

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 JUL 17 P 12: 29

1. Minutes of the City Council Meeting, JULY 7, 2014.
2. RESCHEDULED PUBLIC HEARING: On the Petition of NStar to install 105' of 4" plastic gas main as a system improvement to 31 Wellington St, Order No. 14-1005848A.
3. PUBLIC HEARING: On the Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street, Order No. 14-1005884.
4. Communication from the Mayor re: Acceptance of Massworks Grant Fund in the amount of \$1,650,000.00 awarded to the City of Marlborough through the Executive Office of Housing and Economic Development (EOHED).
5. Communication from the Mayor re: Federal Emergency Management Grant Acceptance in the amount of \$22,500.00 awarded to the Fire Department to replace equipment with the Department's self-contained breathing apparatus.
6. Communication from the Mayor re: Open Space and Recreation Plan.
7. Communication from the Mayor re: Appointment of Robin Williams to the Board of Health for a term to expire January 5, 2015. Ms. Williams will replace outgoing Board member John Rowe.
8. Communication from the Mayor re: IPG Photonics Tax Increment Finance Agreement.
9. Communication from the Mayor re: Designation of School Committee Positions as Special Municipal Employees-Exemption to Serve as Host Families for International Students.
10. Communication from City Solicitor Rider re: Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd., in proper legal form, Order No. 14-1005820A.
11. Communication from City Solicitor Rider re: Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 460 Boston Post Rd., in proper legal form, Order No. 14-1005821A.
12. Communication from the Planning Board re: Non-favorable Recommendation to Accept Lacombe St. Ext. as a Public Way.
13. Communication from the Planning Board re: Favorable Recommendation Pertinent to Proposed Zoning Amendment Section 650-5, New Section 650-32 Concerning Medical Marijuana Treatment Centers, Order No. 12/13/14-1005247F.
14. Communication from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc., re: to extend time limitations on application for Special Permit, to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Road West, to September 30, 2014 until 5:00 PM, Order No. 14-1005761C.
15. Communication from Attorney Gadbois re: Site Plan Approval, Hilton Garden Inn, 170 Forest St., Order No. 14-1005727B. (Hilton Garden Plans are available for viewing in City Clerk's Office).
16. Minutes, Planning Board, June 16, 2014.
17. Minutes, Zoning Board of Appeals, June 3, 2014.

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.

18. CLAIMS:

- A. William & Sandra DeOliveira, 60 Mosher Lane, other property damage and/or personal injury
- B. Anna Gleason, 6 Gleason St. Ext., other property damage and/or personal injury
- C. Meghan O'Brien, 15 White Terr., other property damage and/or personal injury
- D. Alyson McDonald, 15 Daley Cir., pothole or other road defect claim
- E. Elizabeth Correia, 96 Church St., other property damage and/or personal injury
- F. Leslie Meyers, 223 Vega Rd., residential mailbox claim 2(a)
- G. Bai Chen, 250 Campus Dr., pothole or other road defect claim

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

19. **Order No. 14-1005800 - Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane and those certain easements located on Farrington Lane.**

The Legislative and Legal Affairs Committee met to discuss Order No. 14-1005800, Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane and those certain easements located on Farrington Lane as requested in a May 1, 2014 letter to the City Council from Mayor Vigeant. The Assistant City Solicitor provided the committee with a revised order which included the amount for damages that was missing in the original documents. Committee members also received revised, as of June 27, 2014, Exhibit "A" which includes the 4 sheets of plans entitled "Road Acceptance & Easement Plan of Land in Marlborough, Massachusetts, Prepared for City of Marlborough, October 10, 2013, revised June 27, 2014, by Bruce Saluk & Associates, Marlborough, MA. The Assistant City Solicitor informed the committee that no funds are needed as there has been money encumbered from the bond for the Sudbury Street Sewer Project. The City Engineer informed the committee that City Council adoption at the July 21st meeting will keep the project on schedule and allow the work to begin August 1st.

The Legislative and Legal Affairs Committee voted 2-0 to approve, as amended, the 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.

From Public Services Committee

20. **Order No. 14-1005822A - Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet.** David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Mr. Edgar states this project will allow AT&T to update their existing service by installing about twenty feet of conduit from a Verizon manhole just outside of one of the driveways to the property line where it will tie into a handhold already placed on mall property. Chairman Landers confirms the project will take no more than half a day and will follow all conditions as set forth by the City of

Marlborough Public Works Department. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

21. **Order No. 14-1005823A - Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet. David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Chairman Landers visited the site earlier in the day and hadn't realized the State owns the property under the overpass. Mr. Edgar indicates they have obtained the necessary permit from the State and will perform all work in that area in accordance with their provisions as well as the City of Marlborough Public Works Department. Chairman Landers confirms the project will take no more than a day to complete. Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**
22. **Order No. 14-1005802 - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd. David Losh, General Manager of Best Buy Store #1966, appears before the committee to answer questions regarding the application. The Best Buy Trade-in Program began in 2009 and they have had no issues with the program. Customers' trade in their old mobile devices and any value not spent on a new mobile device is received as a Best Buy Gift Card. Best Buy reports to various organizations for law enforcement, making sure all documentation is adequate. Trade-in devices are held in store for thirty days and they are then sent out to one of their partners, either to be refurbished and reused as a replacement for an insurance claim or sent to one of their various charity organizations. Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #820 pending approval of the CORI for Kevin DeGray, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**
23. **Order No. 14-1005803 - Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd. David Losh is the General Manager of Best Buy Store #1966, the location within the mall that deals with mobile devices. They receive a substantial amount of trade-ins, about five to six per week during their slow period over the summer. They follow all the same policies and procedures as Best Buy Store, LP #820. Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #1966 pending approval of the CORI for David Losh, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**
24. **Order No. 14-1005824 - Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 67 Mechanic St. Police Chief Leonard has approved the CORI report for Gerald Dumais of Dumais and Sons and has no objection to the renewal of his Junk Dealer's License. Mr. Dumais has owned a second hand store in Marlborough for ten to fifteen years. He does not buy anything, but does clean out homes for a fee and then sells the items at his store location. Code Enforcement Officer Pam Wilderman has sent violation notices to Mr. Dumais for his property at 316 Lincoln Street. Mr. Dumais states a substantial amount of debris has been removed and plans to have the property cleaned up by the end of the week. Mr. Dumais questions why the condition of his property on Lincoln Street should affect his Mechanic Street business location. Chairman Landers states it is because the Lincoln Street address is sometimes a depository for his business. Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Gerald Dumais d/b/a Dumais & Sons, pending recommendation of Code Enforcement Officer regarding violation notices for 316 Lincoln Street. Carries 2-0.**

From City Council

25. **Order No. 14-1005804A - Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd. Recommendation of the Public Services Committee is to report out with no recommendation from Committee and Table until next City Council meeting.**



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

JULY 7, 2014

Regular meeting of the City Council held on Monday, JULY 7, 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 8:43 PM.

ORDERED: That the minutes of the City Council meeting MAY 19, 2014, **FILE**; adopted.
Councilor Oram abstained

ORDERED: That the minutes of the City Council meeting JUNE 16, 2014, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to propose installation of new joint owned stub pole #55-84 on public property. Pole will be set approximately 42' from existing joint owned pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole 55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer St. that is to be removed. Customer requested to remove the tree guy, Order No. 14-1005849, all were heard who wish to be heard, hearing recessed at 8:03 PM.

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

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to relocate Pole 1, 2, 3, 4, and 12 on Simarano Dr. to accommodate City of Marlborough widening project, Order No. 14-1005850, all were heard who wish to be heard, hearing recessed at 8:07 PM.

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

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to relocate Pole 22 Simarano Drive and install new guy P21-84 to accommodate City of Marlborough widening project, Order No. 14-1005851, all were heard who wish to be heard, hearing recessed at 8:08 PM.

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

ORDERED: That the Capital Outlay transfer request in the amount of \$956,208.00 which moves funds from Undesignated Stabilization to School Equipment, Emergency Management, DPW Projects and Police Department as indicated on the attached spreadsheet, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$8,241,283.67	\$956,208.00	83600	32925	Undesignated Stabilization	\$500,000.00	19300006	58630	School Equipment	\$0.00	
Reason:		To fund capital outlay requests								
					\$378,243.00	19300006	58596	Emergency Management	\$0.00	
Reason:										
					\$27,985.00	19300006	58514	DPW Projects	\$0.00	
Reason:										
					\$49,980.00	19300006	58593	Dept Equipment Police	\$0.00	
	\$956,208.00	Total			\$956,208.00	Total				

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

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

ORDERED: That the following Intermunicipal Agreement with Town of Hudson to assist with the Board of Health, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Hudson

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Hudson (collectively, the "Parties"), 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 Hudson ("Hudson") in accordance with the following terms:

1. Purpose and Duties:

(A) This Agreement contractually enables the Director of Public and Community Health Services (the "Director") in the Town of Hudson to perform operational consulting in the office of the Board of Health of the City of Marlborough ("Board of Health"). The Director shall remain an employee of the Town of Hudson, and shall be subject to standard personnel practices thereof.

(B) The duties and responsibilities of the Director shall be as follows:

- i. Provide direction, advice, and professional guidance to the Board of Health and their employees regarding the execution of their daily responsibilities;
- ii. In conjunction with the Mayor's office, facilitating the delegation of duties in the Board of Health and offer recommendations to improve workflow;
- iii. In limited and/or emergency circumstances, assisting in the performance of health inspection services;
- iv. Maintaining separate and comprehensive records of all services performed for the City of Marlborough;
- v. Acting in the best interests of the health and well-being of the inhabitants of the City of Marlborough.

(C) In his consulting and advisory capacity, the Director shall NOT be responsible for the following:

- i. Approving expenditures, invoices or contracts pertaining to the Board of Health.
- ii. Authorizing time off for any employee or approving weekly time sheets.

2. Term: The term of this Agreement shall be from July 8, 2014 until November 1, 2014. The Town of Hudson and the City of Marlborough reserve the right to terminate this agreement at any time upon written notice of at least (15) business days. The Parties may extend this Agreement in one month increments.

- 3. Location and Time of Services: The Director shall work from the offices of the Board of Health for a period of six hours per week according to his availability and in consultation with the Mayor of Marlborough and the Executive Assistant of the Town of Hudson.
- 4. Compensation: The City of Marlborough agrees to pay the Town of Hudson the sum of \$1,250.00 per month for the services outlined in Section 1(B) of this Agreement. Payment shall be made monthly upon receipt of an invoice from the Town of Hudson. The City shall directly provide to the Director a stipend of \$50.00 per month for use of his personal vehicle for any and all travel expenses incurred in the performance of his duties under this Agreement.
- 5. Insurance: The Parties acknowledge that each maintains a minimum of \$1,000,000 of public liability and property damage 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.
- 6. Amendments: This Agreement may be amended, extended, or modified only by a written instrument signed by both Parties.
- 7. Notice: Until changed by notice in the manner specified above in paragraph 6, the addresses and telephone numbers of the parties to this Agreement 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 HUDSON:

Thomas Moses, Executive Assistant
 Town Of Hudson
 78 Main Street
 Hudson, MA 01749
 Telephone: (978) 562-9963

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

For City of Marlborough:

For Town of Hudson:

Arthur G. Vigeant, Mayor

Thomas Moses, Executive Assistant

Chair, Marlborough Board of Health

Chair, Hudson Board of Health

ORDERED: That the City Council to reconsider its directive to reduce the senior center bond request by \$750,000.00, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Appointments of Anthony Aruda and Ellen Silverstein to the Board of Assessors for terms of three years to expire from date of City Council approval and Bradford Dunn as the City's Principal Assessor for a three year term, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the following Reappointments to the Recreation Commission for the following terms, refer to **PERSONNEL COMMITTEE**; adopted.

- Robert Kays for a term to expire three years from date of City Council approval
- Dennis Zilembo for a term to expire two years from date of City Council approval
- Thomas Evangelous for a term to expire two years from date of City Council approval
- Brenda Calder for a term to expire three years from date of City Council approval.

ORDERED: That the Appointment of Assistant City Solicitor, Cynthia Panagore Griffin as Chair of the Cable Advisory Committee along with members IT Director, Mark Gibbs, MPS Finance Director, Michael Bergeron and city resident, William Spitzer and extend the opportunity for City Council to select a member as its fifth and final member, **FILE**; adopted.

NOTE: Council President Pope appointed Councilor Delano to the Cable Advisory Committee.

ORDERED: That the Appointment of Alfred Weaver to serve as his appointee on the OPEB Board of Trustees, **FILE**; adopted.

NOTE: Council President Pope appointed Councilor Ossing to the OPEB Board of Trustees.

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

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

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

PUBLIC SERVICE ANNOUNCEMENTS: An announcement made by a nonprofit or civic organization.

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

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

A. Applicability.

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

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

Chapter 526 of the City’s sign ordinance. In the event of a conflict between these provisions and other provisions governing signs in Chapter 526, these provisions shall prevail.

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

B. Standards.

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

1. Sign Type: EMC signs are permitted. They shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9.
2. Number of Signs: There shall only be one (1) EMC sign permitted on each nonresidential-zoned parcel.
3. Display Area: No more than twenty-five percent (25%) of the allowable sign face shall be dedicated to the EMC portion of said sign. The EMC display portion of said sign is not to exceed a maximum of twenty-four (24) square feet.

