconded by the Chair, to approve Connie Mish as a member of the Youth Commission. Carries 3-0.
21. **Order No. 14-1005740 -** The reappointment of Elizabeth Evangelous to the Board of Registrars for a two year term to expire on April 1, 2016. Recommendation of the Personnel Committee is to approve Elizabeth Evangelous to the Board of Registrars, 3-0.
Motion made by Councilor Elder, seconded by the Chair, to approve Elizabeth Evangelous to the Board of Registrars. Carries 3-0.

From City Council

22. **Order No. 14-1005649A -** Bi-Directional/Uni Directional Antenna Specifications Ordinance. **Recommendation of the City Council is to order advertisement and place on the City Council agenda for May 5, 2014.** (Legal Notice was advertised on April 18, 2014.)
23. **Order No.14-1005690A -** Assessors' Ordinance. **Recommendation of the City Council is to order advertisement and place on the City Council agenda for May 5, 2014.** (Legal Notice was advertised on April 18, 2014.)
24. **Order No. 14-1005691C –** Comptroller/Treasurer's Ordinance. **Recommendation of the City Council is to order advertisement and place on the City Council agenda for May 5, 2014.** (Legal Notice was advertised on April 18, 2014.)
25. **Order No. 14-1005691D –** DPW Commissioner's Ordinance. **Recommendation of the City Council is to order advertisement and place on the City Council agenda for May 5, 2014.** (Legal Notice was advertised on April 18, 2014.)



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

APRIL 28, 2014

Regular meeting of the City Council held on Monday, APRIL 28, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, and Landers. Absent: Clancy. Meeting adjourned at 8:48 PM.

ORDERED: That the minutes of the City Council meeting APRIL 7, 2014, **FILE**; adopted.

ORDERED: It is moved, in conformance with the provision of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy on a sewer contract dispute involving a property on St. Martin Drive, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session, **APPROVED**; adopted.

Yea: 10- Nay: 0

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

Absent: Clancy

ORDERED: That the Comptroller's Office transfer request in the amount of \$295,000.00 which moves funds from Salary & Benefits Reserve to Medicare Ins.-School, Medicare Ins.-City and Workers Comp. Ins. for the purpose of covering anticipated expenses linked to cost of living or step increases in salary, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
DEPT:		Comptroller				FISCAL YEAR:		FY 2014		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$521,561.00	\$35,000.00	11990006	57820	Reserve for S. & Ben.	\$35,000.00	13100003	51753	Medicare Ins - School	\$119,651.10	
	Reason:	Money available for transfer				Money needed to pay medicare insurance				
\$521,561.00	\$125,000.00	11990006	57820	Reserve for Salaries & Ben.	\$125,000.00	11980006	51752	Medicare Ins - City	\$14,812.11	
	Reason:	Money available for transfer				Money needed to pay medicare insurance				
\$521,561.00	\$135,000.00	11990006	57820	Reserve for Salaries & Ben.	\$135,000.00	11960006	51710	Workers Comp. Ins.	\$388,851.59	
	Reason:	Money available for transfer				Money needed to pay estimated claims				
	\$295,000.00	Total			\$295,000.00	Total				

ORDERED: That the DPW transfer requests in the amounts of \$30,000.00 and \$22,000.00 which moves funds from and to various accounts noted on the attached spreadsheets to fund OT costs for the purpose of flushing valves and hydrants and funding major repairs to a street sweeper, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: Department of Public Works					FISCAL YEAR: 2014				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$27,388.12	\$25,000	60081006	52464	Rep./Maint. Easterly Plant	\$25,000	61090003	51310	Water Overtime-Reg.	\$25,829
Reason: Money available from East Plant Budget to transfer to Water Overtime Account.					No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14				
\$8,213.11	\$5,000	60081006	52420	Rep./Maint. Machinery	\$ 5,000.00	61090003	51310	Water Overtime-Reg.	\$25,829
Reason: Money available from East Plant Budget to transfer to Water Overtime Account.					No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14.				
	\$30,000	Total			\$30,000	Total			
CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT: Department of Public Works					FISCAL YEAR: 2014				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$100,076	\$22,000	14001406	54830	Fuel and Lubricants	\$22,000	14001406	54810	Rep/Maintenance Sup.-Veh.	\$4,752
Reason: Surplus anticipated due to fluxuating fuel cost this fiscal year					Anticipated cost for major repairs associated with sweeper #19				
	\$22,000	Total			\$22,000	Total			

ORDERED: That the Gift Acceptance in the amount of \$30,000.00 from Atlantic Management pertinent to "Simarano Drive All Access Road Project", refer to **FINANCE COMMITTEE**, adopted.

ORDERED: That the Grant Acceptance in the amount of \$1,525.00 from Emergency Management for the reimbursement of a new radio and antenna for their mobilization unit, **APPROVED**; adopted.

ORDERED: That \$6,000,000.00 is appropriated for the purpose of financing the construction of improvements to the Millham Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) is authorized to borrow \$6,000,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Mayor [and the (Auditor, Finance Committee or other appropriate local body or official)] is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

RESOLUTION

WHEREAS, the City Council of the City of Marlborough strongly supports increased economic development to provide additional jobs for qualified residents of the City and the Marlborough- Framingham Regional Economic Target Area ("ETA"), which shall enhance the commercial and industrial activity within the City, and to promote and develop a healthy economy and stronger tax base; and

WHEREAS, the City of Marlborough is a part of the regional ETA; and

WHEREAS, the City Council of the City of Marlborough supports and endorses the economic development goals for the ETA; and

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 26, Parcel 9 on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough desires that the area be designated as the 200 Donald J. Lynch Boulevard Economic Opportunity Area; and

WHEREAS, the City Council of the City of Marlborough finds that the 200 Donald J. Lynch Boulevard Economic Opportunity Area meets the regulatory criteria defined as a "decadent area"; and

WHEREAS, the City Council of the City of Marlborough finds that the 200 Donald J. Lynch Boulevard Economic Opportunity Area meets the local criteria and economic development goals set forth in the original Economic Target Area application; and

WHEREAS; the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the 200 Donald J. Lynch Boulevard Economic Opportunity Area application; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation within the 200 Donald J. Lynch Boulevard Economic Opportunity Area in the City' of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby approves the 200 Donald J. Lynch Boulevard Economic Opportunity Area ("EOA") and authorizes the submission of the 200 Donald J. Lynch Boulevard EOA application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council, said EOA to be comprised by Map 26, Parcel 9 on the Marlborough Assessor's Map; and
2. The City Council of the City of Marlborough hereby adopts the tax increment financing plan and authorizes the submission of a tax increment financing plan (attached hereto as Exhibit 2) to the Massachusetts Economic Assistance Coordinating Council; and
3. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing and the submission of the tax increment financing agreement (attached hereto as Exhibit 3) to the Massachusetts Economic Assistance Coordinating Council; and
4. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve SanDisk Corporation's designation as an EDIP-certified project (attached hereto as Exhibit 4); and further, that:
 - a. The project, as proposed, is consistent with and can reasonably be expected to benefit significantly from inclusion in the 200 Donald J. Lynch Boulevard EOA;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities servicing the 200 Donald J. Lynch Boulevard EOA;
 - c. The project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the Marlborough-Framingham Regional ETA; and
 - d. The City Council approves SanDisk Corporation's request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP-certified project for five (5) years.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: **VETERANS' SERVICES INTERMUNICIPAL AGREEMENT**
Between the City of Marlborough and the Town of Sudbury

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury (collectively, the "Parties"), establishes the "Marlborough – Sudbury Regional Veterans District" (the "District") and is hereby entered into and is effective from 1st day of July, 2014 by and between the City of Marlborough ("Marlborough") and the Town of Sudbury ("Sudbury") in accordance with the following terms:

1. Purpose and Duties: (A) This Agreement contractually enables the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury. (B) Sudbury will provide for a part-time employee ("Agent/Administrative Assistant") to serve as administrative support for the District. Said employee will be an employee of the Town of Sudbury. (C) The Director of Veterans Services and the Agent/Administrative Assistant will develop a schedule of available hours in each community in consultation with the Town Manager of Sudbury and the Mayor of Marlborough. The Director and the Agent/Administrative Assistant will have the ability to serve all qualifying veterans and their dependents in both municipalities during their regular hours of operation regardless of whether they are working in Marlborough or in Sudbury. (D) The Agent/Administrative Assistant will work under the direction of the Director of Veterans Services and assist the office in carrying out relevant duties including but not limited to the coordination of benefits to eligible applicants, the completion of local and state compliance reports, and other duties as needed. (E) The Town of Sudbury recognizes the ability of the Director to utilize his accrued sick/vacation time which may, from time to time, coincide with his scheduled office availability in Sudbury. The Director shall inform Sudbury in advance of such occurrences and ensure adequate office coverage during such absences.
2. Term: The term of this Agreement shall be from July 1, 2014 until June 30, 2016. The Town of Sudbury and the City of Marlborough reserve the right to terminate this agreement at any time upon written notice of at least (45) business days.
3. Location and Time of Services: The Director and the Agent/ Administrative Assistant shall perform their duties in offices to be provided by both Marlborough and Sudbury.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of \$855.00 per month, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this Agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to eligible Veterans in Marlborough and Sudbury under M.G.L. c. 115 shall be paid by the respective municipality in which the eligible Veteran resides.

- 6. Insurance and Indemnification: The Parties agree that each has a minimum of \$1,000,000 of liability insurance through the Massachusetts Interlocal Insurance Association (MIIA), and that each party is covered by insurance for this joint venture as stated in the General Liability Coverage Form MGP 001.
- 7. Amendments: This Agreement may be amended or modified only by a written instrument signed by both Parties.
- 8. Notice: Until changed by notice in the manner specified above the addresses and telephone numbers of the parties to this Agreement for purposes of this Paragraph shall be:

FOR THE CITY OF MARLBOROUGH:

Arthur G. Vigeant, Mayor
 City of Marlborough
 140 Main Street
 Marlborough, MA 01752
 Telephone: (508) 460-3770

FOR TOWN OF SUDBURY:

Maureen Valente, Town Manager
 Town Of Sudbury
 278 Old Sudbury Road
 Sudbury, MA 01776
 Telephone: (978) 639-3381

- 9. This District is subject to approval by the Massachusetts Department of Veterans Services.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this ____ day of _____, 2014.

City of Marlborough:

Town of Sudbury:

Arthur G. Vigeant, Mayor

Maureen Valente, Town Manager

Refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That hiring of new City Engineer, Evan Pilachowski, **FILE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Ordinance to Section 650-17 and Section 650-5 of the Zoning Code pertinent to Medical Offices and Clinics in proper form, Order No. 14-005693B, **MOVE TO ITEM 27**; adopted.

ORDERED: That the Communication from the Planning Board re: Recommendation Pertinent to Proposed Ordinance to Section 650-17 and Section 650-5 of the Zoning Code relevant to Medical Offices and Clinics, Order No. 14-005693B, X-13/14-1005578C, **MOVE TO ITEM 27**; adopted.

ORDERED: That the Communication from Marlborough Retirement Board re: COLA increase, **FILE**; adopted.

ORDERED: That the **Public Hearing** set for May 5, 2014, on the Application for Special Permit from Mark Donahue of Fletcher Tilton 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, Order No. 14-1005761, **CONTINUED UNTIL MAY 19, 2014**; adopted.

- ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** Application for Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main St., refer to **URBAN AFFAIRS COMMITTEE**, adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License by Robert Hogle, CFO TVI, Inc. d/b/a Savers, 222A East Main St., refer to **PUBLIC SERVICES COMMITTEE**, adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Michael Komapovsky, d/b/a Aarus Art Gallery, 305 Lincoln St., refer to **PUBLIC SERVICES COMMITTEE**, adopted.
- ORDERED: That the Communication from NStar re: Notice of Filing, Public Hearing, and Procedural Conference, **FILE**; adopted.
- ORDERED: That the Communication from NStar re: Condensed Financial Return for Year End December 31, 2013, **FILE**; adopted.
- ORDERED: That the Communication from Massachusetts Water Resources Authority re: Environmental Notification Form-MWDA Wachusett Aqueduct Pumping Station, Marlborough, MA, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, February 25 and March 24, 2014, **FILE**; adopted.
- ORDERED: That the Minutes, Commission on Disabilities, December 3, 2013, **FILE**; adopted.
- ORDERED: That the Minutes, Council on Aging, March 11, 2014, **FILE**; adopted.
- ORDERED: That the Minutes, Conservation Commission, March 20, 2014, **FILE**; adopted.
- ORDERED: That the Minutes, Board of Assessors, February 20, 2014, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Luana DiSarra Scavone, 524 Hemenway St., residential mailbox claim 2(b)
 - B. Andrew Tivnan Jr., 274 Wilson St., residential mailbox claim 2(a)
 - C. Alton Bradshaw Jr., 66 Farrington Lane, residential mailbox claim 2(a)
 - D. Briana Currie, 185 Main St. #9, other property damage and/or personal injury
 - E. Haruka Watanabe, 20 Beauregard Circle, other property damage and/or personal injury
 - F. Joseph Hardiman, 36 Teller St., residential mailbox claim 2(a)
 - G. Bill Poirer, 35 Windmill Dr., other property damage and/or personal injury

Reports of Committees:

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

Convened: 5:35 PM

Adjourned: 6:16 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Landers, Tunnera, and Page (Councilor Clancy Absent); Councilor Pope

Also Present: Attorney Douglas Rowe; Bill Mitchell, Director of Operations, VNG.co; John Koch, Chief Operating Officer, Nouria Energy Corporation; Tom Healey, Director Technical Services, Nouria Energy Corporation; John Lesko, NSTAR

1-27-2014 – Order No. 13/14-1005581D - Application for Special Permit by Bohler Engineering on behalf of VNG Co. to construct a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping to the existing Shell Station located at 413 Lakeside Avenue.

-PUBLIC HEARING FEBRUARY 24, 2014

-REFER TO URBAN AFFAIRS

The committee met several evenings to review of the Special Permit Conditions for the construction of a new compressed natural gas (CNG) facility with one new dispenser by Bohler Engineering on behalf of VNG.co at the existing Shell gasoline station located at 413 Lakeside Avenue. The proposed draft decision was revised with the assistance of the petitioner and the Asst. City Solicitor to clarify required changes to handicapped access into the convenience store and to define the responsibilities of the property owner insofar as compliance with the special permit. Also of particular concern was the storage and display of product on the pedestrian way or so-called cement pad in front of the convenience store.

Motion made by Councilor Landers, seconded by Chair, to refer to the full City Council without a recommendation. Adopted 4-0. Clancy absent

Motion made by Councilor Tunnera, seconded by the Chair, to request a suspension of the rules at the April 28, 2014 City Council meeting to refer to the Assistant City Solicitor to place in proper legal form. Adopted 4-0. Clancy absent

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

Adjourned at 6:16 PM.

Councilor Tunnera reported the following out of the Personnel Committee:

Convened: 6:32 PM

Adjourned: 6:54 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish, Councilor Delano

Also Present: Mayor Arthur Vigeant; Michael Berry, Mayoral Aide

Order No. 14-1005741 - The appointment of Karin Jost-Paquin to the Conservation Commission for a three year term to expire from the date of approval. Recommendation of the Personnel Committee is to approve Karin Jost-Paquin to the Conservation Commission, 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Karin Jost-Paquin to the Conservation Commission. Carries 3-0.

Reports of Committees Cont'd:

Order No. 14-1005704: The appointments to the Conservation Commission for the following with noted expiration terms: Alan White, March 6, 2017; David Williams, March 2, 2015; and Dennis Demers, March 2, 2015. Recommendation of the Personnel Committee is to approve Alan White, David Williams, and Dennis Demers to the Conservation Commission, 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Alan White, David Williams, and Dennis Demers to the Conservation Commission. Carries 3-0. [Note: Clancy, Skarin, Roy unable to attend and remain in committee.]

Order No. 14-1005738: 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:

Recommendation of the Personnel Committee is to approve Paul Giunta as a regular member of the Zoning Board of Appeals, 2-0 (Elder opposed) to approve Theodore Scott as a regular member of the Zoning Board of Appeals, 3-0; and to approve Ralph Lotfin as a regular member of the Zoning Board of Appeals, 3-0.

Motion made by Councilor Irish, seconded by the Chair, to approve Paul Giunta as a regular member of the Zoning Board of Appeals. Carries 2-0 (Elder opposed).

Motion made by Councilor Irish, seconded by the Chair, to approve Theodore Scott as a regular member of the Zoning Board of Appeals. Carries 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Ralph Lotfin as a regular member of the Zoning Board of Appeals. Carries 3-0.

Order No. 14-1005739: The appointment of Connie Mish to the Youth Commission for a three year term to expire from the date of approval. Recommendation of the Personnel Committee is to approve Connie Mish to the Youth Commission, 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Connie Mish as a member of the Youth Commission. Carries 3-0.

Order No. 14-1005740: The reappointment of Elizabeth Evangelous to the Board of Registrars for a two year term to expire on April 1, 2016. Recommendation of the Personnel Committee is to approve Elizabeth Evangelous to the Board of Registrars, 3-0.

Motion made by Councilor Elder, seconded by the Chair, to approve Elizabeth Evangelous to the Board of Registrars. Carries 3-0.

Motion made by Councilor Elder, seconded by the Chair, to adjourn. Meeting adjourned at 6:54 PM.

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

- I. Section 650-17, entitled "Table of Uses," is hereby amended:
 - 1. by amending the business use entitled "Medical clinic," as amended, so as now to be entitled "Medical office/clinic"; and
 - 11. by regulating that business use, as amended, so as to allow medical offices and/or clinics as of right in the Business (B) district, as follows:

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

- II. Section 650-5, entitled "Definitions; word usage," is hereby amended:
 - 1. by amending the heading entitled "MEDICAL CLINIC" so as now to be entitled "MEDICAL OFFICE/CLINIC"; and
 - 11. by deleting the definition of "MEDICAL CLINIC" and inserting in place thereof the definition for "MEDICAL OFFICE/CLINIC," as follows:

MEDICAL OFFICE/CLINIC – Buildings or portions thereof used by or for licensed physicians and other licensed healthcare practitioners, with the necessary support staff, which is designed, intended or used for providing, on a less than 24-hour basis, medical services, including but not limited to urgent care for the treatment of injuries or illness, laboratory testing, x-rays, mental health services and occupational health services, but, however, not including internal surgical care, dental clinics, narcotic detoxification and/or maintenance facilities, and medical marijuana treatment centers. For any such use exceeding 5,000 square feet of space, a special permit shall be required in any district where such use is not prohibited.

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

Councilors Robey and Landers requested to be recorded in opposition.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM.



IN CITY COUNCIL

Marlborough, Mass., APRIL 7, 2014

ORDERED:

That there being no objection thereto set **MONDAY, MAY 5, 2014** as date for a **PUBLIC HEARING** on the 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., be and is herewith refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE.**

Ninety days after public hearing is 08/03/14 which falls on a Sunday, therefore 08/04/14 would be considered the 90th day.

ADOPTED

ORDER NO. 14-1005760



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 1, 2014

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

Re: See. Click. Fix. & Marlborough Works

Honorable President Pope and Councilors:

On behalf of Department of Public Works Commissioner John Ghiloni, I am pleased to inform you on an innovative new initiative recently put into action that will provide our residents a new way to interact with city government.

If you have visited our city's homepage in the last week, you may have noticed a new icon on the left hand side that says "Marlborough Works." This icon is part of a mobile application to strengthen our municipal departments' ability to improve their overall customer service delivery. This program is identical to the "Commonwealth Connect" program launched in the City of Boston along with more than thirty other cities and towns.

From potholes to graffiti, broken equipment to trash collection, this application will empower our citizens to use their phones to snap a photo and have immediate notification sent to our public works department to help address an issue they come across.

Over the coming weeks, my office will be working to spread the word about this application, its benefits, and ease of use. I wish to commend Commissioner Ghiloni for enacting this creative, customer service driven solution so early in his tenure.

Sincerely,

Arthur G. Vigeant
Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAY - 1 A 11:39



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
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Arthur G. Vigeant
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Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 1, 2014

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAY - 1 A 11:39

Re: Proposed Order Of Acceptance Of Layout Of Farrington Lane And Eminent Domain Order Of Taking Of Farrington Lane, 155 Farrington Lane, And Those Certain Sewer Easements Located On Farrington Lane


Honorable President Pope and Councilors:

Enclosed herewith, please find a proposed *Order Of Acceptance Of Layout Of Farrington Lane And Eminent Domain Order Of Taking Of Farrington Lane, 155 Farrington Lane, And Those Certain Sewer Easements Located On Farrington Lane* concerning Farrington Lane, the Farrington Lane pump station, and certain sewer easements located on Farrington Lane.

This proposal is being requested on behalf of the Department of Public Works. The taking is for the purpose of acquiring the fee interest in Farrington Lane and the pump station, and the easement interests in the sewer easements, all of which are critical to the Sudbury Street Sewer Project.

As always, please feel free to call with any questions or concerns.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
John L. Ghiloni, Commissioner



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

May 1, 2014

Arthur G. Vigeant
Mayor
City of Marlborough

RE: Proposed Order Of Acceptance Of Layout Of Farrington Lane And Eminent
Domain Order Of Taking Of Farrington Lane, 155 Farrington Lane, And Those Certain
Sewer Easements Located On Farrington Lane

Dear Mayor Vigeant:

I request that you send the attached proposed Order Of Acceptance Of Layout Of
Farrington Lane And Eminent Domain Order Of Taking Of Farrington Lane, 155 Farrington
Lane, And Those Certain Sewer Easements Located On Farrington Lane (the "proposed Order")
concerning Farrington Lane, the Farrington Lane pump station which is located at 155
Farrington Lane, and two sewer easements also located on Farrington Lane, as more fully
described within the proposed Order, to the City Council for their action.

The proposed taking is related to the Sudbury Street Sewer Project, which project
includes improvements to the sewer system, the water system, and appurtenant equipment and
structures. By the proposed taking, the City would acquire the fee interest in Farrington Lane, the
fee interest in the pump station, and two sewer easements. The proposed Order also includes the
acceptance of Farrington Lane as a public way. Because time is of the essence, the Legal
Department will request an appraisal of damages simultaneous with the placement of the
proposed Order on the City Council agenda.

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

Sincerely,

John L. Ghiloni
Commissioner

Enclosure

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

ORDERED:

**ACCEPTANCE OF LAYOUT OF FARRINGTON LANE AND EMINENT DOMAIN ORDER
OF TAKING OF FARRINGTON LANE, 155 FARRINGTON LANE, AND THOSE
CERTAIN SEWER EASEMENTS LOCATED ON FARRINGTON LANE**

WHEREAS, at a meeting of the City Council of the City of Marlborough held this ___ day of _____ 2014 it is ordered that the City Council, having determined and adjudicated that the common convenience and necessity requires that a certain existing private way known as Farrington Lane, from Sudbury Street to terminus, being laid out in the location hereinafter described and shown as Parcel 27A on Exhibit "A" hereto, and having complied with all the requirements of law relating thereto, become a public way, did on the ___ day of _____ 2014 lay out such way under provision of law and it was voted following the report of said layout, to accept such way as laid out; and at the same time,

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that the fee interest in Farrington Lane, shown as Parcel 27A on Exhibit "A" hereto, the layout of said way having been accepted by the City Council, as described herein be taken for the purposes of a public way and for the purposes of the construction, maintenance, replacement, operation, alteration, repair, removal, and improvement of the sewerage, sewer system, water system, and appurtenant structures and for the purposes of repair, maintenance, construction, and replacement of the street, curbs, sidewalks and the municipal utilities beneath the land including water, sewer, sewerage, and drain lines, and appurtenant structures and equipment located in, on, under, and through said way; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that permanent easement interests in the land shown as Sewer Easement 7 and Sewer Easement 9 on Exhibit "A" hereto and described herein, be taken for the purposes of the construction, maintenance, replacement, operation, alteration, repair, removal, and improvement of the municipal utilities, sewerage, sewer system, and appurtenant structures and equipment located in, on, under, and through said land; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that the fee interest in the parcel known and

numbered as 155 Farrington Lane, shown as Parcel 6 on Exhibit "A" hereto, including the land and the sewer pump station located thereon and described herein, be taken for the purposes of the construction, maintenance, replacement, operation, alteration, repair, removal, and improvement of the municipal utilities, sewerage, sewer system, and appurtenant structures and equipment located in, on, under, and through said land and within said sewer pump station; and

WHEREAS, the aforementioned fee interests and easement interests are necessary for the protection of the health, welfare and safety of the residents of Marlborough; and

WHEREAS, all preliminary requirements have been complied with;

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

By such order, for the aforementioned purposes we accept the layout of Farrington Lane, also known as Parcel 27A, as a public way, and we take by Eminent Domain the fee interest in said Farrington Lane, permanent easement interests in the land known as Sewer Easement 7 and Sewer Easement 9, and the fee interest in the parcel known and numbered as 155 Farrington Lane, also known as Parcel 6, including all parcels of land, buildings, trees, and other vegetation thereon, all of which interests are shown and described on Exhibit "A" attached herewith and further described on the plans accompanying this Order entitled:

- (1) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 1 of 4";
- (2) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers &

Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 2 of 4";

- (3) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 3 of 4"; and
- (4) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 4 of 4".

For title, the assumed owners of the land and interests taken herein and references to the Middlesex County South Registry of Deeds are as follows:

<u>Land and Assumed Owner</u>	<u>Middlesex Registry</u>		<u>Area (S.F.)</u>
	<u>Book</u>	<u>Page</u>	
Farrington Lane Gristmill Construction, Inc. (Paul M. Zarella & Frederick K. Heim)	15905 993 17230 1016	49 145 36 170	+/- 92,309.5
155 Farrington Lane (pump station parcel) Gristmill Construction, Inc. (Paul M. Zarella & Frederick K. Heim)	17230	36	+/- 2,000
Farrington Lane (to centerline) Eugene and Diane Balinski 51 Farrington Lane	41040	568	+/- 17,743
Farrington Lane (to centerline) Karen F. Rose 81 Farrington Lane	58043	326	+/- 24,947.5
Sewer Easement 7 at 155 Farrington Lane Gristmill Construction, Inc. (Paul M. Zarella & Frederick K. Heim)	1217	50	+/- 3,600
Sewer Easement 9 at 167 Farrington Lane Gristmill Construction, Inc. (Paul M. Zarella & Frederick K. Heim)	1298	53	+/- 5,283

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or easements and each of them

are hereby taken whether the ownership is as stated above or otherwise. We determine that[_____] damages have been sustained by the owners of the land, structures, equipment and appurtenances, therein or thereon, so taken.

ADOPTED
In City Council
Order No. 14 -
Adopted

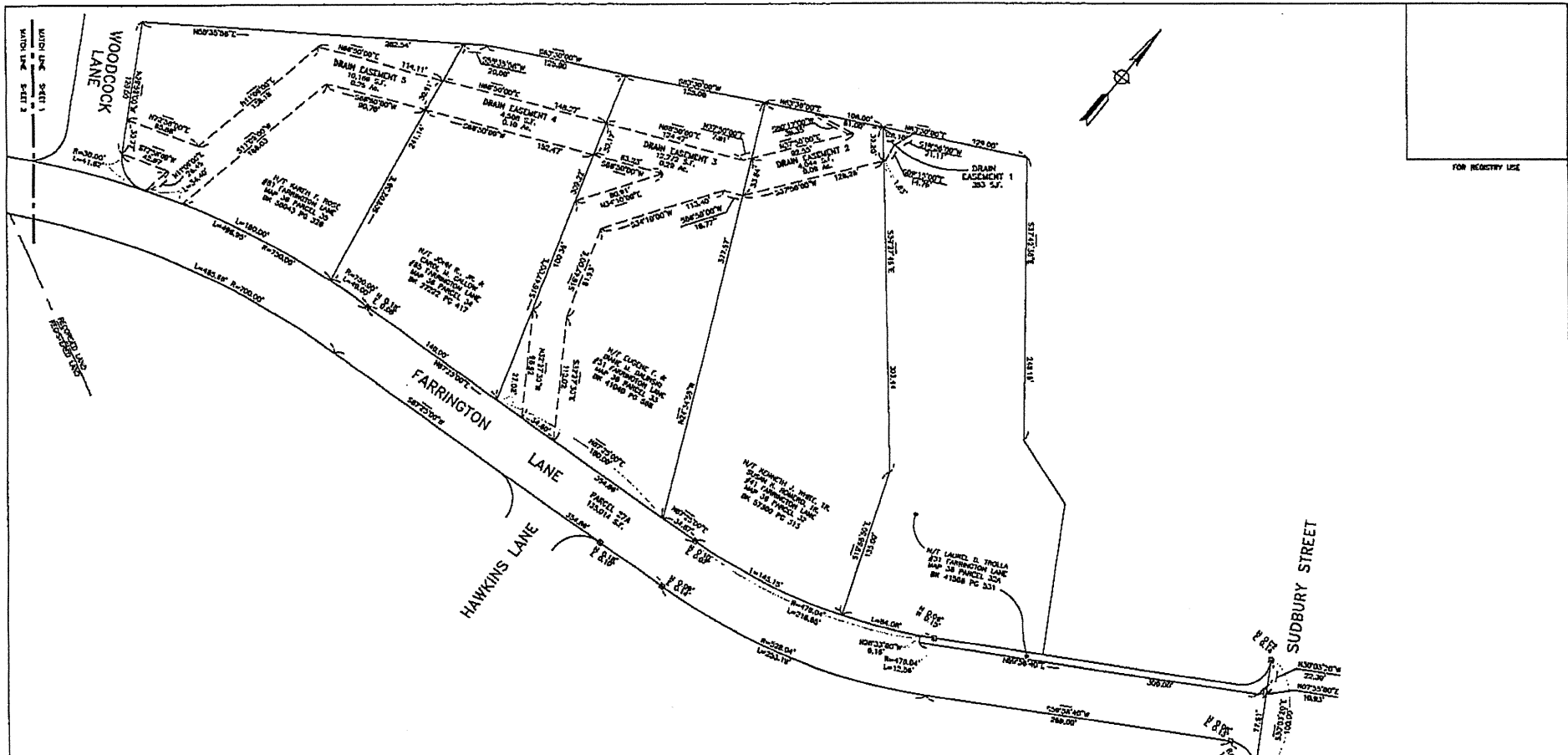
Lisa M. Thomas, Clerk of the
City Council

Approved by Mayor
Arthur G. Vigeant, Mayor
Date:

Arthur G. Vigeant, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the City



LEGEND
 □ DENOTES STONE BOUND/MARK FOUND

PARCEL NO.	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	REGENCY OF DEEDS		CITY OF MARLBOROUGH		AREA IN SQ. FT.	COUNTY
				BOOK	PAGE	MAP	PARCEL		
1	LAUREL D. TROLLA	PERMANENT EASEMENT	DRAIN EASEMENT	41008	531	36	32A	383 S.F.	MIDDLESEX
2	KENNETH J. WHITE, TR. SUEAN K. POWERS, TR.	PERMANENT EASEMENT	DRAIN EASEMENT	67308	313	36	32	4,844 S.F.	MIDDLESEX
3	N/Y/ EUGENE F. & BEANE M. DUNKER	PERMANENT EASEMENT	DRAIN EASEMENT	41040	568	38	33	12,772 S.F.	MIDDLESEX
4	N/Y/ JOHN R. JR. & CAROL M. CALLOW	PERMANENT EASEMENT	DRAIN EASEMENT	37222	417	36	34	4,308 S.F.	MIDDLESEX
5	KAREN F. ROSE	PERMANENT EASEMENT	DRAIN EASEMENT	58643	336	34	29	10,148 S.F.	MIDDLESEX
27A	CRISTMILL CONSTRUCTION, INC.	FCC	FARRINGTON ROAD ACCEPTANCE	10862	48	38	—	130,814 S.F.	MIDDLESEX
				893	145				
				17220	38				
				1018	168				

NOTES:
 1.) THE PURPOSE OF THIS PLAN (SHEETS 1-4) IS FOR A ROAD ACCEPTANCE AND SEWER AND DRAIN EASEMENT ACCEPTANCE, ONLY, AND SHALL NOT BE USED FOR CONFORMANCE OF LOTS OR EASEMENTS THAT ARE NOT PART OF THIS CITY ACCEPTANCE.
 2.) THE SURVEY SHOWN WAS PERFORMED WITHOUT BENEFIT OF TITLE, AND IS SUBJECT TO CHANGE THAT SAID TITLE MAY REVEAL.
 3.) THE EXISTING PROPERTIES SHOWN INCLUDE EASEMENTS THAT ARE NOT SHOWN. REFER TO RECORD DEEDS AND PLANS FOR LOCATIONS OF SAID EASEMENTS.