4. Design: The EMC area must be integral to the design of the sign and shall not be the dominant element. The EMC portion of the sign face shall not be the uppermost element, but shall instead be located in the bottom one-half ($1/2$) of the sign face. Digital Display signs may be located on free standing signs and wall signs, but are prohibited on portable, temporary, awning, marquee or canopy, projecting banner, window sign, and suspended signs.
5. Automatic Dimming: No Digital Display sign or EMC sign shall be erected without an automatic light sensing device such as a light detector or photocell by which the sign's brightness can be dimmed when ambient light conditions darken.
6. Brightness and Color: The Digital Display sign or EMC sign must not display light of such intensity or brilliance so as to cause glare or otherwise impair the vision of any driver or result in a nuisance to any driver. Colors shall be permitted for electronic displays with a black background or field, and the light intensity shall not exceed a maximum luminance intensity level for all accessory and non-accessory EMC signs shall not exceed 350 (cd/m²) nits from sunset to sunrise, and 6,000 (cd/m²) nits from sunrise to sunset. A photoelectric sensor shall be installed on the sign structure and set to register the ambient light produced at sunset on any given day. The ambient light level shall determine the cutoff between the two (2) maximum luminance intensity levels, measured in nits, set forth above. Upon installation of the sign, an employee or agent of the Building Department shall confirm compliance with the above nit levels. EMC and Digital Display signs are subject to inspection at the discretion of the Building Inspector. All lighting used to illuminate signs shall be installed so that neither direct nor reflected illumination from such lighting shall cause a public nuisance to adjacent lots or abutting streets. In addition to the maximum luminosity intensity levels set forth above, all displays should adjust brightness intensity according to ambient light conditions to ensure optimum legibility.
7. Inspections: Luminosity levels shall be inspected as needed by the City's zoning enforcement officer, or an agent of the City's zoning enforcement officer, using standard industry best practices for such measurement.
8. Effects: Except for temperature and time, the EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. The message shall be limited to alphanumeric characters.
9. Operational Limitations: Such displays shall contain static messages only, and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.

10. Minimum Display Time: Each message on the EMC sign must be displayed for a minimum of 10 seconds.
11. Message Change Sequence: The change of messages on an EMC sign must be accomplished with a maximum interval of no more than 0.3 seconds of time between messages.
12. Setbacks from Residential Zoned Areas: The sign must be set back a minimum distance of two hundred feet (200') from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially-zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially-zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.
13. Hours of Operation: EMC signs shall be operational only during the time that the associated commercial operation is open for business to the public, and said signs shall be turned off at the conclusion of posted business hours.
14. Malfunctioning Signs: Signs that malfunction shall be turned off immediately.
15. Spacing: Digital Display signs and EMC signs shall be at least one hundred feet (100') apart. If, because of the shape and size of a commercial lot it is not possible to place a new sign more than 100 feet from an existing EMC sign or Digital Display sign, then the Planning Board may grant a variance for closer placement.
16. Public Service Announcements: EMC signs shall be available for public service announcements (PSAs). During a calendar year, ten percent (10%) of the operational time of EMC signs shall be made available at no cost to non-profit organizations for the display of PSA messages.

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

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

D. Governmental Exemption.

Governmental entities are exempt from the above provisions and regulations.

Refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following Order of Acceptance of Deeds in the area known as Deer Foot Park, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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

GRANTOR: Deborah Schreiber Rodriguez

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

GRANTOR: Steven J. King

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

GRANTORS: Robert A. Barden and Alice C. Barden

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

GRANTOR: Robert A. Barden

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

GRANTOR: George Lohmiller

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

GRANTOR: Bernard Collins

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

GRANTOR: Gerard Coolbrith

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

ORDERED: That the following Order of Taking by Eminent Domain in the area known as Deer Foot Park, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Eminent Domain Order of Taking

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

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

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

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

DESCRIPTION OF LAND TAKEN

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

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

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

OWNER: Bernard Collins
 4 Gigante Drive
 Stoneham, MA

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

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

OWNER: Gerard Coolbrith
56 William Ward Street
Uxbridge, MA

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

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

OWNER: Raymond Perkins
720 California Street
Tallahassee, FL

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

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

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

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

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

OWNER: Joseph Hayes
13 Blake Street
Beverly, MA

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

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

ORDERED: That the following Order Transferring Care, Management and Control to the Conservation Commission in area known as Deer Foot Park, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following lots in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

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

2. Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors' Map of the City of Marlborough.
3. That certain lot numbered 384, being approximately 0.07805326 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors' Map of the City of Marlborough.
4. That certain lot numbered 385, being approximately 0.0573921 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors' Map of the City of Marlborough.
5. Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors' Map of the City of Marlborough.
6. Those certain lots numbered 176 and 177, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.

7. Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.
8. That certain lot number 87 being approximately 0.06473829 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors' Map of the City of Marlborough.
9. Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors' Map of the City of Marlborough.
10. Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors' Map of the City of Marlborough.
11. That certain lot number 21 being approximately 0.02066116 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors' Map of the City of Marlborough.

ORDERED: That the: Order of Taking by Eminent Domain of Certain Strips of Land for the Purposes of Reconstructing and Maintaining Simarano Drive, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Eminent Domain Order of Taking

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

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

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

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

DESCRIPTION OF LAND TAKEN

1. Street address: 200 Forest Street, Marlborough, MA 01752

Permanent easements: Being portions of the property located on Simarano Drive, with a street address of 200 Forest Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and described as follows, all parcel references being to Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc.":

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

Temporary easement for grading purposes: Being a 13,630 S.F. portion of the property located on Simarano Drive, with a street address of 200 Forest Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-06 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Temporary easement for grading purposes: Being a 1,185 S.F. portion of the property located at 257 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 4 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-09 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being an 1,465 S.F. portion of the property located at 257 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 4 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-10 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Temporary easement for grading purposes: Being a 470 S.F. portion of the property located at 377 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 675 S.F. portion of a parcel located at 377 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-14 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Permanent easement for drainage purposes: Being a 799 S.F. portion of the property located at 445 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel D-03 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 1,080 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-15 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 925 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-16 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 730 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-17 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Temporary easement for grading purposes: Being a 2,930 S.F. portion of the property located at 107 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 12 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-12 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Permanent easement for roadway, sidewalk and guardrail purposes: Being a 8,390 S.F. portion of the property located on Simarano Drive with a street address of 400 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-04 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 6,950 S.F. portion of the property located on Simarano Drive with a street address of 400 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-08 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Permanent easement for roadway, sidewalk and guardrail purposes: Being a 2,325 S.F. portion of the property located on Simarano Drive with a street address of 300-350 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-03 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being an 8,235 S.F. portion of the property located on Simarano Drive with a street address of 300-350 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-07 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Temporary easement for grading purposes: Being a 920 S.F. portion of the property located at 229 Ames Street, Marlborough, MA, known and numbered as Map 89, Parcel 99 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-02 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

9. Street Address: 11 Atkinson Drive

Temporary easement for grading purposes: Being a 910 S.F. portion of the property located on Ames Street with a street address of 11 Atkinson Drive, Marlborough, MA, known and numbered as Map 89, Parcel 80 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-01 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Temporary easement for grading purposes: Being a 2,240 S.F. portion of the property located on Simarano Drive with a street address of 100 Campus Drive, Marlborough, MA, known and numbered as Map 100, Parcel 19 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-04 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 5,520 S.F. portion of the property located on Simarano Drive with a street address of 100 Campus Drive, Marlborough, MA, known and numbered as Map 100, Parcel 19 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-05 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

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

Temporary easement for grading purposes: Being a 3,200 S.F. portion of the property located on Simarano Drive with a street address of 377 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 10A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-11 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

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

12. Street Address: Off Simarano Drive

Temporary easement for grading purposes: Being a 34,085 S.F portion of the property located off Simarano Drive and of Ames Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-03 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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

OWNER: Avalon Marlborough LLC
51 Sleeper Street, Suite 750
Boston, MA 02210

ORDERED: That the Informational Letter Concerning City Towing Contracts, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 21, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Jean & Michael Morrisey, 43 Sonia Drive re: Baby Safe Haven Signs, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Investigation of Resident Complaints on various dates in July, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, April 29, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, May 13, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 17, May 1, May 15, and June 5, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, May 29, June 16, and June 26, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, April 8, May 3, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, May 22, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Commission, May 28, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 5, June 2, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 27, 2014, **FILE**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Skinner Inc., 274 Cedar Hill Street, **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Ellen Lowe, 19 Holly Hill Lane, **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Kevin McLellan, 20 Elm Heights Terrace, **LEGAL DEPARTMENT**; adopted.

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

- A. James Rennie, 218 Ash Street, other property damage and/or personal injury
- B. Mia Barbieri, 96 Blanchette Drive, pothole or other road defect
- C. Brian Simoneau, 24 Anderson Road, pothole or other road defect
- D. Roger Romito, 149 Main Street, #2, other
- E. Bryan Tambeau, 8 Peirce Street, other property damage and/or personal injury

Reports of Committees:

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

Present: Vice-Chairman Robey and Legislative & Legal Affairs Committee member Councilor Delano. Also present were Assistant City Solicitor Panagore Griffin and City Engineer Evan Pilachowski. Chairman Clancy absent. The meeting convened at 5:30 PM.

The Legislative and Legal Affairs Committee met to discuss Order No. 14-1005800, Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane and those certain easements located on Farrington Lane as requested in a May 1, 2014 letter to the City Council from Mayor Vigeant. The Assistant City Solicitor provided the committee with a revised order which included the amount for damages that was missing in the original documents. Committee members also received revised, as of June 27, 2014, Exhibit "A" which includes the 4 sheets of plans entitled "Road Acceptance & Easement Plan of Land in Marlborough, Massachusetts, Prepared for City of Marlborough, October 10, 2013, revised June 27, 2014, by Bruce Saluk & Associates, Marlborough, MA. The Assistant City Solicitor informed the committee that no funds are needed as there has been money encumbered from the bond for the Sudbury Street Sewer Project. The City Engineer informed the committee that City Council adoption at the July 21st meeting will keep the project on schedule and allow the work to begin August 1st.

The Legislative and Legal Affairs Committee voted 2-0 to approve, as amended, the 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.

Motion made and seconded to adjourn, carries 2-0

Meeting Adjourned: 5:45 PM.

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

Convened: 6:01 PM

Adjourned: 6:52 PM

Present: Chairman Landers; Public Services Committee Member Councilor Irish, Councilor Robey

Absent: Councilor Clancy

Also Present: David Edgar, Siena Engineering Group; David Losh, Best Buy Stores; Gerald Dumais, Dumais & Sons

Order No. 14-1005822A: Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet. David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Mr. Edgar states this project will allow AT&T to update their existing service by installing about twenty feet of conduit from a Verizon manhole just outside of one of the driveways to the property line where it will tie into a handhold already placed on mall property. Chairman Landers confirms the project will take no more than half a day and will follow all conditions as set forth by the City of Marlborough Public Works Department. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005823A: Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet. David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Chairman Landers visited the site earlier in the day and hadn't realized the State owns the property under the overpass. Mr. Edgar indicates they have obtained the necessary permit from the State and will perform all work in that area in accordance with their provisions as well as the City of Marlborough Public Works Department. Chairman Landers confirms the project will take no more than a day to complete. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005802: Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd. David Losh, General Manager of Best Buy Store #1966, appears before the committee to answer questions regarding the application. The Best Buy Trade-in Program began in 2009 and they have had no issues with the program. Customers' trade in their old mobile devices and any value not spent on a new mobile device is received as a Best Buy Gift Card. Best Buy reports to various organizations for law enforcement, making sure all documentation is adequate. Trade-in devices are held in store for thirty days and they are then sent out to one of their partners, either to be refurbished and reused as a replacement for an insurance claim or sent to one of their various charity organizations. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #820 pending approval of the CORI for Kevin DeGray, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005803: Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd. David Losh is the General Manager of Best Buy Store #1966, the location within the mall that deals with mobile devices. They receive a substantial amount of trade-ins, about five to six per week during their slow period over the summer. They follow all the same policies and procedures as Best Buy Store, LP #820. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #1966 pending approval of the CORI for David Losh, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005804: Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd. Police Chief Leonard has approved the CORI report for David Mersten of ecoATM and has no objection to the renewal of the Junk Dealer License. Chairman Landers read into the record the company report detailing activities since installation of the kiosk device in October 2012. Chairman Landers explains ecoATM is a machine that looks like an ATM that disposes of cell phones by reading their ID and assigns a value to that phone. The person has the option of either accepting or rejecting the offer. The company is based out of San Francisco. This past year, they have taken in 2,720 phones at the kiosk, have paid out \$66,232.00, and have received at most three to four phones that were stolen. For the few stolen devices, they have provided local law enforcement with detailed transaction reports about the person. The company works closely with the Marlborough Police Department, sending weekly reports of transactions to Lt. Giorgio via email. **Motion made by Chairman Landers, seconded by Councilor Irish, to approve the application, without recommendation, 1-1 – Does not carry.**

Order No. 14-1005824: Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 67 Mechanic St. Police Chief Leonard has approved the CORI report for Gerald Dumais of Dumais and Sons and has no objection to the renewal of his Junk Dealer's License. Mr. Dumais has owned a second hand store in Marlborough for ten to fifteen years. He does not buy anything, but does clean out homes for a fee and then sells the items at his store location. Code Enforcement Officer Pam Wilderman has sent violation notices to Mr. Dumais for his property at 316 Lincoln Street. Mr. Dumais states a substantial amount of debris has been removed and plans to have the property cleaned up by the end of the week. Mr. Dumais questions why the condition of his property on Lincoln Street should affect his Mechanic Street business location. Chairman Landers states it is because the Lincoln Street address is sometimes a depository for his business. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Gerald Dumais d/b/a Dumais & Sons, pending recommendation of Code Enforcement Officer regarding violation notices for 316 Lincoln Street. Carries 2-0.**

Suspension of the Rules requested – granted

ORDERED: That the Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd, **REPORTED OUT WITH NO RECOMMENDATION FROM COMMITTEE AND IS TABLED UNTIL NEXT CITY COUNCIL MEETING**

Suspension of the Rules requested – granted

ORDERED: That the resignation letter of Building Inspector Michael Mendoza, **FILE**; 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

Adopted VETERANS' SERVICES INTERMUNICIPAL AGREEMENT, Between the City of Marlborough and the Town of Sudbury.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:43 PM.



IN CITY COUNCIL

JUNE 16, 2014

Marlborough, Mass., _____

ORDERED:

That the Communication from NStar re: request to reschedule Public Hearing on the Petition to install 105' of 4" plastic gas main as a system improvement to 31 Wellington Street, Order No. 14-1005848, be and is herewith **RESCHEDULED TO JULY 21, 2014.**

ADOPTED

ORDER NO. 14-1005848A



City of Marlborough
Office of the Mayor

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 JUL 17 A 11:50

Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

July 17, 2014

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

Re: Acceptance of MassWorks Grant Funds

Honorable President Pope and Councilors:

I wish to seek your acceptance this evening of a grant in the amount of \$1,650,000.00 that was granted to the City through the MassWorks Infrastructure Program under the Executive Office of Housing and Economic Development (EOHED).

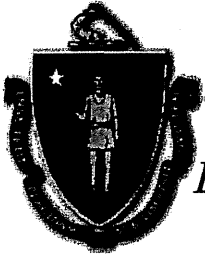
The grant award was announced by the Patrick Administration last November. Since that time, our Department of Public Works has been working closely with my office and EOHED staff to complete final designs and various pre-bid construction/ procurement documentation.

I am pleased to say that the City is now ready to bid the project and break ground by the end of August. Our last remaining item is to receive a vote of acceptance of grant funds from the City Council so it may be expended for their intended purposes.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



The Commonwealth of Massachusetts
Executive Office of Housing and Economic Development

DEVAL L. PATRICK
GOVERNOR

GREGORY BIALECKI
SECRETARY

January 22, 2013

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

Dear Mayor Vigeant,

Thank you for submitting an application for consideration during the 2013 MassWorks Infrastructure Program funding round.

On behalf of the Patrick Administration, I am pleased to inform you that the Southwest Quadrant Complete Streets Initiative was approved for a \$1,650,000 MassWorks Infrastructure Program grant during the 2013 funding round. The Executive Office of Housing and Economic Development (EOHED) received 108 applications for more than \$263 million in funding requests and the selection process was highly competitive. A project manager from EOHED will be assigned to this project and will contact the City of Marlborough directly by January 31, 2014 to set up a meeting to discuss specific requirements related to this award and to discuss how to advance the project.

Please be advised that this award letter does not act as a contract with EOHED for the grant award specified above. The City of Marlborough should not proceed with any work to be reimbursed by the MassWorks grant as it is subject to the City of Marlborough and EOHED fully executing contract documents. This letter of award is subject to the City of Marlborough completing all necessary steps to allow both the public and private elements of the project, as outlined in the application, to proceed by Spring 2014. This letter of award shall not confer any rights onto the City of Marlborough.

If you have any questions about the award, please feel free to contact the MassWorks Infrastructure Program at 617-788-3649 or by email at MassWorks@state.ma.us.

Thank you for your participation in the MassWorks Infrastructure Program. We look forward to working with you to advance this important project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Bialecki'.

Gregory Bialecki
Secretary, Housing & Economic Development

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 15-Jul-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Michael Berry / Evan Pilachowski, P.E.

NAME OF GRANT: MassWorks Infrastructure Grant Program

GRANTOR: Executive Office of Energy & Environmental Affairs

GRANT AMOUNT: \$1,650,000.00

GRANT PERIOD: FY15 - FY16

SCOPE OF GRANT/
ITEMS FUNDED Full depth reconstruction of Simarano Drive, the addition of a near mile length of sidewalk along the road and a bicycle path, achieving the "Complete Streets" standard set by MassDOT. There will also be signalization and lighting improvements to increase pedestrian safety.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? YES - \$1,550,000.00. Council approved bond request approved 11/4/13. Order #13-1005489

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
NO

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:
31048801-59573 - Bond Funds

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP - Project designs are final and bids are ready to be awarded.

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



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www.marlborough-ma.gov

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE
2014 JUL 17 A 11:50
Patricia Bernard
EXECUTIVE SECRETARY

July 17, 2014

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

Re: Fire Department Grant Acceptance

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant from the Federal Emergency Management Agency (FEMA) in the amount of \$22,500.00 to the Marlborough Fire Department.

This grant will be utilized to replace equipment with the Department's self-contained breathing apparatus. This is a significant equipment upgrade and I commend Chief Jim Fortin and his department for their efforts in securing these funds. The city's required contribution of \$2,500.00 is available within the Fire Department's existing budget.

At this time, I respectfully seek your acceptance of this grant so that the funds may be used for their intended purposes. Enclosed for your information are the pertinent back-up materials.

Thank for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

FIRE DEPARTMENT

215 Maple Street, Marlborough, Massachusetts 01752

Business (508) 460-6986 Facsimile (508) 460-3795

July 8, 2014

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

RE: FEMA Assistance to Firefighters Grant

Dear Mayor Vigeant,

Attached please find documentation in support of a grant in the amount of \$22,500.00 which has been awarded to the Fire Department through FEMA.

The intent of the Grant is to replace the air compressor used to fill SCBA cylinders (self-contained breathing apparatus.) The Department is currently using a compressor from 1990 for this purpose.

In accordance with Massachusetts General Laws, Chapter 44 Section 53A this grant was applied for and accepted by the Fire Department but in order for it to be expended for the purposes of the grant, the Mayor must recommend and the City Council must vote to approve the expenditure.

I would ask that this information be placed on the next available council agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Thank You,

James Fortin
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: FIRE DATE: 7/9/2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: JAMES M. FORTIN

NAME OF GRANT: ASSISTANCE TO FIREFIGHTERS

GRANTOR: FEMA - EMW-2013-FO-03045

GRANT AMOUNT: \$22,500.00

GRANT PERIOD: Jun-15

SCOPE OF GRANT/
ITEMS FUNDED Replace the air compressor used to fill SCBA cylinders (self contained breathing apparatus.) Compressor currently in service is from 1990.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? 10% (\$2,500.00)

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

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

From existing equipment replacement and repair accounts

ANY OTHER EXPOSURE TO CITY?

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 23-Jul-14

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



FEMA

July 8, 2014

To: Clayton Thompson, Program Analyst, GPD
From: Elizabeth McWaters-Bjorkman, GPD-EHP Environmental Specialist
Subject: EHP Clearance for City of Marlborough, MA

Documentation for the following project was submitted to the Grant Programs Directorate (GPD) for Environmental and Historic Preservation (EHP) review.

Project Description: Replace air compressor at Station 3.
Name of Grant Recipient: City of Marlborough Fire Department
Location: 260 Boston Post Rd East, Marlborough, MA
Grant #: EMW-2013-FO-03045
Grant Program: Assistance to Fire Fighters Grant Program
FEMA EHP Case Number: EMW-2013-FO-03045.18485

The materials you submitted were reviewed according to the National Environmental Policy Act (NEPA) of 1969, the National Historic Preservation Act (NHPA) and other EHP laws, regulations, and Executive Orders.

After review of the documentation you provided, GPD has determined this project has no significant effect on the human environment and is therefore categorically excluded from the preparation of environmental impact statements and environmental assessments under 44 CFR 10.8(d)(2)([xv]). Please inform the grantee that their project has been approved for EHP compliance. The designated POC may authorize the identified jurisdiction(s) to proceed with procurement and implementation of project(s) once they receive their release of funds memo.

This is official documentation and must be retained as part of the project record. A copy of this letter will be added to the grant file that includes this project. The grantee must be informed that any change to the approved scope of work will require re-evaluation for compliance with NEPA and other laws and Executive Orders. The grantee, subgrantee and this project will continue to be subject to programmatic monitoring.

If you have further questions please contact GPDEHPinfo@dhs.gov.



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

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JUL 17 A 11:50
Patricia Bernard
EXECUTIVE SECRETARY

July 17, 2014

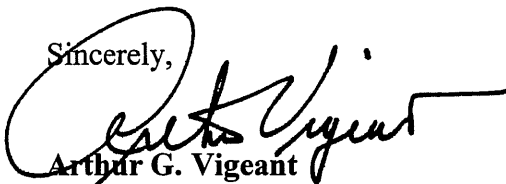
City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Open Space and Recreation Plan

Honorable President Pope and Councilors:

I am pleased to report that Marlborough's Open Space and Recreation Plan has been approved by the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs. A hearty thanks is in order for the Conservation Commission, the Recreation Commission, and Conservation Officer Priscilla Ryder for their fine work on the above mentioned plan.

Sincerely,


Arthur G. Vigeant
Mayor



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

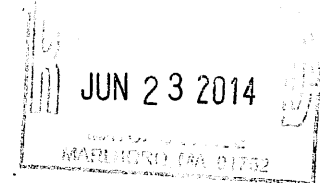
Deval Patrick
GOVERNOR

Richard K. Sullivan, Jr.
SECRETARY

RECEIVED JUN 23 2014

Tel: (617) 626-1000
Fax: (617) 626-1181

June 16, 2014



Priscilla Ryder
Conservation Commission
140 Main Street
Marlborough, MA 01752

Re: Open Space and Recreation Plan

Dear Ms. Ryder:

Thank you for submitting Marlborough's Open Space and Recreation Plan to this office for review for compliance with the current Open Space and Recreation Plan Requirements. I am pleased to write that the plan is approved. This final approval will allow Marlborough to participate in DCS grant rounds through July 2018.

Congratulations on a great job. Please call me at (617) 626-1171 if you have any questions or concerns about the plan.

Sincerely,

Melissa Cryan
Grants Manager

Manya C.C.



City of Marlborough
Office of the Mayor

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RECEIVED
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CITY OF MARLBOROUGH
2014 JUL 17 A 11:50
Arthur G. Vigeant MAYOR
Michael C. Berry EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

July 17, 2014

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

Re: Board of Health Appointment

Honorable President Pope and Councilors:

I pleased to submit for your approval the appointment of Robin Williams to the Board of Health for a term to expire January 5, 2015 in keeping with the city's charter. I intend to submit Ms. Williams to the Council for a full three year term later this year. Ms. Williams will replace outgoing Board of Health member John Rowe.

Ms. Williams is not only an experienced public health professional but she is also a veteran of the United States Army. She currently serves as a Senior Environmental Health Specialist for the City of Newton and carries certification as a Registered Sanitarian. For your information, I have enclosed her resume.

With Ms. Williams' appointment, the Board of Health will have a knowledgeable and experienced membership to ensure our city is doing all it can to educate our community on important public health matters while ensuring full compliance with state, local and federal health regulations.

Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

ROBIN E. WILLIAMS

88 Greenwood Street
Marlborough, MA 01752
617-872-8718
robinliz2008@gmail.com

Education

University of Massachusetts at Amherst, MA

- Bachelor of Science, Food Science, Minor: Chemistry, December 1998

Work Experience

Senior Environmental Health Specialist City of Newton Health and Human Services Department, Newton, MA. Summers 1995-1998, Full-Time 1999 – Present

- Responsible for enforcing state and local public health laws, regulations and sanitary codes
- Investigate public health and food illness complaints
- Recommend hearings, fines and restaurant closings
- Review and approve plans for new and existing food, body art, and tanning establishments
- Create and maintains food establishment database and inspection schedule
- Train inspectors in the field

Food Safety Subcontract Consultant

Berger Food Safety, Boston, MA 2001 – Present

Town of Framingham Health Department, Framingham MA 2010 - 2011

National Everclean Services, Agoura Hills, CA 2006 - 2011

- Educate and demonstrate to food service employees and managers food safety and good manufacturing practices
- Evaluate food safety practices and make necessary recommendations
- Provide audits to food establishments
- Liaison between establishment owners and local Health Departments

United States Army 1987 – 1995, Honorable Discharge

Food Inspector Supervisor Fort Leavenworth, KS July 1993 – February 1995

- Prepared and conducted in-service training for food inspection activity
- Provided technical guidance to subordinate personnel
- Accurately interpreted and disseminated current laws, policies and procedures to inspectors
- Scheduled duty rosters for personnel
- Created job descriptions, set standards, monitored and evaluated performance criteria
- Provided counseling for individuals and in group settings
- Recognized for expertise in pork inspections netting price adjustments for the U.S. government.

Procurement Quality Assurance Inspector Geissen, Germany August 1991 – July 1993

- Conducted origin subsistence procurement inspections of carcass beef, pork, poultry and shelled eggs valued at more than \$17 million annually. These inspections covered more than 35,000 square miles in Northern Germany in support of the Department of Defense off-shore Procurement Program
- Performed pre-operational sanitary inspections on commercial facilities
- Effectively utilized proper channels and procedures to report violations of food wholesomeness, animal disease and food establishment sanitary requirements

Food Inspector Fort Benning, GA May 1987 – July 1991

- Performed inspection of subsistence to determine compliance with contractual requirements

- Reviewed laboratory test results for product requirement
- Recorded contractual deficiencies and initiated recommendations for corrective actions
- Developed, organized and directed the food recall program

Certificates

- Current Registered Environmental Health Specialist / Registered Sanitarian (REHS/RS) with the National Environmental Health Association (NEHA)
- Serves on the executive board for the Massachusetts Environmental Health Association (MEHA), 2012 – Present
- MA State Standardized in accordance with procedures similar to the FDA standardization process, 2013
- Mobile Food Establishment, 2013
- MA Public Health Inspector Training (MA PHIT), 2011
- Board Member of MA PHIT program development team
- Certified Professional-Food Safety
- Plan Review (FDA), April 2011
- Temporary Food Establishments (FDA), 2009
- Managing Retail Food Safety (FDA), 2008
- Special Processes at Retail (FDA), 2010
- Shellfish Plant Sanitation Standardization (FDA), December 1993
- Hazard Analysis Critical Control Point and Retail Food Store Sanitation Code (FDA), October 1992
- Veterinary Food Inspection Specialist (Advanced) Course, October 1992
- Food Protection Certification Program (Center for Occupational and Professional Assessment), August 1991
- Veterinary Food Inspection Specialist (Basis) Course, June 1987

Computer Skills

Microsoft Access, Word, Excel, WinWam and Internet

References

Available upon request



City of Marlborough

Office of the Mayor

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

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

2014 JUL 17 A 11:50

Patricia Bernard
EXECUTIVE SECRETARY

July 17, 2014

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

Re: IPG Photonics Tax Increment Finance Agreement

Honorable President Pope and Councilors:

I am writing to ask that the Marlborough City Council favorably look upon IPG Photonics Corporation's ("IPG") EDIP application and a proposed, small local tax incentive.

IPG Photonics Corporation, headquartered in Oxford, Massachusetts, is one of the world's leading developers and manufacturers of high-performance fiber lasers and amplifiers.