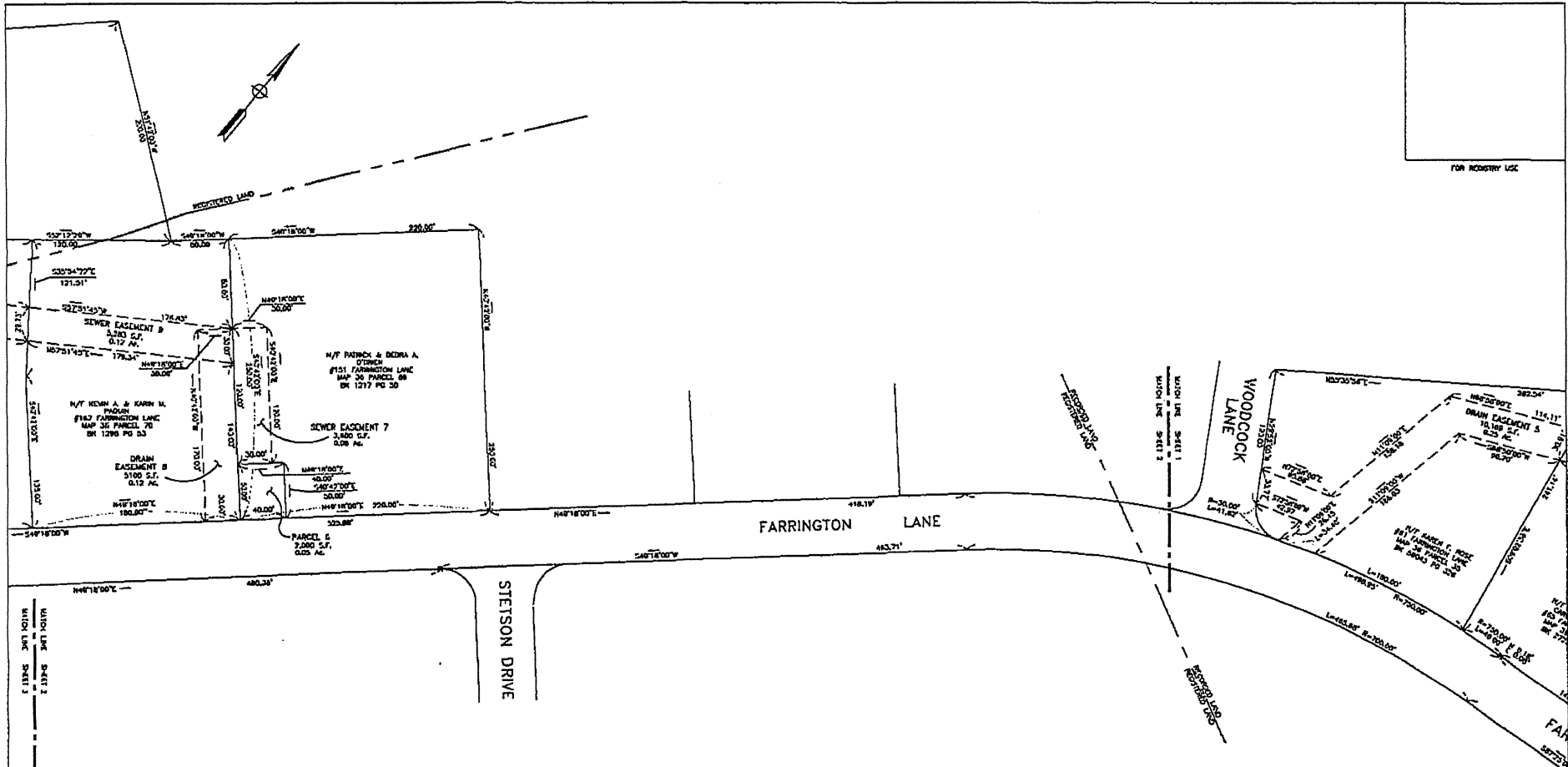
I certify that the property lines shown herein are the true rights existing ownership and the true of streets and ways shown are those of public or private streets or ways already established, and that no new ways are shown. The certification shown herein is intended to meet Registry of Deeds requirements and it not a certification to the title or ownership of the properties shown.
 I certify that this plan conforms to the rules and regulations of the Registry of Deeds of the Commonwealth of Massachusetts.

Bruce M. Saluk
 Professional Land Surveyor
 000413

ROAD ACCEPTANCE & EASEMENT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS

PREPARED FOR
CITY OF MARLBOROUGH
 OCTOBER 10, 2013
 BY
BRUCE SALUK & ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 576 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01752
 OCTOBER 10, 2013

1" = 40 FT.
 SURVEY DATE: SEPT, 2013
 CHECKED BY: JG & DMS
 DRAWN BY: PH
 APPROVED BY: BMS
 SHEET 1 OF 4
 PLS 2548252.dwg



LEGEND
 □ DENOTES STONE BOUND/DRAW FOUND

PARCEL NO.	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	REGISTRY OF DEEDS		CITY OF MARLBOROUGH		AREA IN SQ. FT.	COUNTY
				BOOK	PAGE	MAP	PARCEL		
8	ORISTHAL CONSTRUCTION, INC.	FEE	SEWER PARCEL	1720	38	38	700	3,000 S.F.	MIDDLESEX
7	PATRICK & DEBRA A. O'BRIEN	PERMANENT EASEMENT	SEWER EASEMENT	1217	50	38	88	3,800 S.F.	MIDDLESEX
8	KEVIN A. & KARRI M. PAOURI	PERMANENT EASEMENT	DRAIN EASEMENT	1788	53	38	70	3,100 S.F.	MIDDLESEX
9	KEVIN A. & KARRI M. PAOURI	PERMANENT EASEMENT	SEWER EASEMENT	1788	53	38	70	3,283 S.F.	MIDDLESEX

NOTES:
 1) THE PURPOSE OF THIS PLAN SHEETS 1-4 IS FOR A ROAD ACCEPTANCE AND SEWER AND DRAIN EASEMENT ACCEPTANCE, ONLY, AND SHALL NOT BE USED FOR CONVEYANCE OF LOTS OR EASEMENTS THAT ARE NOT PART OF THIS CITY ACCEPTANCE.
 2) THE SURVEY SHOWN WAS PERFORMED WITHOUT BENEFIT OF TITLE, AND IS SUBJECT TO CHANGE THAT THE TITLE MAY REVEAL.
 3) THE EXISTING PROPERTIES SHOWN INCLUDE EASEMENTS THAT ARE NOT SHOWN. REFER TO RECORD DEEDS AND PLANS FOR LOCATIONS OF SAID EASEMENTS.

I certify that the property lines shown herein are the lines showing existing ownership and the lines of streets and ways shown are lines of public or private streets or ways already established, and that no new lines for division of existing property or for new ways are shown. The certification shown herein is intended to meet Registry of Deeds requirements and is not a certification to the title or ownership of the properties shown.

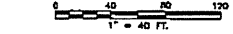
I certify that this plan conforms to the rules and regulations of the Registry of Deeds of the Commonwealth of Massachusetts.

Bruce N. Saluk
 Professional Land Surveyor
 #55415

ROAD ACCEPTANCE & EASEMENT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS

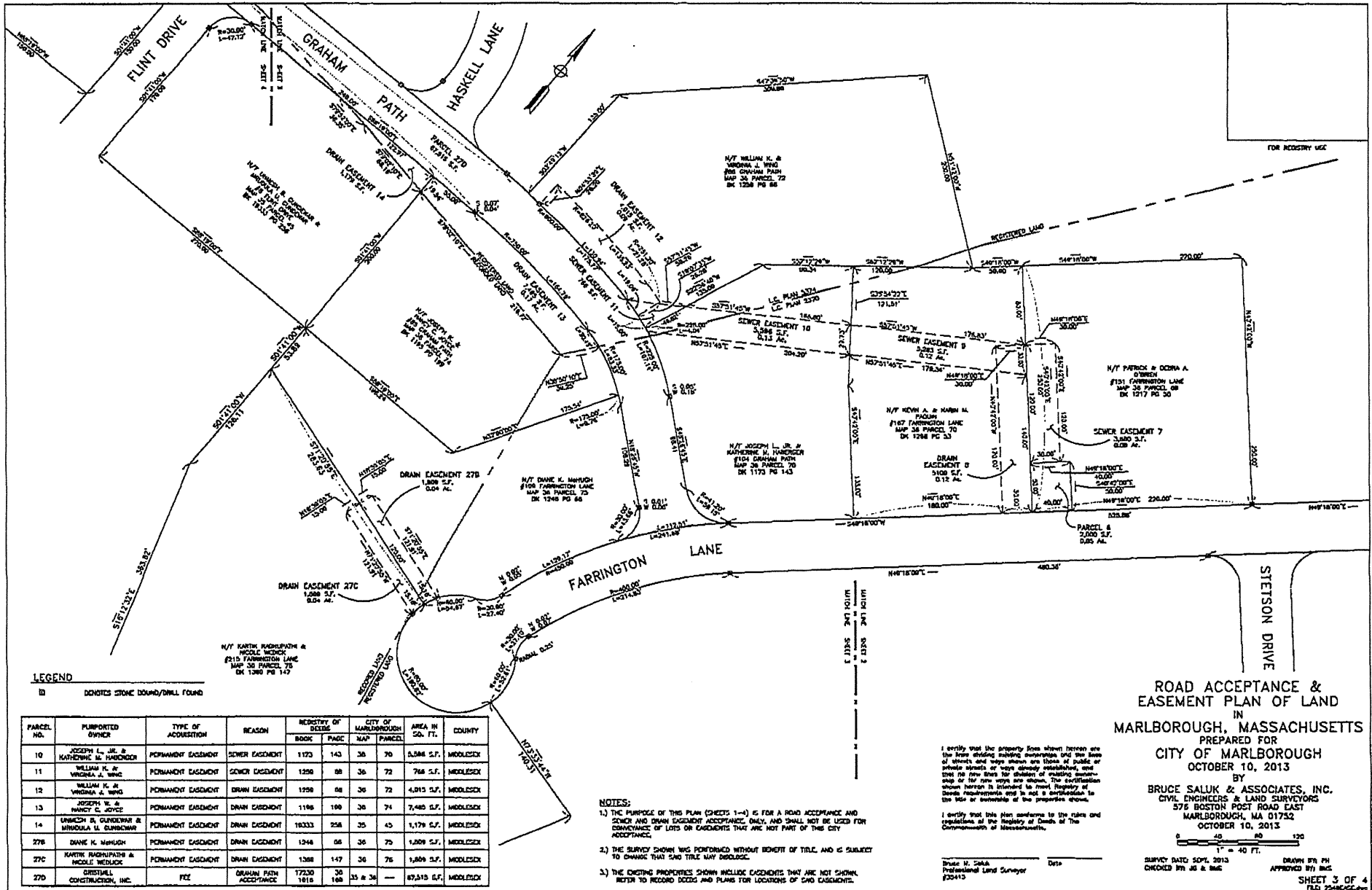
PREPARED FOR
CITY OF MARLBOROUGH
 OCTOBER 10, 2013

BY
BRUCE SALUK & ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 576 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01732
 OCTOBER 10, 2013



SURVEY DATED SEPT. 2013
 CHECKED BY JO & BMS

DRAWN BY PH
 APPROVED BY BMS



LEGEND
 (B) DENOTES STONE BOUND/DWELL FOUND

PARCEL NO.	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	REGISTRY OF DEEDS		CITY OF MARLBOROUGH MAP NO.	AREA IN SQ. FT.	COUNTY
				BOOK	PAGE			
10	JOSEPH L. JR. & KATHERINE N. HANCOCK	PERMANENT EASEMENT	SEWER EASEMENT	1170	143	36 70	5,286 S.F.	MIDDLESEX
11	WILLIAM K. & VIRGINIA J. WENG	PERMANENT EASEMENT	SEWER EASEMENT	1250	88	36 72	786 S.F.	MIDDLESEX
12	WILLIAM K. & VIRGINIA J. WENG	PERMANENT EASEMENT	DRAIN EASEMENT	1250	88	36 72	4,013 S.F.	MIDDLESEX
13	JOSEPH W. & NANCY C. JOYCE	PERMANENT EASEMENT	DRAIN EASEMENT	1186	190	36 74	7,460 S.F.	MIDDLESEX
14	UNION B. GUNNERTON & MINDELLA L. SUNNINGSHAW	PERMANENT EASEMENT	DRAIN EASEMENT	18333	256	35 45	1,179 S.F.	MIDDLESEX
27A	DAN K. MARUSH	PERMANENT EASEMENT	DRAIN EASEMENT	1246	86	36 73	1,209 S.F.	MIDDLESEX
27C	KARLE MADRUPATH & NICOLE WICKES	PERMANENT EASEMENT	DRAIN EASEMENT	1368	147	36 76	1,806 S.F.	MIDDLESEX
27D	GRIFFITH CONSTRUCTION, INC.	FEE	DRAIN PATH ACCEPTANCE	17230	30	188 35 & 36	87,515 S.F.	MIDDLESEX

NOTES:

- 1) THE PURPOSE OF THIS PLAN (SHEETS 1-4) IS FOR A ROAD ACCEPTANCE AND SEWER AND DRAIN EASEMENT ACCEPTANCE ONLY, AND SHALL NOT BE USED FOR CONVEYANCE OF LOTS OR EASEMENTS THAT ARE NOT PART OF THIS CITY ACCEPTANCE.
- 2) THE SURVEY SHOWN WAS PERFORMED WITHOUT BENEFIT OF TITLE, AND IS SUBJECT TO CHANGE THAT SAID TITLE MAY DEVELOP.
- 3) THE EXISTING PROPERTIES SHOWN INCLUDE EASEMENTS THAT ARE NOT SHOWN. REFER TO RECORD DEEDS AND PLANS FOR LOCATIONS OF SAID EASEMENTS.

I certify that the property lines shown herein are the true dividing ruling boundaries and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for children of existing streets, ways or lot lines were shown. The certification shown herein is intended to meet Registry of Deeds requirements and is not a certification to the title or ownership of the properties shown.

I certify that this plan conforms to the rules and regulations of the Registry of Deeds of the Commonwealth of Massachusetts.

Bruce M. Saluk
 Professional Land Surveyor
 720415

Date

SCALE: 1" = 40 FT.
 DRAWN BY: PH
 APPROVED BY: BMS

SEWER DATE: SEPT. 2013
 CHECKED BY: JG & BMS

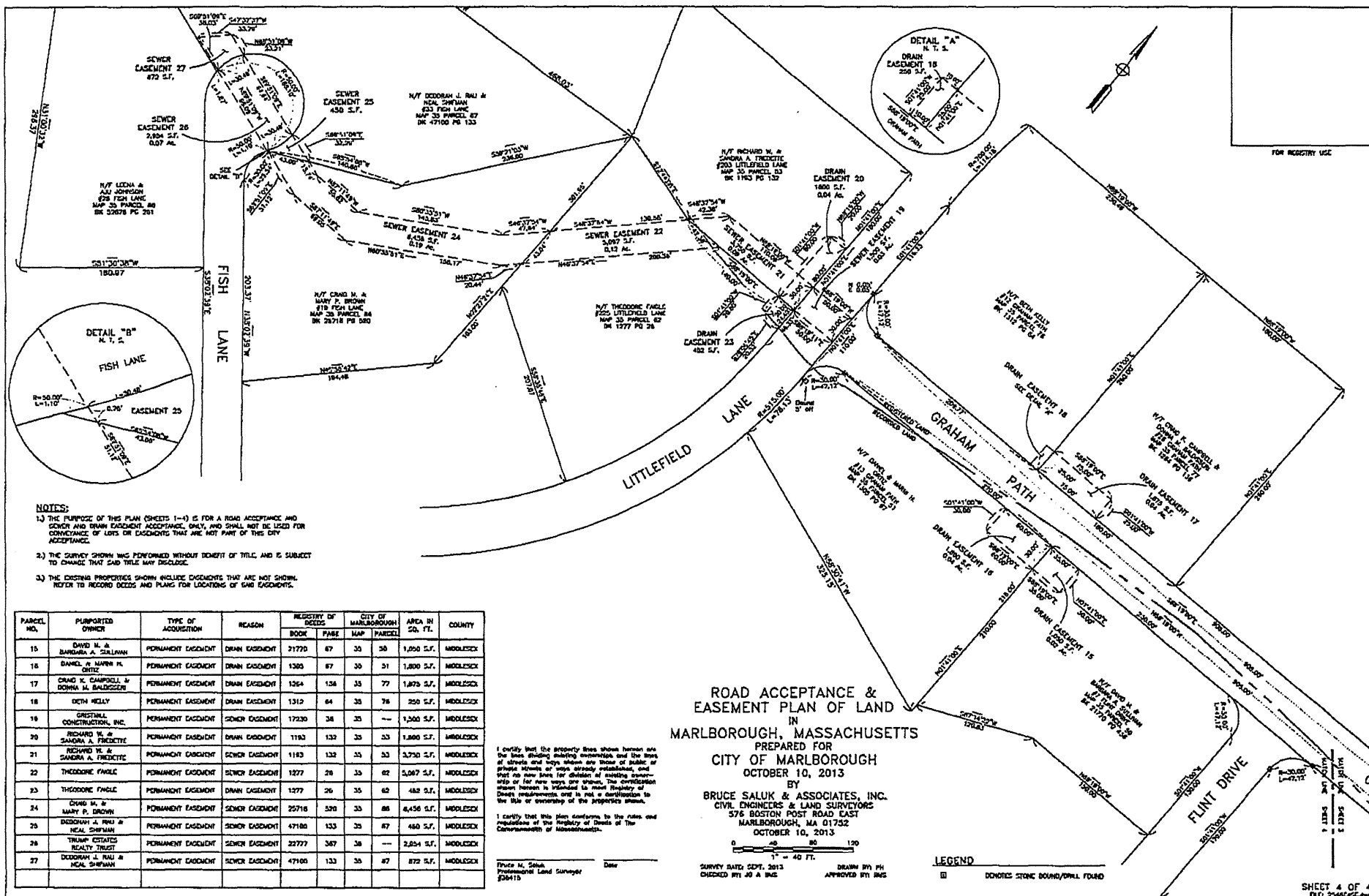
DRAWN BY: PH
 APPROVED BY: BMS

SHEET 3 OF 4
 FILE: 75-442-002

ROAD ACCEPTANCE & EASEMENT PLAN OF LAND
 IN
MARLBOROUGH, MASSACHUSETTS

PREPARED FOR
CITY OF MARLBOROUGH
 OCTOBER 10, 2013

BY
BRUCE SALUK & ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 576 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01752
 OCTOBER 10, 2013



- NOTES:**
- 1.) THE PURPOSE OF THIS PLAN (SHEETS 1-4) IS FOR A ROAD ACCEPTANCE AND SEWER AND DRAIN EASEMENT ACCEPTANCE, ONLY, AND SHALL NOT BE USED FOR CONVEYANCE OF LOTS OR EASEMENTS THAT ARE NOT PART OF THIS CITY ACCEPTANCE.
 - 2.) THE SURVEY SHOWN WAS PERFORMED WITHOUT BENEFIT OF TITLE, AND IS SUBJECT TO CHANGE THAT SAID TITLE MAY DISCLOSE.
 - 3.) THE EXISTING PROPERTIES SHOWN INCLUDE EASEMENTS THAT ARE NOT SHOWN. REFER TO RECORD DEEDS AND PLANS FOR LOCATIONS OF SAID EASEMENTS.

PARCEL NO.	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	REGISTRY OF DEEDS		CITY OF MARLBOROUGH		AREA IN SQ. FT.	COUNTY
				BOOK	PAGE	MAP	PARCEL		
15	DAVID M. & BARBARA A. ZILLMAN	PERMANENT EASEMENT	DRAIN EASEMENT	21770	67	30	30	1,050 S.F.	MIDDLESEX
16	DAVID & MARY K. OITZ	PERMANENT EASEMENT	DRAIN EASEMENT	1305	67	30	31	1,800 S.F.	MIDDLESEX
17	CRAD K. CAMPBELL & DONNA M. BALDIZZO	PERMANENT EASEMENT	DRAIN EASEMENT	1264	154	35	77	1,875 S.F.	MIDDLESEX
18	BETH KELLY	PERMANENT EASEMENT	DRAIN EASEMENT	1312	64	35	78	250 S.F.	MIDDLESEX
19	GRESHAM CONSTRUCTION, INC.	PERMANENT EASEMENT	SEWER EASEMENT	17230	34	35	---	1,500 S.F.	MIDDLESEX
20	RICHARD W. & SANDRA A. FREDETTE	PERMANENT EASEMENT	SEWER EASEMENT	1193	132	35	33	1,800 S.F.	MIDDLESEX
21	RICHARD W. & SANDRA A. FREDETTE	PERMANENT EASEMENT	SEWER EASEMENT	1193	132	35	33	3,750 S.F.	MIDDLESEX
22	THEODORE FINGLE	PERMANENT EASEMENT	SEWER EASEMENT	1277	26	35	62	5,047 S.F.	MIDDLESEX
23	THEODORE FINGLE	PERMANENT EASEMENT	DRAIN EASEMENT	1277	26	35	62	482 S.F.	MIDDLESEX
24	CRAD K. & MARY P. BROWN	PERMANENT EASEMENT	SEWER EASEMENT	25716	520	35	86	4,456 S.F.	MIDDLESEX
25	DEBORAH J. RUI & NEAL SHEPMAN	PERMANENT EASEMENT	SEWER EASEMENT	47180	133	35	87	480 S.F.	MIDDLESEX
26	THOMAS CERRAS REALTY TRUST	PERMANENT EASEMENT	SEWER EASEMENT	22777	367	36	---	2,654 S.F.	MIDDLESEX
27	DEBORAH J. RUI & NEAL SHEPMAN	PERMANENT EASEMENT	SEWER EASEMENT	47100	133	35	87	872 S.F.	MIDDLESEX

I certify that the property lines shown herein are the lines, shading, existing easements and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing streets or for new ways are shown. The certification herein is intended to meet Registry of Deeds requirements and is not a contribution to the title or ownership of the properties shown.

Bruce M. Saluk
Professional Land Surveyor
20413

ROAD ACCEPTANCE & EASEMENT PLAN OF LAND
IN
MARLBOROUGH, MASSACHUSETTS
PREPARED FOR
CITY OF MARLBOROUGH
OCTOBER 10, 2013

BY
BRUCE SALUK & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752
OCTOBER 10, 2013

SURVEY DATED SEPT. 2013
CHECKED BY JO A. RUS
DRAWN BY PH
APPROVED BY RUS

LEGEND
--- STONES FOUND



City of Marlborough

Office of the Mayor

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

Arthur J. Nigant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 1, 2014

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

Re: Fiscal Year 2015 Budget Proposal

Honorable President Pope and Councilors:

As Mayor of the City of Marlborough, I am pleased to present to you my administration's Fiscal Year 2015 (FY15) budget recommendations in the amount of \$137,443,613.00. This budget represents a 3.98% increase over FY14.

This year's budget recommendations are a reflection of a collaborative effort between myself, our finance team, and each one of our Department Heads. In particular, I wish to recognize the work of our City Auditor, Diane Smith, and Comptroller/Treasurer Brian Doheny, who is eagerly embarking on his first budget since joining the city in September.

For your benefit, I have included a brief narrative on revenue projections, notable budgetary changes, organizational adjustments and other items of significance contained in this year's proposal.