IPG is a global company with manufacturing facilities in the U.S., Germany, Russia, and Italy, and regional sales offices in many countries, the Company has grown into the world's largest manufacturer in this category and serves customers worldwide in various sectors, including automotive, aerospace, medical, telecommunications, renewable energy, and the federal government.

The Company has outgrown its temporary leased space in Marlborough and has recently purchased two vacant buildings in Marlborough consisting of an estimated 112,000 square feet of space. The Company has proposed plans to renovate the buildings for use as an advanced manufacturing and research and development center. The project investment is estimated at \$13.5 million, including \$7.5 million for renovation costs and \$6 million for personal property.

IPG plans to apply for Certified Project status from the Massachusetts Economic Assistance Coordinating Council (EACC) and plans to seek an EDIP Investment Tax Credit from the Commonwealth of Massachusetts.

IPG's proposed expansion is intended to create an environment that includes system assembly operations along with a research and development center, to further enhance its groundbreaking technology and innovation. As a result of this expansion project, IPG is committed to creating and maintaining one hundred (100) net new, manufacturing and research and development jobs, and retain twenty-four (24) jobs, currently located on Simarano Drive in Marlborough.

Needless to state, fostering the economic growth of a global manufacturing company; such as, IPG in Marlborough is extremely important to the economic health and vitality of our city, especially as we continue to strengthen our fragile economic rebound. Therefore, I am requesting that the City Council work with me in expeditiously approving this EDIP application.

Accordingly, I enclose the following documents supporting this TIF proposal:

1. proposed TIF agreement;
2. proposed TIF plan and zone;
3. proposed Economic Opportunity Area application;
4. proposed EDIP preliminary application;
5. proposed Council resolution regarding the above; and
6. spreadsheets for estimated tax savings on 257 and 259 Cedar Hill Street.

Thank you for your kind attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant", written in a cursive style.

Arthur G. Vigeant
Mayor

257 and 259 Cedar Hill Street

TAX INCREMENT FINANCING AGREEMENT BETWEEN

THE CITY OF MARLBOROUGH, IPG PHOTONICS CORPORATION AND IPG REALTY I, LLC

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**"), IPG Photonics Corporation ("IPG" or the "**Company**") and IPG Realty I, LLC (the "**Owner**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, IPG is a for-profit corporation organized under the laws of Delaware, has its principal U.S. headquarters located at 50 Old Webster Road, Oxford, MA 01540, and is authorized to do business in Massachusetts; and

WHEREAS, the Owner is the owner on record of both a parcel of land located at 257 Cedar Hill Street, Marlborough, Massachusetts 01752, as further depicted on Marlborough City Assessor's Map 115, Parcel 1B, as well as a parcel of land located at 259 Cedar Hill Street, Marlborough, Massachusetts, as further depicted on Marlborough City Assessor's Map 115, Parcel 1 (collectively, the "**Property**"); and

WHEREAS, the Company intends to invest approximately \$13.5 million collectively at the two separate buildings located on 257 and 259 Cedar Hill Street (the "**Facilities**") for redevelopment by creating a state-of-the-art advanced manufacturing and research and development center as outlined in the July 10, 2014 letter to the Marlborough Economic Development Corporation; and

WHEREAS, the Company intends to substantially renovate the current approximate 55,983 square feet of space at 257 Cedar Hill Street, and the current approximate 55,983 square feet of space at 259 Cedar Hill Street, with capital expenditures to create the advanced manufacturing operations, together with parking facilities located thereon (hereinafter, the site is defined as the "**Project Area**"); and

WHEREAS, the Project Area is to be located within the boundaries of the Framingham-Marlborough Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "**ETA**"); and

WHEREAS, the Project Area is located within the 257 and 259 Cedar Hill Street Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Law, Chapter 23A, Section 3E, and referred to below as the "**EOA**"); and

WHEREAS, the Company expects to have based out of the Facilities approximately 24 permanent, full-time jobs presently located in Marlborough, Massachusetts, and beginning on the effective date of this agreement, to create and, over the term of the TIF Agreement, to maintain at the Project Area 100 new, permanent, full-time jobs open to qualified residents of Marlborough and the ETA; and

WHEREAS, the renovations to the Project Area are estimated to result in an estimated capital investment by the Company of \$13.5 million for renovation and personal property costs (the "**Project**"); and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the ETA and EOA; and

WHEREAS, by a letter dated July 17, 2014, the Mayor recommended the TIF Plan and the TIF Agreement to the Marlborough City Council;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2014 pursuant to the Resolution attached hereto as Attachment A. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of five (5) years (the "Exemption Term"), commencing on July 1, 2016 (the beginning of fiscal year 2017) and ending on June 30, 2021 (the end of fiscal year 2021). The Exemption shall pertain to real property taxes for the Project Area, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

REAL PROPERTY EXEMPTION	
Fiscal Year	Exemption Percentage
2017	100%
2018	50%
2019	30%
2020	20%
2021	10%

3. The base valuation for the Project Area shall be the assessed valuation of the Project Area in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. The exemption will commence on July 1, 2016, which is the beginning of fiscal year 2017, although, as provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project will become eligible for the exemption on July 1, 2015 (fiscal year 2016), which is the July 1st following September 24, 2014, the date on which the EACC is anticipated to approve the TIF Plan. Accordingly, the base year for this TIF Agreement will be fiscal year 2015. Consequently, the base valuation for the real property pertinent to the Project Area will be determined as of January 1, 2014.
4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

B. THE COMPANY'S OBLIGATIONS AND THE OWNER'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will operate a state-of-the-art advanced manufacturing and research and development center at the Project Area;
 - (b) As part of proposed improvements in the Project Area, the Company agrees that it will make capital improvements which is currently estimated to be approximately \$13.5 million in renovation and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvement and investment;
 - (c) The Company and the Owner agree to timely pay all of the taxes owed to the City by the Company and the Owner, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to relocate to the Facilities 24 permanent full-time jobs existing as of May 23, 2014 and presently located throughout Massachusetts; and following May 23, 2014, to hire and, over the term of the Agreement, to create a minimum of 100 new permanent full-time employees (as "permanent full-time employee" is defined in 402 C.M.R. 2.03), to be employed at the Facilities as of the beginning of Fiscal Year 2017 (i.e., July 1, 2016) and whose employment by the Company commences on or after May 23, 2014 ("New Permanent Full-Time Employees"). The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent Full-Time Employee Requirement
June 30, 2017	50
June 30, 2018	50
June 30, 2019	0
June 30, 2020	0
June 30, 2021	0

The Company shall work in good faith in accordance with Section B.1(e) below and shall retain a base employment figure of 24 permanent full-time jobs and create net new 100 full-time jobs over the period starting on May 23, 2014, and maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) Such New Permanent Full-Time Employees shall be exclusive of the Company's 24 permanent, full-time jobs located throughout Massachusetts as of May 23, 2014 and to be relocated to the Facilities. In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company shall use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of January of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2017 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2017, ending on June 30, 2017, shall be submitted by the end of December 2017. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:
- (a) Employment levels at the Facilities at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of ETA and Marlborough residents respectively employed at the Facilities at the beginning and at the end of the reporting period;

- (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA;
- (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company shall provide the City with any and all information related to the Project Area, including the Company's improvements to the Project Area, which the parties mutually agree should be provided.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet, or fails to maintain, its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2017 is 25 instead of 50, then the real property tax exemption percentage otherwise applicable for FY 2018 would actually be (25/50) x 50%, or 25%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Paragraphs 1 or 2 of this Section B above or Paragraphs 5, 6 or 7 of this Section B below, and the City further determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the

date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at the Project Area's address and simultaneously to IPG Photonics Corporation, Attn: Paolo Sinni, Vice President, Treasurer and Controller and with a copy to IPG General Counsel. Said notice shall be effective upon receipt.

5. As per the Company's letter to the Marlborough Economic Development Corporation dated July 10, 2014 and attached hereto as Attachment B, the Company has committed to operate a state-of-the-art advanced manufacturing and research and development center, and not a warehouse, at the Project Area. If, by the intended start of this TIF Agreement on July 1, 2016 or at any time prior to the expiration of this TIF Agreement, the Company operates a warehouse, or otherwise fails to operate a state-of-the-art advanced manufacturing and research and development center, at the Project Area, the Agreement shall thereupon be deemed null and void, with no Exemption for the Project Area granted to the Company by the City whatsoever.

6. If, at any time prior to the expiration of the term on this Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations as a state-of-the-art advanced manufacturing and research and development center at the Project Area especially as described to the city in the letter attached hereto as Attachment B, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations as a state-of-the-art advanced manufacturing and research and development center at the Project Area, according to the following schedule:

COMPANY'S PAY-BACK SCHEDULE

FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations as a State-of-the-Art Advanced Manufacturing and Research and Development Center at the Project Area	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2017	90%
2018	80%
2019	70%
2020	60%
2021	50%

Such pay-back amounts shall be paid back by the Company in full within thirty (30) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been made.

The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public (specifically excluding any communications the Company's employees) of a proposed move from, vacation of, abandonment of, or other termination of operations as a state-of-the-art advanced manufacturing and research and development center at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of the Company and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company.

7. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 7. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 7 shall be in Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
3. The Owner shall pass along to the Company all real property tax savings resulting from this Agreement.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be September 24, 2014, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the TIF Plan and Zone and TIF Agreement.

6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City or the Company or as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
City Hall
Attention: Mayor's Office
140 Main Street
Marlborough, MA 01752

COMPANY: IPG Photonics Corporation
Attention: Paolo Sinni, Vice President, Treasurer and Controller
50 Old Webster Road
Oxford, MA 01540

cc: Angelo LoPresti, General Counsel, Secretary and Senior Vice President
IPG Photonics Corporation

OWNER: IPG Realty I, LLC
Attention: IPG Photonics Corporation
50 Old Webster Road
Oxford, MA 01540

cc: Angelo LoPresti, General Counsel, Secretary and Senior Vice President
IPG Photonics Corporation

WITNESSETH, the execution and delivery of this Agreement by the Company, the Owner and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

IPG Photonics Corporation

By: _____

Dated: _____, 2014

Paolo Sinni
Vice President, Treasurer and Controller
IPG Photonics Corporation

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as _____ of IPG Photonics Corporation, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

IPG Realty I, LLC

By: _____

Dated: _____, 2014

Its Manager
IPG Photonics Corporation
Paolo Sinni
Vice President, Treasurer and Controller
IPG Photonics Corporation

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as _____ of IPG Realty I, LLC, and

proved to me through satisfactory evidence of identification, which was _____,
that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF VOTE

I, _____, _____ of IPG Photonics Corporation (the "Corporation"), hereby certify that, at a meeting of the Board of Directors of the Corporation duly held on _____, 2014, which date is earlier than the effective date of the Tax Increment Financing Agreement between the City of Marlborough, IPG Photonics Corporation and IPG Realty I, LLC, at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

"Voted: That _____ be and hereby is authorized, directed and empowered for, in the name of and on behalf of the Corporation, to sign, seal, execute, acknowledge and deliver the Tax Increment Financing Agreement between the City of Marlborough, IPG Photonics Corporation and IPG Realty I, LLC by said _____ to be valid and binding upon the Corporation for all purposes; and that a certificate of the Clerk of the Corporation setting forth this vote shall be delivered to the Mayor for the City of Marlborough; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested to by the Clerk of the Corporation is delivered to the Mayor for the City of Marlborough."

I further certify that _____ is the duly-elected _____ of the Corporation.

Signed: _____ Dated: _____, 2014

[name]
[title]
IPG Photonic Corporation

Place of Business: 50 Old Webster Road
Oxford, MA 01540

AFFIX SEAL

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign the said Agreement for the Corporation, this Certificate must be counter-signed by another officer of the Corporation.

Countersignature:

ATTACHMENT A

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 Framingham-Marlborough 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 part of a 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 115, Parcels 1B and 1 on the Marlborough Assessor's Map; and

WHEREAS; the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the 257 and 259 Cedar Hill Street Economic Opportunity Area application; and

WHEREAS, the City Council of the City of Marlborough finds that the 257 and 259 Cedar Hill Street 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 257 and 259 Cedar Hill Street 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 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 257 and 259 Cedar Hill Street Economic Opportunity Area in the City of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby endorses the 257 and 259 Cedar Hill Street Economic Opportunity Area ("EOA") and authorizes the submission of the 257 and 259 Cedar Hill Street EOA application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council, said EOA to be comprised of Map 115, Parcels 1B and 1 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 IPG Photonics Corporation's application for 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 257 and 259 Cedar Hill Street EOA;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities servicing the 257 and 259 Cedar Hill Street EOA;
 - c. The project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the Framingham - Marlborough Regional ETA; and
 - d. The City Council approves IPG Photonics Corporation's request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for five (5) years.

ADOPTED
In City Council
Order No 14-100 ____
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ATTACHMENT B



July 10, 2014

Timothy Cummings

Executive Director

Marlborough Economic Development Corporation

91 Main Street Suite 204

Marlborough, MA 01752

RE: IPG Photonics Corporation

Proposed Advanced Manufacturing Center - Marlborough, Massachusetts

Dear Tim:

Thank you for your continued interest to attract the proposed IPG Photonics advanced manufacturing center to Marlborough. We continue to be attracted to the positive business climate the City has to offer.

As previously noted, IPG has outgrown its temporary space in Marlborough and has recently purchased two vacant buildings in the city consisting of an estimated 112,000 square feet of space for warehouse purposes or for the renovation as a state-of-the art advanced manufacturing center.

The Company's preferred option, which necessitates favorable state and local incentives, is the development of the manufacturing center with dedicated space as described below.

Building 1 - 257 Cedar Hill Street

80% - Manufacturing

20% - Office

Building 2 - 259 Cedar Hill Street

100% - Research and Development/Clean Rooms/Labs



Should the Company proceed with the proposed renovation and development of the buildings, the properties would not be utilized as a warehouse.

We look forward to establishing a beneficial partnership with the City of Marlborough. It is essential that favorable state and local tax incentives be secured to ensure that our advanced manufacturing center remains in Massachusetts.

Please do not hesitate to contact me if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paolo Sinni'.

Paolo Sinni

Vice President, Treasurer, and Controller

cc: Marlborough Mayor Arthur Vigeant
Marlborough City Council President Pope
Marlborough City Councilor Delano
Michael Berry, Executive Aide, Marlborough Mayor
Lynn Tokarczyk, Business Development Strategies, Inc.

**TAX INCREMENT FINANCING
PLAN & ZONE**

City of Marlborough

257 and 259 Cedar Hill Street EOA
IPG Photonics Corporation
and
IPG Realty I, LLC

July 2014

1) Location

A. Framingham - Marlborough Regional Economic Target Area (ETA):

The City of Marlborough established a site-specific Economic Opportunity Area ("EOA") at 257 and 259 Cedar Hill Street, as further depicted on Marlborough City Assessor's Map 115 Parcel 1B and Map 115 Parcel 1, respectively. The City of Marlborough and IPG Photonics propose a Tax Increment Financing Zone ("TIF Zone") within the 257 and 259 Cedar Hill Street EOA, which consists of two buildings on two separate Map and Parcels; each building is an estimated 55,983 square feet, and combined contain approximately 111,966 square feet, all within the broader Framingham – Marlborough ETA.

B. Municipality:

City of Marlborough, County of Middlesex, Commonwealth of Massachusetts.

C. TIF Zone:

1. Location and Map:

The TIF Zone is the entirety of 257 and 259 Cedar Hill Street located on Marlborough City Assessor's Map 115, Parcel 1B and Map 115, Parcel 1, respectively. The TIF Zone consists of nearly 112,000 square feet of space spread over two buildings, which are owned by IPG Realty I, LLC, including parking facilities, located at 257 and 259 Cedar Hill Street, Marlborough, Massachusetts 01752. A map showing the location of the TIF Zone is attached as Attachment A.

2. Legal Description:

A description of the TIF Zone is attached as Attachment B.

3. TIF Zone Issues:

None.

4. Property Owners within the proposed Zone:

257 and 259 Cedar Hill Street, shown on the City of Marlborough Assessor's Map as Map 115 Parcel 1B and Map 115 Parcel 1, respectively, is currently owned by IPG Realty I, LLC and is targeted for a redevelopment project. IPG Photonics Corporation ("IPG Photonics" or "IPG") is the manager of IPG Realty I, LLC.

2) Duration of TIF Zone and Plan

A. Length of Time:

The duration of the TIF Zone, Tax Increment Financing Plan ("TIF Plan") will be for a period of 5 years (Fiscal Year 2017 through 2021). The TIF Plan and Agreement herein shall commence upon final approval of the TIF Plan by the Economic Assistance Coordinating Council ("EACC"). IPG Photonics' eligibility for the tax increment exemption under the proposed Tax Increment Financing Agreement would commence on the first day of July of 2016.

3) TIF Zone and Economic Development

A. Continued Development Opportunity:

Per its proposed local TIF Agreement with the City of Marlborough, IPG Photonics intends to make capital investments at 257 and 259 Cedar Hill Street estimated to be \$13.5 million. The company also anticipates retaining 24 full-time jobs and creating 100 new, permanent full-time jobs at the location over the first two (2) years of the proposed TIF Agreement, and maintaining all such jobs over the entire term of the proposed TIF Agreement.

B. Net Economic Benefit to the City of Marlborough:

The benefits of IPG Photonics' investments that will accrue to the City of Marlborough are considerable and include the following:

- *Retention of 24 permanent full-time employees to Marlborough;*
- *Creation of 100 new, net permanent full-time jobs over the first two (2) years of the proposed TIF Agreement;*
- *Maintaining all 124 such jobs over the entire term of the proposed TIF Agreement;*
- *Significant new capital investment estimated to be \$13.5 million;*
- *Increase in commercial tax revenues/base; and*
- *Higher and better use of existing land and building located at 257 and 259 Cedar Hill Street that is currently vacant and obsolete.*

C. Analysis of Proposed and Potential Land Uses and Zoning

The 257 and 259 Cedar Hill Street site is located within the City of Marlborough's Industrial zoning district that allows for commercial/industrial uses per the City's Zoning Ordinance. IPG's proposed investment and use of the land/property will conform to the intent of the zoning districts in which it is located and achieve the economic development goals of the municipality for this corridor.

4) TIF Zone Project

A. Private Project (Company Description):

IPG Photonics Corporation, headquartered in Oxford, Massachusetts, is one of the world's leading developers and manufacturers of high-performance fiber lasers and amplifiers. Since its founding in 1990, IPG has pioneered the development and commercialization of optical fiber-based lasers for use in a wide range of markets. Fiber lasers have revolutionized the industry by delivering superior performance, reliability and usability at a lower total cost compared with conventional lasers, allowing end users to increase productivity and decrease operating costs. IPG's lasers should continue to displace traditional lasers in many existing applications due to their superior performance and value. In February 2014, the Company unveiled a new portfolio of lasers that showcases its innovative technology and provides customers with better value and expanding applications.

IPG is a global company with manufacturing facilities in the U.S., Germany, Russia and Italy, and regional sales offices in Japan, Korea, India and the United Kingdom. Since the Company's founding, it has grown into the largest manufacturer in the world in this category with sales in the U.S., Canada, Asia, and other countries.

IPG currently leases temporary space in Marlborough and due to customer demands, The Company, acting through IPG Realty I, LLC, has recently purchased two vacant buildings in Marlborough consisting of an estimated 111,966 square feet of space. The Company has proposed plans to renovate the buildings for use as a state-of-the-art advanced manufacturing and research and development center, with dedicated space for clean rooms, labs and manufacturing.

IPG Photonics is the only project envisioned for the TIF Zone.

A Marlborough City Council vote approving the 257 and 259 Cedar Street EOA, and the TIF Plan and Zone, as certified by the Marlborough City Clerk is provided as part of Attachment C, attached hereto.

B. Public Projects:

No other projects, public or private, are anticipated for the TIF Zone.

5. Financing for Planned TIF Project

A. Anticipated Financing for the 257 and 259 Cedar Hill Street Project:

Financing for the TIF Project will be self-financed from private sources.

B. Anticipated Financing for Other Projects:

No other projects, public or private are anticipated for the TIF Zone.

6. Tax Increment Financing

A Marlborough City Council vote, as certified by the Marlborough City Clerk approving the TIF Agreement, and which has been executed by the Marlborough Mayor, as directed by the Marlborough City Council, pursuant to M.G. L. c. 40 § 59 and M.G.L. c. 59, § 5, is provided in Attachment D, attached hereto.

7. Approval of the TIF Project

A. Approval Process:

All projects seeking EACC approval as an EDIP certified project, local execution of a TIF Agreement and local designation for a defined area as an EOA are forwarded to the Marlborough City Council upon recommendation from the Marlborough Economic Development Corporation and the Mayor along with other local stakeholders comprising an Ad-Hoc Advisory TIF Committee. The Marlborough City Council will then send the EOA application and proposed TIF Agreement to the City Council's Finance Committee for consideration and a recommendation as to approval. Upon review and the approval recommendation by the Finance Committee, the Marlborough City Council then formally approves the TIF Agreement and EOA designation. Once the TIF Agreement is executed by the Mayor and the Project's signatories, the EOA application and TIF Agreement are forwarded to the EACC for request for approval of an EDIP certified project.

B. Person authorized to execute the TIF Agreement with IPG Photonics:

The Mayor of the City of Marlborough is authorized to execute the TIF Agreement, as directed by the vote of the Marlborough City Council.

C. Evidence of Local Approval:

See Attachment C: The Marlborough City Council Resolution dated _____

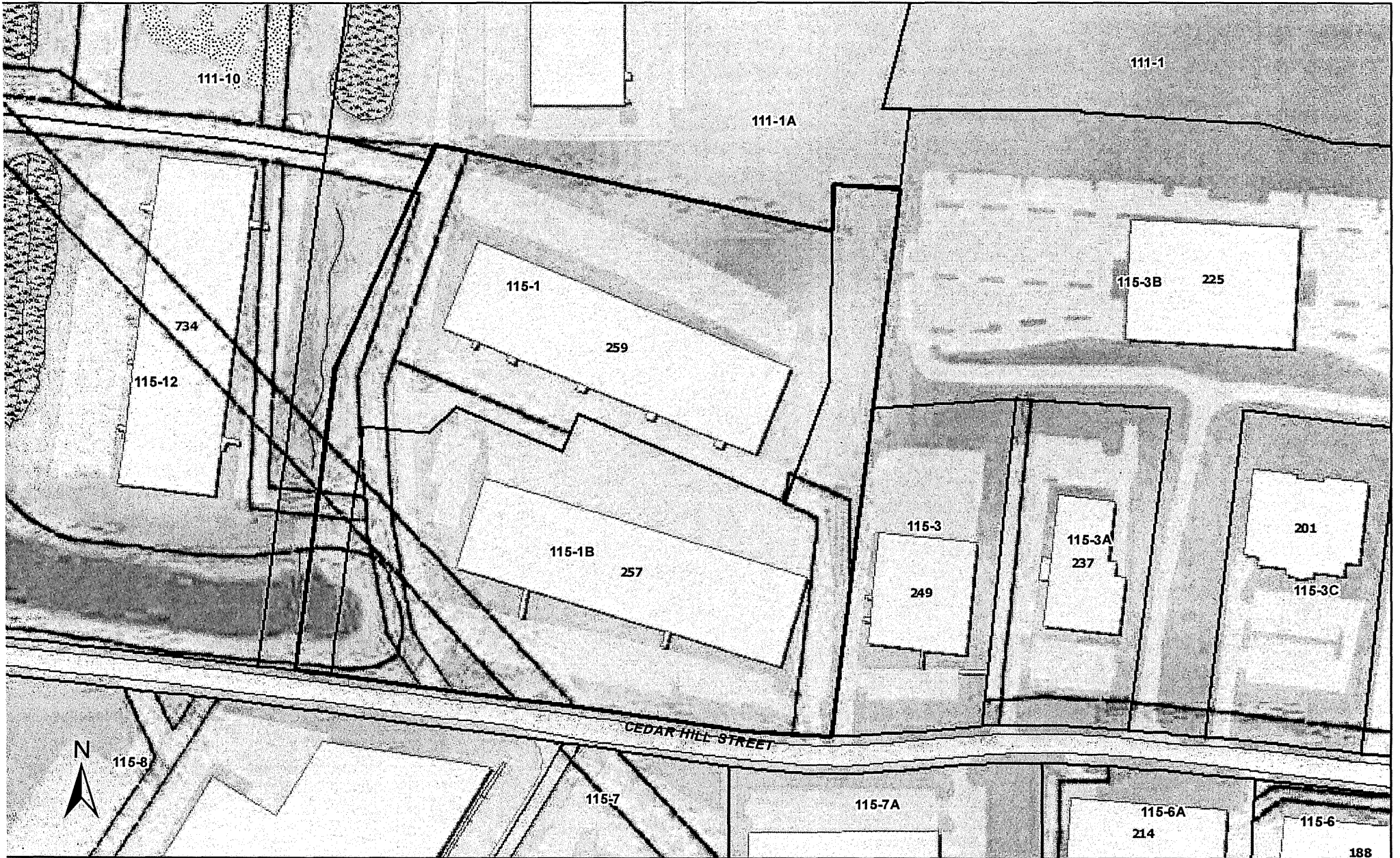
D. EACC Approval

The request to the EACC for approval of the TIF Plan and Zone and EOA Application is provided as part of this document.

Attachment A

(Map of TIF Zone)

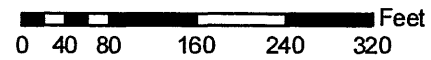
GIS Map



July 17, 2014

-----	Easements		DEP WETLAND
-----	Parking Lots		
-----	Driveways		
-----	Type		
-----	Paved		
-----	Unpaved		

1 inch = 174 feet



City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-making.

Attachment B

(Legal Description of TIF Zone)

EXHIBIT A

Legal Description

257 Cedar Hill

That certain parcel of land situated on the northerly side of Cedar Hill Street, Marlborough, Middlesex County, Massachusetts, shown as Lot A on a Plan entitled "Subdivision Plan of Land in Marlborough, MA Middlesex County", dated September 30, 1985, prepared by: Beals & Thomas, Inc., recorded with Middlesex South District Registry of Deeds, as Plan No. 1360 of 1985 (the "Plan") and more particularly bounded and described as follows:

Beginning at a point which is located at the southeasterly corner of the premises herein described and the northerly sideline of Cedar Hill Street as shown on said Plan; thence

S 86° 48' 56" W a distance of seven and 64/100 (7.64) feet to a point; thence
S 86° 01' 27" W a distance of twelve and 97/100 (12.97) feet to a point; thence
S 88° 15' 47" W a distance of seventy-nine and 38/100 (79.38) feet to a point; thence
N 80° 00' 00" W a distance of two hundred ten and 00/100 (210.00) feet to a point; thence
N 81° 43' 23" W a distance of one hundred thirty-eight and 89/100 (138.89) feet to a point; thence
N 83° 12' 23" W a distance of two hundred thirty five and 38/100 (235.38) feet to a point, the previous six (6) courses bounding on the northerly side of Cedar Hill Street; thence
N 08° 26' 57" E a distance of three hundred thirty-four and 04/100 (334.04) feet to a point; thence
S 81° 33' 08" E a distance of eighty-four and 74/100 (84.74) feet to a point; thence
N 45° 02' 44" E a distance of forty nine and 37/100 (49.37) feet to a point; thence
S 67° 52' 02" E a distance of one hundred fifty-seven and 09/100 (157.09) feet to a point; thence
N 22° 07' 58" E a distance of fifty-eight and 00/100 (58.00) feet to a point; thence
S 67° 52' 02" E a distance of two hundred ninety and 00/100 (290.00) feet to a point; thence
N 22° 07' 58" E a distance of one hundred eighty and 00/100 (180.00) feet to a point; the previous seven (7) courses bounding on Lot B; thence
N 00° 17' 50" E a distance of two hundred fifty-three and 49/100 (253.49) feet to a point bounding in part on Lot B and in part on Lot C; thence
S 89° 42' 10" E a distance of eighty-eight and 76/100 (88.76) feet to a point bounding on Lot C; thence
S 06° 28' 41" W a distance of seven hundred forty-three and 21/100 (743.21) feet to the point of beginning, bounding in part on land now or formerly of Cedar Hill Place, LLC, and on land now or formerly of Alan G. Germaine, et al.