Local Aid and Revenue

Based on the FY15 budget figures released by the Committee on Ways & Means in the Massachusetts House of Representatives, overall local aid to Marlborough increased by 4.7%. However, with \$851,605.00 or an 18% increase in additional assessments for FY15, our net increase in state aid is 1.1% or \$281,019.00. In particular, our charter school assessment increased by \$876,556.00 for a total assessment of \$4,650,156.00.

In terms of local revenue, I anticipate our new growth figures to remain strong at an estimated \$2 million, which is a direct result of our joint efforts to solidify Marlborough as a pro-business, smart growth community.

Despite the underwhelming news on state local aid, our robust economic growth has further strengthened our commercial tax base, resulting in a less than a 3% estimated increase on our property tax levy, or an increase of approximately \$145.30 to the average home.

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New Positions / Compensation

Our FY15 budget proposal contains a net increase of two employees on the municipal side. One position will fall under the Department of Public Works where it is Commissioner John Ghiloni's intent to add one position to strengthen his department's financial operations. A full reorganization plan that includes the absorption of the Public Facilities Department into the DPW will be presented to you in the near future.

Working with Comptroller/Treasurer Brian Doheny, we have identified areas of substantial improvement that I believe will be remedied through the addition of one position that will be cross-trained to work in both the Collector's Office and in the Comptroller's Office. We currently have two employees within the Comptroller's Office who receive five weeks' vacation and personal time per year and have accrued more time over the course of their career. Furthermore, with only three employees in the Collector's Office there is a demonstrated need to not only enhance our customer service but to guarantee appropriate staffing levels to ensure we always have at least two people working in the office to help safeguard the many financial transactions that occur. The flexibility gained by cross-training an employee in different offices will be an invaluable management resource.

To that end, there have been several noticeable renovations made to the Collector's Office to strengthen our security protocols while providing a more professional customer service experience. These changes were performed in-house by our craftsmen and have been well received by our customers. I have also authorized the installation of security cameras for added security and protection.

For our nonunion employees, I am including a 2.0% cost of living adjustment (COLA). Subsequently my office has also been working on a salary survey of eleven communities to assess Marlborough's competitive standing on compensation for Department Heads and nonunion positions.

In the near future, I intend on submitting to you an updated nonunion salary ordinance and transfer request that will replace the one last approved by the City Council in June 1989. While much of the ordinance will simply bring the 1989 salaries up to reflect existing rates of pay, it will also include necessary adjustments and increases to key Department Head and nonunion positions throughout the city.

Municipal Finance Department

Once again, the Assessor's Office will be run utilizing the services of Regional Resource Group. This arrangement continues to be very successful and productive. With the recent amendments to the General Code giving the Comptroller/Treasurer administrative oversight of the office, my expectation is that this office will continue operating at maximum efficiency while delivering great customer service to our residents and businesses.

Inspectional Services

In this budget, I am also recommending some proactive investments to address the increasing demand of our building and health inspections.

For the first time in what seems like a long while, our Building Department will operate at full strength. This budget includes \$10,000.00 in additional funding in the Deputy Inspector line item to provide

essential coverage and prompt customer service during times of higher permitting requests and vacations or extended absences. The salary increases in the Assistant Plumbing and Wiring Inspector line items are attributed to the increase in the per inspection fee compensation approved by the Council on February 13, 2014.

This budget also calls for essential funds to assist in the completion of food establishment and restaurant inspections as required by state and federal health regulations. We recently began utilizing the services of a contract inspector to assist in the completion of our biannual inspections required under state regulation *105 CMR 590.000, Chapter X, Minimum Sanitation Standards for Food Establishments*. This action proactively renews our commitment to work with our many great restaurants to ensure they remain in compliance with local, state, and federal regulations.

Commencing Year 3 of our Summer Employment Programs

With your support, I also hope to secure funding for the third year of our Public Service Internship and Youth Employment Programs. Marlborough is truly leading the pack when it comes to a municipally driven program whose goal is showing our local youth and future college graduates what it really means to earn an honest days' pay for an honest days' work. Our Departments have come to appreciate these programs not only because it allows them to tackle the projects they may not have otherwise gotten to but for the satisfaction they receive by teaching someone the ropes and watching them succeed. The high school program runs only for a six week period beginning in mid-July and involves mandatory job readiness skills training for our high school participants. Our college intern program is scheduled to begin in early June.

School Department


The School Department budget represents an increase of 4.5% over their FY14 appropriation. Superintendent Richard Langlois and his team have been working diligently on implementing many changes and reforms throughout our school system. One recent area of success in the Marlborough Public Schools was our receipt of a four year \$1.8 million grant award from the U.S. Department of Labor. The grant will help students develop career skills needed in today's workforce, particularly in the areas of engineering, advanced manufacturing and computer technology, and health sciences.

Budgets are a reflection of not only the fiscal reality around us but of our priorities and values as a community. As I conclude my correspondence, I want to thank you in advance for your partnership and commitment to strengthening our community and for ensuring that our city has both the accountability and resources to be the best we can be.

I have enclosed for you a letter from City Solicitor Don Rider outlining Massachusetts General Law c. 44, § 32 detailing the forty-five day timetable for Council action on the FY15 Budget.

On behalf all our departments, we look forward to working with you!

Sincerely,



Arthur G. Vigeant
Mayor



City of Marlborough
Legal Department

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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

April 29, 2014

Mayor Arthur G. Vigeant
City Hall, 4th Floor
Marlborough, MA 01752

RE: City Council's Receipt of Mayor's Annual Budget

Dear Mayor Vigeant:

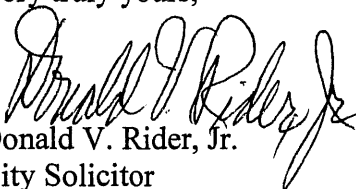
You have inquired as to how Massachusetts law determines the date of a city council's receipt of a mayor's annual budget.

In pertinent part, Mass. Gen. Laws c. 44, § 32 provides that a city council must take action, whether by approval, reduction or rejection, with respect to any amount recommended in a mayor's annual budget "within forty-five days after the receipt of the budget." Section 32 does not itself define how "the receipt of the budget" is determined, nor has there been occasion for a court to supply that definition. However, a proper reading of § 32 is that a city council receives the annual budget on the date when the mayor submits it to the city clerk on behalf of the city council.

Therefore, if you submit your annual budget to the Marlborough City Clerk, in her capacity as Clerk of the Marlborough City Council, on Thursday, May 1, 2014, that date would be the date of receipt by the Council. In turn, the Council would be required by § 32 to take action within 45 days of May 1, 2014, i.e., on or before June 15, 2014. However, since that date will be a Sunday, Mass. Gen. Laws c. 4, § 9 dictates that the Council's 45-day deadline would be "on the next succeeding business day," i.e., Monday, June 16, 2014.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor



City of Marlborough
Legal Department

140 MAIN STREET

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DONALD V. RIDER, JR.
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ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

May 1, 2014

Patricia A. Pope
President
Marlborough City Council

RE: Proposed Zoning Ordinance -
Medical Marijuana Treatment Centers

Dear President Pope and Members:

By Order No. 13-1005247D, the Council on June 17, 2013 enacted a temporary moratorium regarding medical marijuana treatment centers in Marlborough. The moratorium expires on June 30, 2014. In the meantime, my office has received inquiries from several councilors about the status of medical marijuana regulations that have been promulgated by the Commonwealth. In light of those regulations, and at your request and with the assistance of Councilor Robey, I am submitting for the Council's consideration a proposed zoning ordinance amendment regarding the regulation of those centers. It largely tracks an earlier version that had been prepared for you and Councilor Elder, discretionarily allowing such centers to be located in the CA, LI and I zoning districts by special permit.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

ORDERED:

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

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

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

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

650-32 MEDICAL MARIJUANA TREATMENT CENTERS

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

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

- 1. CERTIFYING PHYSICIAN means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy) who certifies that, in his or her professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for a qualifying patient.
- 2. DEBILITATING means causing weakness, cachexia, wasting syndrome, intractable pain, or nausea, or impairing strength or ability, and progressing to such an extent that one or more of a patient's major life activities is substantially limited.
- 3. DEBILITATING MEDICAL CONDITION shall mean cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS),

Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating conditions as determined in writing by a qualifying patient's certifying physician.

4. **HARDSHIP CULTIVATION REGISTRATION** means a registration issued to a registered qualifying patient under the requirements of 105 CMR 725.035.
5. **MARIJUANA** shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.
6. **MARIJUANA-INFUSED PRODUCT (MIP)** means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Medical Marijuana Treatment Center, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.
7. **MEDICAL MARIJUANA TREATMENT CENTER** shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under Section 650-32 of this ordinance.
8. **MEDICAL USE OF MARIJUANA** shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
9. **PERSON** shall mean an individual or a non-profit entity.
10. **PERSONAL CAREGIVER** shall mean a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

11. QUALIFYING PATIENT shall mean a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).
12. REGISTERED QUALIFYING PATIENT means a qualifying patient who has applied for and received a registration card from the Commonwealth of Massachusetts Department of Public Health.
13. REGISTRATION CARD means an identification card issued by the Commonwealth of Massachusetts Department of Public Health to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department; that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a Medical Marijuana Treatment Center.

C. In such zoning districts where a Special Permit is required for a Medical Marijuana Treatment Center, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment;
6. Potential fiscal impact, including impact on City services, tax base, and employment; and
7. The ability for the Center to:
 - a. meet a demonstrated need;
 - b. provide a secure indoor waiting area for clients;
 - c. provide an adequate pick-up/drop-off area;
 - d. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
 - e. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Center, and its impact on neighboring uses.

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

- D. A Medical Marijuana Treatment Center shall not be located:
1. within five thousand (5,000) feet of another Medical Marijuana Treatment Center, as measured in a straight line from the nearest point of the proposed Center to the nearest point of the existing Center;
 2. within five thousand (5,000) feet of a Narcotic Detoxification and/or Maintenance Facility, as defined in and regulated by the zoning ordinance of the City of Marlborough, and as measured in a straight line from the nearest point of the proposed Center to the nearest point of the existing Facility; nor,
 3. within one thousand (1,000) feet of:
 - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough;
 - b. a recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - c. a park (as defined in § 517-2 of the Code of the City of Marlborough, as amended).
 - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - e. a retirement community (as defined in § 650-5 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough.
- E. Nothing contained in Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a Medical Marijuana Treatment Center.

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

ADOPTED
In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department
140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752
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CITY SOLICITOR

2014 MAY - 1 A 10:31
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 1, 2014

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

Re: Order No. 13/14-1005581C
Special Permit Decision Concerning The Application Of VNG.co LLC To Construct And
Operate A Compressed Natural Gas (CNG) Facility With One Dispenser At 413 Lakeside
Avenue

Dear President Pope and Members,

Please find proposed Order No. Order No. 13/14-1005581C which concerns the application
of VNG.co LLC to construct and operate a compressed natural gas (CNG) facility, with one
dispenser, at 413 Lakeside Avenue.

Said order is in proper form for consideration by the City Council.

Very truly yours,


Cynthia Panagore Griffin
Assistant City Solicitor

Enclosure

cc: Michael Mendoza, Building Commissioner
Douglas Rowe, Esq.

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 13/14-1005581C

Application of:
VNG.co LLC
150 Monument Road, Suite 500
Bala Cynwyd, PA 19004

Locus:
413 Lakeside Avenue
Marlborough, MA 01752
Map 79, Parcel 6B & 10A

DECISION

The City Council of the City of Marlborough votes to **GRANT** a Special Permit to VNG.co LLC (hereinafter “Applicant” or “Applicant/Tenant ”), to construct and operate a Compressed Natural Gas (CNG) facility with one dispenser at 413 Lakeside Avenue, Marlborough, MA based on the Findings of Facts and Conditions attached hereto.

Decision filed: _____

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the _____ day of _____, 2014.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

ATTEST:

City Clerk

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 13/14-1005581C**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to VNG.co LLC with a usual place of business at 413 Lakeside Avenue, Marlborough, MA 01752, as provided in this Decision and subject to the following Findings of Facts and Conditions:

FINDINGS OF FACTS AND CONDITIONS

1. VNG.co LLC is a Limited Liability Company, duly organized and existing under laws of the Commonwealth of Massachusetts on March 14, 2014, having a usual place of business at 413 Lakeside Avenue, Marlborough, MA 01752, hereinafter referred to as the “Applicant/Tenant.”

2. The landlord and owner of the property located at 413 Lakeside Avenue is GTY MA/NH Leasing, Inc., a duly organized and existing Delaware corporation with its principal place of business at 125 Jericho Turnpike, Suite 103, Jericho, NY 11753, by deed dated March 29, 2011 and recorded at the Middlesex South District Registry of Deed Book 56710 Page 512, hereinafter referred to as the “Landlord” or the “Landlord Lessor.” The Landlord Lessor has an existing lease with lessee Nouria Energy Ventures I, LLC, a licensee of Shell Oil, hereinafter referred to as “Lessee” or “Agent Lessee,” and operator of a Shell Filling Station at 413 Lakeside Avenue, Marlborough, hereinafter referred to as “the Site.” Nouria Energy Ventures I, LLC is a duly organized and existing Massachusetts limited liability company with its principal place of business at 326 Clark Street, Worcester, MA 01606.

3. The Shell Oil Company first sought and received a Special Permit, dated October 19, 1987, to remove an existing gasoline and service station and construct a free standing Kiosk building, car wash and canopy over newly installed gasoline pumps which decision is recorded at the Middlesex South District Registry of Deeds in Book 18803 Page 017.

4. The Shell Oil Products Company sought and received a second Special Permit, dated December 22, 1997, for expansion and reconfiguration of the automobile service station and related car wash, convenience store, and other accessory uses which decision is recorded at the Middlesex South District Registry of Deeds Book 28095 Page 509. Paragraph C of said 1997 Special Permit “Grants ...a Special Permit ... for dispensing motor vehicle fuels.”

5. The Landlord GTY MA/NH Leasing, Inc. and its Lessee Nouria Energy Ventures I, LLC are subject to and operate under their predecessors’ permits and conditions of record.

6. The Landlord, its Agent Lessee Nouria Energy Ventures I, LLC and the Applicant/Tenant have executed or will execute an Operating Agreement regarding a portion of the Site pursuant to the terms of this Special Permit regarding the installation and operation of a CNG facility at the Site.

7. The Site contains existing commercial buildings, and the (CNG) facility is shown on plans submitted with the Application, entitled "Site Development Plans, proposed CNG Equipment Installation for VNG.co" consisting of seven pages which Plans are attached hereto. No modifications are proposed to the exterior of the buildings, no structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.

8. The Applicant/Tenant, on or about October 10, 2013, filed with the City Clerk of the City of Marlborough an Application to the City Council for the issuance of a Special Permit, hereinafter referred to as "the Application," under Section 650-12B of the Code of the City of Marlborough to utilize a portion of the Site to construct and operate a (CNG) facility with one dispenser, under a written agreement with the owner of the site and subject to prior conditions, and to allow an accessory use, which is the connection to existing Natural Gas Service from Felton Street, underground to a compressed gas system to be located adjacent to the existing car wash which will feed a dispenser located adjacent to existing pump island five, pump island five being the northeast island of six.

9. The Application 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; (c) Filing Fee in the amount of \$500.00; (d) Plan Delivery Certification; (e) Tax Payment Certification; (f) Abutters List; (g) Preliminary Site Plan; and (h) Planning Department Certification (collectively, the "Documents") which Documents are incorporated herein and become a part of this Decision. Eleven sets of documents were delivered to the City Council and one set each to the Police Chief, Fire Chief, Building Commissioner, and City Engineer, all in accordance with Section 650-59 of the Code of the City of Marlborough.

10. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner, for the City Planner for the City of Marlborough, as having complied with the provisions of Section 650-59 C (7) of the Code of the City of Marlborough and as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

11. 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 a date for a public hearing on the Application and the City Clerk caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News, and mailed said notice to those abutters entitled to notice under the law.

12. The Marlborough City Council, on February 24, 2014, held a public hearing pursuant to M.G.L. c. 40A concerning the Application. The hearing was opened and closed at that meeting.

13. The Applicant presented evidence at the public hearing detailing the proposed use and its limited impact upon City services, the neighborhood and traffic.

14. At the public hearing, Attorney Douglas Rowe, representing VNG.co LLC, Rob Blake, Director of Retail Development, and Michael Russo, Director of Construction for VNG.co LLC, which is the Applicant, described the proposed business as the addition of a

environmentally clean fuel to be dispensed in a safe economical manner to the public at an existing filling station. In response to questions from city councilors, they indicated that:

- a) the signage will comply with the sign ordinance;
- b) service to the handicapped would be provided;
- c) service would be to light-duty vehicles similar to existing gasoline or diesel customers, and the CNG dispenser adjacent to existing service at pump island five would offer CNG fuel;
- d) when existing side of pump island five is being used for CNG dispensing, it will not be used for the sale of other fuels;
- e) there are existing Special Permits that would be complied with, as would all requirements of the Fire Chief and State Fire Marshall; and
- f) pricing would be indicated by the international CNG symbol and be in terms of GGE, the Gasoline Gallon Equivalent.

15. No member of the public spoke either in favor of, or in opposition to, the proposal.

16. Following the public hearing, the Urban Affairs Committee held meetings on March 4, March 18, April 15, and April 22, 2014 during which the Application was discussed. At those meetings, the parties discussed various issues and proposed permit conditions to deal with them.

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

- A. The City Council finds that it may grant a Special Permit (the “Special Permit”) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (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 Massachusetts General Laws Chapter 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.
- D. The Site Plan, shown on a plan entitled “Site Development Plans For VNG.co, Proposed CNG Equipment Installation, Location of Site Lots #6B & #10A, Map #79, 413 Lakeside Avenue, City of Marlborough, Middlesex County, Massachusetts” (the “Site Plan”), dated September 19, 2013 with revisions through April 15, 2014, as

submitted to the City Council, and to the Urban Affairs Committee, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive, and the conditions imposed will enhance the quality of life for the residential community abutting the Project. The City Council makes this determination subject to the completion and adherence by the Applicant to 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 Section 650 of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

CONDITIONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT

A. The proposed CNG facility in the City will be located in a business area at a major highway intersection, it will occupy a portion of an existing fuelling station which presently operates 24 hours per day at the Site, and it will be in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.

B. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant/Tenant, its successors and assigns, a Special Permit to construct and operate a Compressed Natural Gas (CNG) facility with one dispenser as per Plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall be applicable to Applicant Tenant's successors and assigns, and a violation of which shall be a violation of this Special Permit:

1. Signage: Any new signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough without requesting a variance except, if necessary, a variance for the designation that CNG price signage, e.g. GGE, be treated as gasoline price signage under Section 526-9K of the Marlborough City Code. No LED signs shall be allowed excepting gasoline and CNG prices.

2. Site Plan Review: The issuance of this 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 to plans reviewed and approved by the City Council as the Special Permit granting authority shall be further conditions attached to the Special Permit, and no Occupancy Permit or Certificate of Use Permit shall be issued until all conditions are complied with by Applicant. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of Site Plan Approval shall be a violation of this Special Permit.

3. Site Maintenance: The applicant shall cause the doors to the convenience store to be in compliance with applicable state and federal regulations as required by the Building

Commissioner. The applicant shall cause the designated handicapped parking area to be properly marked, under state and federal regulations, by painting and signage.

4. Hazardous Waste: The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, the provisions of Massachusetts General Laws Chapter 21E, and any other applicable government codes, statutes or regulations as they relate to the authority of the Fire Chief of the City of Marlborough.

5. Compliance with Local, State and Federal Laws: The Applicant/Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and the Federal Government as they may apply to the construction, maintenance of equipment, environment, operation of the facility, and safety. In the event that the Fire Chief determines that either the business or the Applicant is acting contrary to public safety, the Fire Chief shall notify the CNG operator in writing and deem corrective measures be put into effect in seven days, or immediately in the case of emergency. Upon the failure or inability of the CNG operator to correct such measures, the Fire Chief may require the Applicant to shut down the CNG facility until the immediate threat can be corrected or for the purpose of correcting the conditions. If an emergency event requires the emergency shut-down of the gasoline or other services, the Fire Chief may require the shut-down of the CNG facility. The terms and conditions of such decisions and findings of the Fire Chief will become a part of this Special Permit.

6. Prior Conditions: All conditions of the Special Permits granted to Shell Oil Company, dated October 19, 1987, and to Shell Oil Products Company, dated, December 22, 1997, which decisions are recorded at the Middlesex South District Registry of Deeds Book 18803 Page 017 and Book 28095 Page 509, respectively, shall continue in full force and effect and are incorporated herein, as if stated herein, and are binding on GTY MA/NH Leasing, Inc., Nouria Energy Ventures I, LLC and VNG.co, LLC as their interest may apply, and their successors or assigns. The aforementioned Special Permits are hereby affirmed, are deemed to be in full force and effect and apply to the Project without change or modification, except as provided for herein.

7. Certificate of Occupancy/Certificate of Use Required: No use of the CNG facility or dispenser will be made pursuant to this Special Permit unless and until a Certificate of Occupancy or Certificate of Use has been obtained from the Building Commissioner regarding the accessory use of the premises.

8. Weights and Measures: The Applicant/Tenant shall comply with the laws, regulations and ordinances of the Commonwealth of Massachusetts and the City of Marlborough relating to the equitable pricing of CNG as it is dispensed. Applicant agrees to provide certification, satisfactory to the Sealer of Weights and Measures of the City of Marlborough, by an independent source or in such manner as may be adopted by the City or the Commonwealth of Massachusetts.

9. Public Safety Notice: The Applicant/Tenant shall include the Marlborough Fire Department, and/or such other departments as the Building Commissioner may determine, in the CNG monitoring system regarding notice of outages or emergencies.

10. The drive-through window use referred to in paragraph 32 of the Special Permit dated December 22, 1997 shall be abandoned. The sale or distribution of any product or merchandise at the existing drive-through window is prohibited.

11. Outdoor Display of Products and Merchandise: The display of any and all products, merchandise, or goods in the pump island area shall be restricted to automotive products, and the outdoor display of products of any kind shall be prohibited at the front of the convenience store, including but not limited to the concrete area used as a sidewalk. The concrete area/sidewalk shall be kept completely clear at all times of products, decorations or obstructions of any kind except for trash cans which shall not block pedestrian passage.

12. Sale of Alcoholic Beverages Prohibited: The sale of alcoholic beverages on the Site is prohibited.

13. No Change of Use Area or Change in Area Configuration: Only the area which has been specified in the Site Plan attached hereto will be used for the proposed use. To the extent that any increase in, or a change in the configuration of, the area used for the proposed use is desired, the Building Commissioner shall determine whether such increase or change constitutes a material change of the permitted use, and if so, no such area increase or configuration change shall be permitted unless and until this Special Permit has been modified by the City Council.