The exclusive and non-exclusive reciprocal easements, rights, benefits and appurtenances for drainage, ingress, egress, vehicular and pedestrian passage, installation, operation and maintenance of separate and common utilities and other miscellaneous purposes including, but not limited to, use of a detention pond, appurtenant to Parcel I and Parcel II as said easements are shown on that certain plan entitled "Easement Plan of land in Marlborough MA (Middlesex County)" Scale 1"=50' date: December 27, 1985, and revised on February 20, 1986, prepared by Beals and Thomas, Inc., Two Westborough Business Park, 200 Friburg Parkway, Westborough,

MA 01581, and recorded in said Deeds as Plan No. 434 of 1986, all as more particularly described in and incorporated into that certain Declaration of Easement dated as of April 2, 1986 and recorded in said Deeds in Book 16893, Page 434, as affected by First Amendment to Declaration of Easements dated September 28, 1987 and recorded in Book 18687, Page 456, as further affected by an Easement Agreement dated August 29, 1988 and recorded in Book 19304, Page 459.

259 Cedar Hill

That certain parcel of land situated on the northerly side of Cedar Hill Street, Marlborough, Middlesex County, Massachusetts, shown on Lot B on a Plan entitled "Subdivision Plan of Land in Marlborough, MA (Middlesex County), dated September 30, 1985, prepared by: Beals & Thomas, Inc., recorded with Middlesex South District Registry of Deeds, as Plan No. 1360 of 1985 (the "Plan") and more particularly bounded and described as follows:

Beginning at a point which is located at the southwesterly corner of the premises herein described and the northerly street line of Cedar Hill Street, as shown on said Plan; thence

N 08° 26' 57" E a distance of four hundred twenty and 00/100 (420.00) feet to a point; thence
N 24° 33' 31" E a distance of three hundred fifteen and 29/100 (315.29) feet to a point; thence
S 75° 53' 34" E a distance of one hundred fifty and 00/100 (150.00) feet to a point; thence
S 79° 01' 54" E a distance of three hundred ninety-one and 25/100 (391.25) feet to a point; the previous four (4) courses bounding on Lot C; thence
S 00° 17' 50" W a distance of one hundred ninety-two and 26/100 (192.26) feet to a point; thence
S 22° 07' 58" W a distance of one hundred eighty and 00/100 (180.00) feet to a point; thence
N 67° 52' 02" W a distance of two hundred ninety and 00/100 (290.00) feet to a point; thence
S 22° 07' 58" W a distance of fifty-eight and 00/100 (58.00) feet to a point; thence
N 67° 52' 02" W a distance of one hundred fifty-seven and 09/100 (157.09) feet to a point; thence
S 45° 02' 44" W a distance of forty-nine and 37/100 (49.37) feet to a point; thence
N 81° 33' 08" W a distance of eighty-four and 74/100 (84.74) feet to a point; thence
S 08° 26' 57" W a distance of three hundred thirty-four and 04/100 (334.04) feet to a point, the previous eight (8) courses bounding on Lot A; thence
N 83° 12' 23" W a distance of fifty and 02/100 (50.02) feet to the point of beginning. Bounding on the northerly side of Cedar Hill Street.

The exclusive and non-exclusive reciprocal easements, rights, benefits, and appurtenances for drainage, ingress, egress, vehicular and pedestrian passage, installation, operation and maintenance of separate and common utilities and other miscellaneous purposes including, but not limited to, use of detention pond, appurtenant to Parcel I and Parcel II as said easements are shown on that certain Plan entitled "Easement Plan of Land in Marlborough MA (Middlesex County)" Scale 1"=50' date: December 27, 1985, and revised on February 20, 1986, prepared by Beals and Thomas, Inc., Two Westborough Business Park, 200 Friburg Parkway, Westborough, MA 01581, and recorded in said Deeds as Plan No. 434 of 1986, all as more particularly described in and incorporated into that certain Declaration of Easement dated as of April 2, 1986

and recorded in said Deeds in Book 16893, Page 434. As affected by First Amendment to Declaration of Easements dated September 28, 1987 and recorded in Book 18687, Page 456. As further affected by an Easement Agreement dated August 29, 1988, and recorded in Book 19304, Page 459.

Attachment C

(City Council Resolution)

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 Framingham-Marlborough 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 part of a 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 115, Parcels 1B and 1 on the Marlborough Assessor's Map; and

WHEREAS; the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the 257 and 259 Cedar Hill Street Economic Opportunity Area application; and

WHEREAS, the City Council of the City of Marlborough finds that the 257 and 259 Cedar Hill Street 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 257 and 259 Cedar Hill Street 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 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 257 and 259 Cedar Hill Street Economic Opportunity Area in the City of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby endorses the 257 and 259 Cedar Hill Street Economic Opportunity Area ("EOA") and authorizes the submission of the 257 and 259 Cedar Hill Street EOA application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council, said EOA to be comprised of Map 115, Parcels 1B and 1 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 IPG Photonics Corporation's application for 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 257 and 259 Cedar Hill Street EOA;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities servicing the 257 and 259 Cedar Hill Street EOA;
 - c. The project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the Framingham - Marlborough Regional ETA; and
 - d. The City Council approves IPG Photonics Corporation's request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for five (5) years.

ADOPTED
In City Council
Order No 14-100 _____
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Attachment D

(TIF Agreement)

257 and 259 Cedar Hill Street

TAX INCREMENT FINANCING AGREEMENT BETWEEN

THE CITY OF MARLBOROUGH, IPG PHOTONICS CORPORATION AND IPG REALTY I, LLC

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**"), IPG Photonics Corporation ("IPG" or the "**Company**") and IPG Realty I, LLC (the "**Owner**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, IPG is a for-profit corporation organized under the laws of Delaware, has its principal U.S. headquarters located at 50 Old Webster Road, Oxford, MA 01540, and is authorized to do business in Massachusetts; and

WHEREAS, the Owner is the owner on record of both a parcel of land located at 257 Cedar Hill Street, Marlborough, Massachusetts 01752, as further depicted on Marlborough City Assessor's Map 115, Parcel 1B, as well as a parcel of land located at 259 Cedar Hill Street, Marlborough, Massachusetts, as further depicted on Marlborough City Assessor's Map 115, Parcel 1 (collectively, the "**Property**"); and

WHEREAS, the Company intends to invest approximately \$13.5 million collectively at the two separate buildings located on 257 and 259 Cedar Hill Street (the "**Facilities**") for redevelopment by creating a state-of-the-art advanced manufacturing and research and development center as outlined in the July 10, 2014 letter to the Marlborough Economic Development Corporation; and

WHEREAS, the Company intends to substantially renovate the current approximate 55,983 square feet of space at 257 Cedar Hill Street, and the current approximate 55,983 square feet of space at 259 Cedar Hill Street, with capital expenditures to create the advanced manufacturing operations, together with parking facilities located thereon (hereinafter, the site is defined as the "**Project Area**"); and

WHEREAS, the Project Area is to be located within the boundaries of the Framingham-Marlborough Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "**ETA**"); and

WHEREAS, the Project Area is located within the 257 and 259 Cedar Hill Street Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Law, Chapter 23A, Section 3E, and referred to below as the "**EOA**"); and

WHEREAS, the Company expects to have based out of the Facilities approximately 24 permanent, full-time jobs presently located in Marlborough, Massachusetts, and beginning on the effective date of this agreement, to create and, over the term of the TIF Agreement, to maintain at the Project Area 100 new, permanent, full-time jobs open to qualified residents of Marlborough and the ETA; and

WHEREAS, the renovations to the Project Area are estimated to result in an estimated capital investment by the Company of \$13.5 million for renovation and personal property costs (the "**Project**"); and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the ETA and EOA; and

WHEREAS, by a letter dated July 17, 2014, the Mayor recommended the TIF Plan and the TIF Agreement to the Marlborough City Council;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2014 pursuant to the Resolution attached hereto as Attachment A. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of five (5) years (the "Exemption Term"), commencing on July 1, 2016 (the beginning of fiscal year 2017) and ending on June 30, 2021 (the end of fiscal year 2021). The Exemption shall pertain to real property taxes for the Project Area, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

REAL PROPERTY EXEMPTION	
Fiscal Year	Exemption Percentage
2017	100%
2018	50%
2019	30%
2020	20%
2021	10%

3. The base valuation for the Project Area shall be the assessed valuation of the Project Area in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. The exemption will commence on July 1, 2016, which is the beginning of fiscal year 2017, although, as provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project will become eligible for the exemption on July 1, 2015 (fiscal year 2016), which is the July 1st following September 24, 2014, the date on which the EACC is anticipated to approve the TIF Plan. Accordingly, the base year for this TIF Agreement will be fiscal year 2015. Consequently, the base valuation for the real property pertinent to the Project Area will be determined as of January 1, 2014.
4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

B. THE COMPANY'S OBLIGATIONS AND THE OWNER'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will operate a state-of-the-art advanced manufacturing and research and development center at the Project Area;
 - (b) As part of proposed improvements in the Project Area, the Company agrees that it will make capital improvements which is currently estimated to be approximately \$13.5 million in renovation and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvement and investment;
 - (c) The Company and the Owner agree to timely pay all of the taxes owed to the City by the Company and the Owner, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to relocate to the Facilities 24 permanent full-time jobs existing as of May 23, 2014 and presently located throughout Massachusetts; and following May 23, 2014, to hire and, over the term of the Agreement, to create a minimum of 100 new permanent full-time employees (as "permanent full-time employee" is defined in 402 C.M.R. 2.03), to be employed at the Facilities as of the beginning of Fiscal Year 2017 (i.e., July 1, 2016) and whose employment by the Company commences on or after May 23, 2014 ("New Permanent Full-Time Employees"). The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent Full-Time Employee Requirement
June 30, 2017	50
June 30, 2018	50
June 30, 2019	0
June 30, 2020	0
June 30, 2021	0

The Company shall work in good faith in accordance with Section B.1(e) below and shall retain a base employment figure of 24 permanent full-time jobs and create net new 100 full-time jobs over the period starting on May 23, 2014, and maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) Such New Permanent Full-Time Employees shall be exclusive of the Company's 24 permanent, full-time jobs located throughout Massachusetts as of May 23, 2014 and to be relocated to the Facilities. In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company shall use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of January of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2017 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2017, ending on June 30, 2017, shall be submitted by the end of December 2017. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:
- (a) Employment levels at the Facilities at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of ETA and Marlborough residents respectively employed at the Facilities at the beginning and at the end of the reporting period;

- (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA;
- (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company shall provide the City with any and all information related to the Project Area, including the Company's improvements to the Project Area, which the parties mutually agree should be provided.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet, or fails to maintain, its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2017 is 25 instead of 50, then the real property tax exemption percentage otherwise applicable for FY 2018 would actually be $(25/50) \times 50\%$, or 25%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Paragraphs 1 or 2 of this Section B above or Paragraphs 5, 6 or 7 of this Section B below, and the City further determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the

date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at the Project Area's address and simultaneously to IPG Photonics Corporation, Attn: Paolo Sinni, Vice President, Treasurer and Controller and with a copy to IPG General Counsel. Said notice shall be effective upon receipt.

5. As per the Company's letter to the Marlborough Economic Development Corporation dated July 10, 2014 and attached hereto as Attachment B, the Company has committed to operate a state-of-the-art advanced manufacturing and research and development center, and not a warehouse, at the Project Area. If, by the intended start of this TIF Agreement on July 1, 2016 or at any time prior to the expiration of this TIF Agreement, the Company operates a warehouse, or otherwise fails to operate a state-of-the-art advanced manufacturing and research and development center, at the Project Area, the Agreement shall thereupon be deemed null and void, with no Exemption for the Project Area granted to the Company by the City whatsoever.

6. If, at any time prior to the expiration of the term on this Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations as a state-of-the-art advanced manufacturing and research and development center at the Project Area especially as described to the city in the letter attached hereto as Attachment B, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations as a state-of-the-art advanced manufacturing and research and development center at the Project Area, according to the following schedule:

COMPANY'S PAY-BACK SCHEDULE

FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations as a State-of-the-Art Advanced Manufacturing and Research and Development Center at the Project Area	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2017	90%
2018	80%
2019	70%
2020	60%
2021	50%

Such pay-back amounts shall be paid back by the Company in full within thirty (30) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been made.

The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public (specifically excluding any communications the Company's employees) of a proposed move from, vacation of, abandonment of, or other termination of operations as a state-of-the-art advanced manufacturing and research and development center at the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of the Company and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company.

7. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 7. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 7 shall be in Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
3. The Owner shall pass along to the Company all real property tax savings resulting from this Agreement.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be September 24, 2014, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the TIF Plan and Zone and TIF Agreement.

6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City or the Company or as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
City Hall
Attention: Mayor's Office
140 Main Street
Marlborough, MA 01752

COMPANY: IPG Photonics Corporation
Attention: Paolo Sinni, Vice President, Treasurer and Controller
50 Old Webster Road
Oxford, MA 01540

cc: Angelo LoPresti, General Counsel, Secretary and Senior Vice President
IPG Photonics Corporation

OWNER: IPG Realty I, LLC
Attention: IPG Photonics Corporation
50 Old Webster Road
Oxford, MA 01540

cc: Angelo LoPresti, General Counsel, Secretary and Senior Vice President
IPG Photonics Corporation

WITNESSETH, the execution and delivery of this Agreement by the Company, the Owner and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

IPG Photonics Corporation

By: _____

Dated: _____, 2014

Paolo Sinni
Vice President, Treasurer and Controller
IPG Photonics Corporation

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as _____ of IPG Photonics Corporation, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

IPG Realty I, LLC

By: _____

Dated: _____, 2014

Its Manager
IPG Photonics Corporation
Paolo Sinni
Vice President, Treasurer and Controller
IPG Photonics Corporation

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as _____ of IPG Realty I, LLC, and

proved to me through satisfactory evidence of identification, which was _____,
that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF VOTE

I, _____, _____ of IPG Photonics Corporation (the "Corporation"), hereby certify that, at a meeting of the Board of Directors of the Corporation duly held on _____, 2014, which date is earlier than the effective date of the Tax Increment Financing Agreement between the City of Marlborough, IPG Photonics Corporation and IPG Realty I, LLC, at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

"Voted: That _____ be and hereby is authorized, directed and empowered for, in the name of and on behalf of the Corporation, to sign, seal, execute, acknowledge and deliver the Tax Increment Financing Agreement between the City of Marlborough, IPG Photonics Corporation and IPG Realty I, LLC by said _____ to be valid and binding upon the Corporation for all purposes; and that a certificate of the Clerk of the Corporation setting forth this vote shall be delivered to the Mayor for the City of Marlborough; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested to by the Clerk of the Corporation is delivered to the Mayor for the City of Marlborough."

I further certify that _____ is the duly-elected _____ of the Corporation.

Signed: _____ Dated: _____, 2014

[name]
[title]
IPG Photonic Corporation

Place of Business: 50 Old Webster Road
Oxford, MA 01540

AFFIX SEAL

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign the said Agreement for the Corporation, this Certificate must be counter-signed by another officer of the Corporation.

Countersignature:



COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
 ECONOMIC OPPORTUNITY AREA (EOA) DESIGNATION APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled Economic Assistance Coordinating Council (EACC) meeting, without exception.**

PART I. PROPOSED EOA	
1. DESIGNATION OVERVIEW	
Name of Proposed EOA:	257 and 259 Cedar Hill Street EOA
Municipality:	City of Marlborough
EOA Designation is for:	<input checked="" type="checkbox"/> New EOA within a previously approved Economic Target Area <input type="checkbox"/> Amendment to a previously approved EOA
The area is being proposed for designation as the applicable parcels meet the eligibility criteria (see definitions as defined in M.G.L. Chapter 121A, §1 and M.G.L. Chapter 23A §3E):	<input type="checkbox"/> Blighted Open Area <input checked="" type="checkbox"/> Decadent Area <input type="checkbox"/> Substandard Area <input type="checkbox"/> Cumulative Job Loss
Effective Time Period for EOA Designation (Designation must remain in effect for a minimum of 5 Years and Maximum of 20 Years)	5 Years
2. EOA BOUNDARIES	
(a) Attachment A: Map of Proposed EOA Please attach a detailed map of the proposed EOA, indicating the existing streets, highways, waterways, natural boundaries and other physical features.	<input checked="" type="checkbox"/> Attached
(i) Please provide a detailed description of the EOA boundaries including parcel numbers and how said area conforms to the definition of either "Blighted Open Area", "Decadent Area", "Substandard Area and/or "Cumulative Job Loss" as marked in section 1.	
The proposed EOA is located at 257 and 259 Cedar Hill Street consisting of two buildings in Marlborough, Massachusetts and is listed in Marlborough City Assessor's files as Map 115 Parcel 1B and Map 115 Parcel 1. Please see the location map attached in "Attachment A". The proposed EOA is located along southwest quadrant off Simarano Drive with easy access to Rt. 90 & Rt. 495. The proposed EOA is in an industrial zoned area and is a designated area within	

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ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

the city for employment growth. The proposed EOA has been targeted because it meets the definition of a "decadent area". The 100% vacant properties require substantial building upgrades in order to meet the company's business requirements for a proposed advanced manufacturing and research and development center. The factors that makes this site eligible for EOA designation are because the buildings are in need of major maintenance and repair, a substantial change in business conditions and inadequate light, air and open space.

3. REASON FOR DESIGNATION

(a) Please describe the reason for the proposed EOA Designation. Please include:

- (i) A brief narrative of why the EOA designation is important to the community.
- (ii) If a business has indicated an intention to locate or expand within the proposed EOA, please provide the name and brief description of the company. If applicable, attach the letter of intent.

(i) The City of Marlborough is seeking an EOA designation, because the community aspires to increase the number of jobs offered within the municipality and in the region. The City of Marlborough is within the Framingham-Marlborough Economic Target Area ("ETA") and achieving the EOA designation will enhance in helping the community redevelop these properties and achieve its long term economic goals.

(ii) IPG Photonics Corporation ("IPG") has indicated an intention to locate within the proposed EOA. IPG, headquartered in Oxford, Massachusetts, is one of the world's leading developers and manufacturers of high-performance fiber lasers and amplifiers. Since the Company's founding in 1990, it has grown into the largest manufacturer in the world in this category and sells to customers worldwide in various sectors including automotive, aerospace, medical, telecommunications, renewable energy, and the federal government. Please find the enclosed letter of intent in "Attachment B".

(b) Please describe the economic development goals for the proposed EOA during the first five years of EOA designation.

IPG has targeted the proposed EOA to create a state-of-the-art advanced manufacturing and research and development center. The proposed EOA site is currently owned by IPG Realty I, LLC and is currently 100% vacant and unoccupied.

Additionally, the economic development goals for the proposed EOA for the next five years include:

1. Retain 24 permanent full-time jobs in the proposed EOA located within the Framingham-Marlborough ETA,
2. Create 100 new permanent, full-time jobs at the proposed EOA,
3. The proposed EOA will benefit from a private investment of approximately \$13.5 million in renovation and personal property costs,
4. Increasing the city's commercial tax base,
5. Encouraging productivity in a commercially zoned area of the City; and
6. Promoting the redevelopment and revitalization of a decadent site.

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 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART II. MUNICIPAL DESIGNATION PROCESS

1. MUNICIPAL AUTHORITATIVE REVIEW

EOA Authoritative Review Municipal Official or Board/Council/Etc.	The Mayor and Marlborough Economic Develop. Corp.				
Municipal Contact:	Full Name:	Tim Cummings	Title:	Executive Director	
Contact Address:	Street Address:	91 Main Street #204			
	City:	Marlborough	MA	Zip Code:	01752
Telephone Number:	508-229-2010				
Email Address:	tcummings@marlboroughedc.com				

(a) Indicate the local standards and procedures for review of project proposals including:

- (i) the application procedures,
- (ii) the timeframe for review and determination
- (iii) and the criteria and process for approval of project proposals
- (iv) Attachments of any additional documentation required (if applicable)

(i) The Mayor and Marlborough Economic Development Corporation are authorized to review project proposals on behalf of the City of Marlborough. The Marlborough City Council is the legislative entity that ultimately approves all EOA Designations and Tax Increment Financing Agreements. All projects seeking EACC approval as an EDIP Certified Project, local execution of a TIF Agreement and local designation for a defined area as an EOA are forwarded to the Marlborough City Council upon recommendation from the Marlborough Economic Development Corporation and the Mayor along with other local stakeholders comprising of an Ad-Hoc Advisory TIF Committee. The Marlborough City Council will then send the EOA application and proposed TIF Agreement to the City Council Finance Committee for consideration and approval. Upon review and approval by the Finance Committee, the Marlborough City Council then formally approves the TIF Agreement and EOA Designation. Once the TIF Agreement is executed by the Mayor and the Project's signatory, the EOA application and TIF Agreement are forwarded to the EACC for approval and EDIP Project certification. (ii) The timeframe for review and determination is approximately 10 weeks. (iii) the municipality wants to ensure there is a substantial private investment and a corresponding commitment to increase the number of jobs located at a proposed EOA while also meeting community development objectives.

2. LOCAL APPROVAL STREAMLINING

- (a) Provide a proposal and plan (or attach existing plan) to increase the ease of doing business by streamlining delivery of local services within the EOA such as the municipality's permit, approval and license procedures. See: "Best Practice Model for Streamlined Local Permitting"

The City of Marlborough is a business-friendly community whose municipal officials are always willing to work with businesses to promote economic development. City officials help companies navigate the local permitting and zoning process and expedite these approvals whenever possible. The City of Marlborough implements an expedited permit review process that is coordinated by the City's administrative Site Plan Review Committee. The City's Building Inspector, Fire and Police Chief, as well as other professional staff, sit on the Site Plan Review Committee. Additionally, the EOA is in a industrial zoned area of the municipality and the use is "by-right", which further streamlines the review process. The municipality has also charged the Marlborough Economic Development Corporation to be an ombudsman local contact for private entities that may need assistance through the permitting review process. Lastly, it would be remiss not to point out the fast-paced track record the City has when permitting projects. The proposed EOA is already adequately serviced by sewer, water, gas, electric, voice data and cable. At this time, no additional services are envisioned for the EOA.

- (b) **Compliance with Community Reinvestment Act:** Include a copy of a municipal plan or policy, if any exists, which links the municipality's choice of banking institutions to the bank's compliance with the requirements of the Community Reinvestment Act.

Attached

N/A

PART III. SPECIAL REQUIREMENTS FOR LARGE MUNICIPALITIES

This section must be completed by any municipality or member of a regional ETA with a population that exceeds fifty thousand (50,000) people. The population threshold should be calculated based on the most recent statistics available from the U.S. Bureau of the Census.

Please check appropriate selection:

Municipality or regional ETA population exceeds 50,000 people (if checked, please complete the below Part III).

Municipality or regional ETA population is less than 50,000 people (if checked, Part III. is not required, please skip to Part IV.)

1. MUNICIPAL INFRASTRUCTURE SUPPORT

Provide an analysis of the existing infrastructure support and municipal services, including transportation access, water and sewer hook-ups, lighting, and fire and police protection to and for certified projects within the proposed EOA(s). Indicate if the existing level of services and infrastructure is adequate to support the anticipated development in the proposed EOA(s).

Provide a proposal for meeting additional demand for municipal services and infrastructure improvement, including costs and funding sources available for these improvements.

The proposed EOA site meets the demand needs and sufficiently supports the certified projects infrastructure requirements.

2. JOB TRAINING PROGRAMS

Describe the municipality's plans to secure access to publicly or privately sponsored training programs for employees of certified projects and for residents of the municipality/ETA.

The city through Marlborough Economic Development plans to assist the certified project in accessing the Commonwealth's workforce training fund program as needed.

3. LOCAL COMMUNITY INVOLVEMENT

Describe the municipality's plans to increase the level of private sector involvement and the level of involvement by community development organizations in the economic revitalization of the area proposed for designation. For example, local involvement could include commitments from private persons to provide jobs and job training to residents or to employees who for certified projects in the proposed EOA(s).

The city using the resources of Marlborough Economic Development Corporation shall actively promote the Cedar Hill Street corridor for business attraction and expansion. The city plans to partner with the various property owners to appropriately market the area.

PART IV. MUNICIPAL BINDING WRITTEN OFFER

The municipality completing this application must provide a **binding written offer** to provide either tax increment financing or a special tax assessment to each certified project located within the proposed EOA(s).

Please attach a copy of the municipality's binding written offer.

- (i) **In cities**, this shall be in the form of a City Council Order or Resolution, along with a Certified Vote by the City Clerk.
- (ii) **In towns with Town Meeting form of government**, this shall be in the form of a Town Meeting Motion, along with a Certified Vote by the Town Clerk.
- (iii) **In towns with Town Council form of government**, this shall be in the form of a Town Council Order or Resolution, along with a Certified Vote by the Town Clerk.

Attached

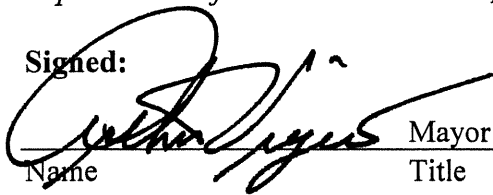
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MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART V. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We Arthur Vigeant (fill in name and title) of the applicant municipality applying for "Economic Opportunity Area" Designation from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Economic Opportunity Area" Designation and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Economic Opportunity Area if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.

The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:



Mayor
Title

July 17, 2014

Date

Select mm/dd/yyyy

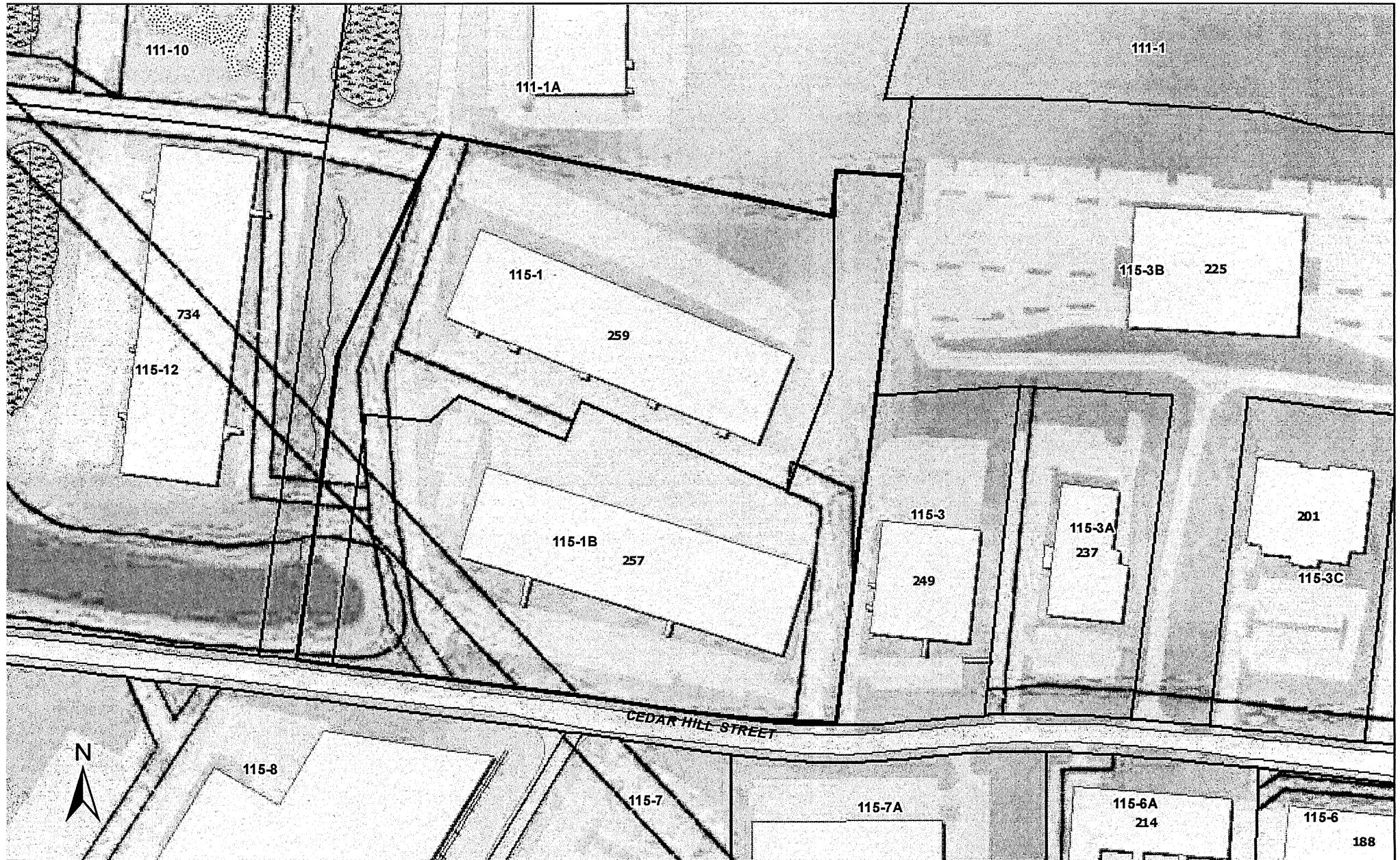
Name

Title

Date

ATTACHMENT A

GIS Map

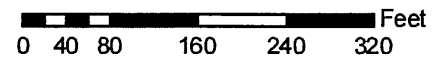


- Easements
- Driveways
- Type**
- Paved
- Unpaved
- Parking Lots
- Type**
- Paved
- Unpaved



DEP WETLAND

1 inch = 174 feet



Map 115 Parcel 1
 Map 115 Parcel 1B
 257 & 259 Cedar Hill EOA

July 13, 2014

City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-making.