14. Storage: The CNG facility and dispenser shall not store more than 250 GGE's of CNG in approved buffer tanks which shall be licensed or permitted by the Marlborough Fire Chief.

15. Traffic and Parking: Applicant/Tenant shall paint the area between the sidewalk and pumps, as shown on the revised Site Plan, with stripes to indicate a no parking zone, and also shall post corresponding signage at the exterior front of the convenience store which reads "No Parking, Stopping Or Live Parking" as designated on said revised plan and as directed by Site Plan Review. Site Plan Review may direct alterations, if any, that must be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety, which alterations Applicant/Tenant agrees to make. Should the signage and painted markings under this paragraph prove to be ineffective, the Marlborough Traffic Commission is authorized to require further changes, and Applicant/Tenant agrees to make said changes. Said alterations which are directed by Site Plan Review, or changes required by the Marlborough Traffic Commission, shall become part of this Special Permit.

16. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant shall, at its expense, record this Special Permit with the Middlesex South District 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 being filed. The Applicant shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Commissioner.

17. Incorporated by Reference: All Plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of the Special Permit Application, as amended during the application process and hearings before the City Council and/or Urban Affairs Committee, are herein incorporated by reference and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

18. Requirements: The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, and in compliance with the Conditions of the Grant of Special Permit.

APPROVE
Yea: ___ Nay: ___
Yea:

ADOPTED _____
In City Council
Order No. 13/14-1005581C
Adopted: _____

Patricia A. Pope
City Council President

A TRUE COPY
ATTEST:
City Clerk

BARBARA H. ROWE
DOUGLAS J. ROWE



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
21 COTTING AVENUE
POST OFFICE BOX 617
MARLBOROUGH, MA 01752
TEL: (508) 485-5555
FAX: (508) 485-8888
email: bhr@rowelawoffice.com
email: djr@rowelawoffice.com
2014 MAY - 1 A 11:48

ROWE LAW OFFICE

May 1, 2014

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

Re: Application of VNG.co
Order No. 13/14-1005581C

Dear President Pope:

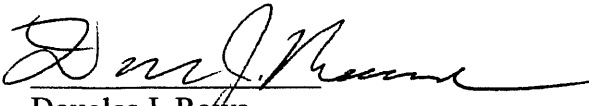
On April 28th the above referenced Order was reported out of the Urban Affairs Committee without a recommendation, and was then by Vote sent to the City Solicitor to be put in legal form. I have just received the final proposed Special Permit and the conditions imposed that are unrelated to the CNG installation.

As counsel for VNG.co LLC the Applicant, I report the Applicant feels conditions numbered:

11. Outdoor Display of Products and Merchandise , and
12. Sale of Alcoholic Beverages Prohibited

are unrelated to the requested Special Permit and are unacceptable to the Applicant as permanent restrictions to the site. The Applicant requests these provisions be removed from the Special Permit as submitted.

Respectfully,


Douglas J. Rowe



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2014 APR 25 P 2: 26

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 3/31/14

To the City Council:

Owner Name: Best Buy Stores, LP #820

Residential Address: c/o KPMG 2200 Cabot Dr, #300 Lisle, IL 60532

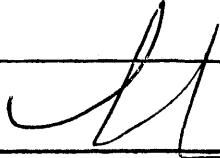
Telephone Number: 612-291-4863

Business Name: Best Buy Stores, LP #820

Business Address: 769 Donald Lynch Blvd, Marlborough, MA 01752

Business Telephone Number: 508-460-3775

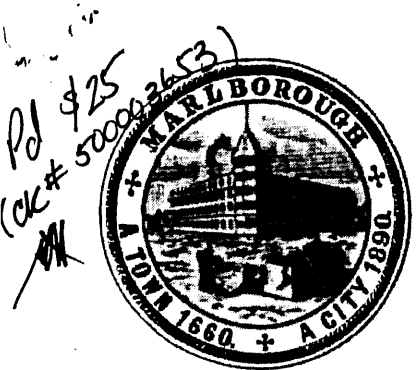
Officer's ~~Owner~~ Signature: _____

The above signed  respectfully requests that he/she be granted a Junk Dealer's License license.

In City Council

Marlborough City Clerk's Office ■ 140 Main St. ■ Marlborough, Massachusetts 01752
Telephone (508) 460-3775 ■ Fax (508) 460-3723

If you have any questions regarding this renewal, please feel free to contact 630-857-2100.



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR 28 A 10:06

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 4/22/2014

To the City Council:

Owner Name: Outerwall, Inc. / ECOFTM, Inc.

Residential Address: 10515 Vista Sorrento Pkwy San Diego, CA 92121

Telephone Number: 858-766-7239

Business Name: ECOFTM, Inc.

Business Address: 601 Donald Lynch Blvd. Marlborough, MA 01752

Business Telephone Number: 858-766-7239

Owner Signature: [Signature]

The above-signed David Mervten respectfully requests that he/she be granted a junk dealer's license.

In City Council

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Call to Order

April 7, 2014
2014 APR 29 A 11:08

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 were Board Secretary Melissa Irish & Assistant Civil Engineer Mark Dascoli.

1. Meeting Minutes:

A. Regular Meeting February 24, 2014

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to accept the minutes of the February 24, 2014 meeting as presented. Motion carried. Mr. Hodge abstained.

B. Regular Meeting March 24, 2014

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the minutes of the March 24, 2014 meeting as presented. Motion carried. Mr. Fay abstained.

2. Chair's Business:

Chairperson Fenby presented to the Board the final working draft of collection bin locations.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to forward this listing along to Councilor Delano for use by the City Council.

Motion made by Mr. Fay, seconded by Mr. Coveney to move up in the agenda item 9a, motion carried.

9. Unfinished Business:

A. Decision/Discussion Proposed Zoning Change Medical Office/Clinic

Councilor Delano, Ward One City Councilor reported out to the Board that the Urban Affairs Sub-Committee took into consideration the suggestions as made by the Board members at the public hearing on March 24, 2014. An amended copy of the proposed changes with the amended definition was distributed to each member in with the agenda packets.

It is the intention of the Urban Affairs Sub Committee to report out to the findings of the sub-committee to the full City Council with discussion and a final vote taken at the April 28, 2014 meeting.

After much discussion involving topics such as the possible size of clinics, the definition and naming of clinics over 5,000 square feet, the concerns regarding the mental health hours of operation and the lessons learned from the unethical practice of internal surgery as learned from the past incidents in Framingham, the following action was taken:

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to send a favorable recommendation to the City Council regarding changes to the City of Marlborough Zoning Ordinance as defined by City Council Order No. 12/14-1005578B / 14-1005693.

In addition the Board voted to make the following additional recommendation:

- Removal of the following wording after the word staff, “and occupying a total of no more than 5,000 square feet of space”

The intention is to clarify any medical office/clinic can be up to 5,000 square feet by right, but will require a special permit issued by the City Council for any proposed office/clinic over 5,000 square feet.

The motion carried with Chairperson Fenby in opposition and Mr. Fay abstaining.

3. Approval Not Required:

A. Easterly Side Dufresne Drive (April 28, 2014)

Mr. Charles Budnick of Cabco Consult, Land and Environmental Consulting Services presented to the Board the modification of the existing lot lines for parcels located within the West Ridge Estates subdivision.

On a motion made by Mr. Hodge, seconded by Mr. Coveney it was voted to refer the plan to the Engineering Department for review. Motion passed with Mr. Fay in Opposition due to the applicant inability to articulate why the plan was being submitted and what changes were being made to the existing configuration of the lots.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant Civil Engineer Mark Dascoli reported out to the Board on the status of 5 individual subdivisions.

Cider Mill Estates:

Two new homes are currently under construction, the developer has been informed to sweep the area on a more consistent basis. There are also noted pavement deficiencies on McDermott Drive.

Black Horse Farms:

The developer has been put on notice regarding several issues including but not limited to, trees in need of replacement, gravel sidewalk replacement, relocation of inappropriately placed drain covers, and a required letter from National Grid regarding the placement of the lightpoles.

Berlin Farms:

There has been no activity regarding this subdivision. It has been reported to the Engineering Department that the As Built plans have been drawn and are ready to be submitted however there is payment pending to the engineer of record.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to notify Mr. Freeman in writing of his requested appearance at the next regularly scheduled meeting of the Board. Mr. Freeman will be informed that the Board is seriously considering revocation of the remaining bond.

Mauro Farms:

The developers have been notified of ongoing drainage issues, as well as paving deficiencies on Cook Lane.

LaCombe Street:

The LaCombe Street As-Built plans have been received and currently are in the Legal Department for review and possible submission to the City Council for acceptance.

B. Walker Brook Estates (April 29, 2014)

Ms. Hughes read into the record correspondence from Mr. Bruce Saluk Engineer of Record for the project, noting the revisions to the plans addressing the comments as made by the Assistant City Engineer Timothy Collins.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the correspondence and place it on file as well as waive the reading of the additional technically detailed letter from Mr. Saluk to Mr. Collins. Motion carried.

Mr. Saluk presented to the Board the changes that have been incorporated into the current plans including the change to the drainage system. The change has gone through the Conservation Commission the changes have received a positive endorsement form the Commission.

The final proposed change of note pertains to the continued issue regarding the proposed retaining wall at the left end of the proposed cul de sac. Two options were presented to the Board Option 1 creating a grassed/landscaped area “breaking” the continuation of the sidewalks. Option 2 incorporated grading changes and a proposed retaining wall approximately 25’ in length and 4’ in height.

After discussion the Board was in favor of Option #2.

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to refer the changes to the Engineering Department for review and Recommendation to be reported out at the April 28, 2014 meeting. Motion carried.

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

Ms. Hughes read into the record the request for extension as submitted by Attorney Sandra Austin, attorney of record for the project. The request for extension was until June 16, 2014

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted accept the request for extension until June 16, 2014. Motion carried

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Decision/Discussion Proposed Zoning Change Medical Office/Clinic

This item was moved up in the agenda.

10. Informal Discussions: None

11. Correspondence:

A. MWRA Wachusett Aqueduct Pumping Station E.N.F.

B. MASS Buys Expo Notice

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

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board, Public Hearing April 17, 2014

B. Town of Southborough, Planning Board, Public Hearing April 7, 2014

C. Town of Framingham, Planning Board, Notice of Decision

D. Town of Berlin, Board of Appeals, Public Hearing April 9, 2014

E. Town of Hudson, Planning Department, Public Hearing April 1, 2014

F. Town of Hudson, Planning Department, Public Hearing April 1, 2014

G. Town of Framingham, Planning Board, Notice of Decision

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

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Coveney it was voted to adjourn at 8:20pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

Property Unit
PO Box 15147
Worcester MA 01615-0147
Telephone: 508-816-4973 Ext:
Fax Number: 508-926-5660

April 21, 2014

CITY CLERK'S OFFICE
140 MAIN ST
MARLBOROUGH MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 APR 25 A 9:51

Re: Our Insured: Daniel Byron
Policy Number: HPN 5488415
Claim Number: 15-00313024 001
Date of Loss: 02/20/2014
Property Address: 134 BRACKEN DRIVE MARLBORO MA

To whom it may concern :

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

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

Sincerely,

Thomas Gorski

Thomas Gorski
Property Adjuster
Citizens Insurance Company of America