ATTACHMENT B



May 23, 2014

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

***RE: Massachusetts Economic Development Incentive Program
Formal Incentives Intent Letter – Marlborough, Massachusetts***

Dear Mayor Vigeant:

It was a pleasure meeting with Mike Berry and Tim Cummings on April 30th, 2014, to discuss IPG Photonics' ("IPG") proposed expansion plans in the City of Marlborough and the available economic incentives.

Founded in 1990, IPG Photonics Corporation, currently headquartered in Oxford, Massachusetts, is one of the world's leading developers and manufacturers of high-performance fiber lasers and amplifiers.

Due to increased customer demand for IPG's products, the Company has proposed plans to expand its operations in Massachusetts. IPG maintains its global headquarters, research and development, and manufacturing operations in Oxford. The Company also leases temporary space in Marlborough, Massachusetts.

IPG has outgrown its temporary space and has recently purchased two vacant buildings in Marlborough consisting of an estimated 112,000 square feet of space. Among the options under consideration is the renovation of the buildings for use as an advanced manufacturing center, with dedicated space for clean rooms, labs and manufacturing. Another option is to keep the facility as a warehouse for storage. Should IPG proceed with the manufacturing center option, the project investment is estimated at \$13.5 million, including \$7.5 million for renovation costs and \$6 million for personal property. The Company plans to retain 24 jobs in Marlborough and create 100 new permanent full-time jobs.

Please accept this letter pursuant to the requirements of the Commonwealth's Economic Development Incentive Program (EDIP) as IPG's formal Letter of Intent to apply for incentives

IPG Photonics Corporation
50 Old Webster Road, Oxford, MA 01540 T. 508.373.1100 F. 508.373.1101
www.ipgphotonics.com

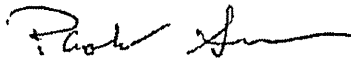
that may include a state EDIP Investment Tax Credit (ITC) and local real estate property tax relief in the form of Tax Increment Financing (TIF).

As an innovative Company with a significant global market and presence, IPG has become an economic engine in the region, spending significant dollars on products and services with local businesses. The Company's proposed expansion in Marlborough would attract a highly educated and technical workforce whose focus is on skilled manufacturing, and research and development.

Over the nearly 25 years since its founding, IPG has established deep roots in Massachusetts as evidenced by its dedication to education, community involvement and support for local programs. The proposed expansion project would provide substantial immediate and long-term economic benefits to the City of Marlborough, the region, and the Commonwealth of Massachusetts.

We look forward to establishing a mutually beneficial partnership with the City of Marlborough as we consider this advanced manufacturing center project.

Sincerely,



Paolo Sinni
Vice President, Treasurer, and Controller

cc: Michael Berry, Executive Aide, Marlborough Mayor
Tim Cummings, Executive Director, Marlborough Economic Development Corporation
Annamarie Kersten, EDIP Director
Rob Anderson, MOBD Regional Director
Lynn Tokarczyk, Business Development Strategies, Inc.



COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
PRELIMINARY APPLICATION**

The following information is required by the Massachusetts Office of Business Development (MOBD) and the Economic Assistance Coordinating Council (EACC) to make a preliminary determination on the eligibility of a project under the Economic Development Incentive Program. This application must be returned in electronic form to your MOBD Regional Director and a hardcopy with original signature(s) mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. Please refer to the EDIP Guidelines, www.mass.gov/hed/edip and your MOBD Regional Director for assistance with this application.

PART I. COMPANY OVERVIEW				
1. COMPANY INFORMATION				
Company Name:	IPG Photonics Corporation (Alternatively, "IPG" or the Company") IPG Realty I, LLC (Alternatively, the "LLC") a disregarded entity			
Project Location Address:	Street Address:	Two separate IPG Project Locations: 257 Cedar Hill Street 259 Cedar Hill Street (Alternatively, the "Project")		
	City:	Marlborough	MA	Zip Code: 01752
	Company Headquarters Location:	City: Oxford	State: MA	
FEIN (Federal Employer Identification Number):	IPG Photonics Corporation 04-3444218 IPG Realty I, LLC 00-1132421			
DUA # (Dept. of Unemployment Assistance #):	83047220			
Type of Organization:	Type of Organization: IPG is a Corporation The LLC is a Limited Liability Company, a disregarded entity			
Company's Taxable Year End:	December 31st			
NAICS Code:	333513			
Is the applicant classified as a MA Department of Revenue Manufacturer?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Company's outside of Massachusetts sales as a percentage of total sales: (a) currently (b) projected upon completion of proposed project:	(a) Current Outside of MA sales as of 07/14/14 : 99% (b) Projected Outside of MA sales upon completion of project: 99% Additional Information (if necessary): The out-of-state sales are expected to be maintained as a result of the proposed project.			

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

2. COMPANY CONTACT

Executive Officer/ Company Designee:	Full Name:	Paolo Sinni	Title:	Vice President, Treasurer & Controller		
Contact (if different from above):	Full Name:	Same	Title:			
Contact Address:	Street Address:	50 Old Webster Road				
	City:	Oxford	State:	MA	Zip Code:	01540
Telephone Number:	(508) 373-1122					
Email Address:	psinni@ipgphotonics.com					

3. COMPANY DESCRIPTION & HISTORY

Please provide a brief description and history of the company.

IPG Photonics Corporation, headquartered in Oxford, Massachusetts, is one of the world's leading developers and manufacturers of high-performance fiber lasers and amplifiers. Since its founding in 1990, IPG has pioneered the development and commercialization of optical fiber-based lasers for use in a wide range of markets. Fiber lasers have revolutionized the industry by delivering superior performance, reliability and usability at a lower total cost compared with conventional lasers, allowing end users to increase productivity and decrease operating costs. IPG's lasers should continue to displace traditional lasers in many existing applications due to their superior performance and value. In February 2014, the Company unveiled a new portfolio of lasers that showcases its innovative technology and provides customers with better value and expanding applications.

IPG is a global company with manufacturing facilities in the U.S., Germany, Russia and Italy, and regional sales offices in Japan, Korea, India, and the United Kingdom. Since the Company's founding, it has grown into the largest manufacturer in the world in this category, with sales in the U.S., Canada, Asia, and other countries. IPG has shipped more than 40,000 units to over 500 customers worldwide in various sectors, including automotive, aerospace, medical, telecommunications, solar, renewable energy, and the federal government.

IPG is an environmental leader. The Company has developed fiber lasers that are "greener" than conventional lasers and are more electrically efficient than other competing technologies. These practices have allowed IPG's customers to become more energy efficient. The Company has also developed an energy savings calculator, available on their website, to assist its customers in estimating potential energy savings for using fiber lasers as compared with other types of industrial lasers. These innovative developments have positioned IPG to become more competitive in the marketplace.

IPG's revolutionary fiber-based lasers have garnered numerous awards and accolades for the Company. In 2013, IPG was named one of Fortune Magazine's Top 100 Fastest Growing Companies and one of Forbes's Fastest Growing Tech Companies. In addition, IPG received the Business Leader of the Year Award from the Worcester Business Journal in 2014.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART II. ECONOMIC DEVELOPMENT PROJECT

1. PROPOSED BUSINESS EXPANSION PROJECT

(a) Please provide a description of the proposed expansion project.

As noted above, IPG currently owns and occupies an estimated 420,000 square feet of space in Oxford, Massachusetts, and leases temporary space in Marlborough. Due to customer demands, the Company, acting through IPG Realty I, LLC, has recently purchased two vacant buildings in Marlborough. Each building is an estimated 55,983 square feet, totaling an estimated 111,966 square feet of space. The Company has proposed plans to renovate the buildings for use as a state-of-the art advanced manufacturing, and research and development center, with dedicated space for clean rooms, labs, and manufacturing.

(b) Does the current public infrastructure meet the proposed certified project's needs? If no, please explain.

Yes No

If no, please explain:

2. PROJECT TIMELINE

(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:

(b) Date the applicant expects to begin the project:

(c) Date the applicant expects to complete the project:

(d) Date the applicant expects to open the facility:

06/05/2014

10/1/2014

12/31/2015

03/31/2016

Additional Information (if necessary) on Project Timeline:

3. INVESTMENT BREAKDOWN

Please provide a breakdown of the expected investment required and associated costs.

Land: \$0
Construction: \$7,500,000
Machinery & Equipment: \$6,000,000
Other : \$0

Total Projected Investment: \$ 13,500,000

Additional Information (if necessary) on Investment:

The total Project investment is estimated at \$13.5 million. The investment breakdown is as follows:

257 Cedar Hill Street, project investment is estimated at \$6.5 million for manufacturing operations.

- \$3.5 million renovation investment including improvements for assembly, and office.
- \$3 million personal property investment including equipment for cleaning, compressors, chiller and water treatment equipment, hoods and laminar floor benches.

259 Cedar Hill Street, project investment is estimated at \$7 million for research and development operations.

- \$4 million renovation investment including improvements for R&D, application labs, and cleanrooms,
- \$3 million personal property investment including equipment for robots, laser testing and enclosures, labs, metrology and information technology.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

4. MASSACHUSETTS EMPLOYMENT

(a) Is the applicant new to Massachusetts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
(i) If no, where are the existing Massachusetts facilities?	50 Old Webster Road Oxford, MA 01540 377 Simarano Drive (Temporary leased Space) Marlborough, MA 01752	N/A <input type="checkbox"/>
(ii) If no, what is the applicant's full-time, permanent employment in Massachusetts (total of all MA facilities)?	911 full-time permanent MA employees as of 06/30/2014	N/A <input type="checkbox"/>
(b) Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please explain: The Company leases temporary space in Marlborough. The employees will be transferred to the new facility located at 257 and 259 Cedar Hill Street in Marlborough once renovations are completed.	

5. PROJECT LOCATION EMPLOYMENT

Please indicate the number of:

(a) Full-Time Permanent Jobs to be Created (net new to facility and Massachusetts):	(b) Full-Time Permanent Employment to be Retained (number of employees currently at the Project Location, if any):	(c) Full-time Permanent Employees to be transferred from other Massachusetts Locations to Project Location (if any):	(d) Total Full-Time Permanent Existing Jobs to be Retained at Project Location (Sum of questions 5b. and 5c.):
100	0	24	24

Additional Information (if necessary) on Project Location Employment: The Company currently has 24 employees located at a temporary facility in Marlborough. These employees will be transferred to the new facility in Marlborough. No employees will be transferred from the Oxford location. The new jobs will require candidates with a wide range of talents and skills, such as engineers, scientists, assembly workers, technicians, and information technology specialists.

(e) What action will the applicant take to recruit employees from among residents of the municipality and/or Economic Target Area?

IPG plans to recruit qualified job applicants from Marlborough, the ETA region, and the Commonwealth of Massachusetts. IPG plans to advertise open positions online and in local and regional newspapers, including *The MetroWest Daily News*, *The Marlborough Enterprise*, and with professional recruiters. In addition, the Company expects to participate in local job fairs and Massachusetts Division of Career Services programs for its recruitment efforts.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

(f) Will the project result in significant spin off economic benefit and support Massachusetts based suppliers and contractors? Please explain.

Yes. The Company plans to entertain bids from qualified suppliers and contractors for the proposed Project from within the Commonwealth of Massachusetts. If a qualified supplier or contractor is selected, the addition of jobs to other industries is expected. IPG has an extensive track record of using local suppliers and spends an estimated \$15 million annually for a wide array of products and services. The Company engages over 400 Massachusetts companies to provide products, parts and services, including welders, machine and repair shops, tools, metals, plating, electrical supplies, plastics, crating, office supplies, and technology services among others. Should this project proceed, IPG expects to increase its expenditures with Massachusetts vendors to an estimated \$17 million annually.

6. FACILITY

(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?	Lease <input type="checkbox"/> Own <input checked="" type="checkbox"/>	
(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?		N/A <input checked="" type="checkbox"/>
(ii) If owning, will the applicants fully occupy the space?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	N/A <input type="checkbox"/>
(iii) If the applicant will not fully occupy the space, does it intend to lease/rent the remaining space? If yes, to whom (if known)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, to whom?	N/A <input checked="" type="checkbox"/>
(b) Is the site of the facility a 43D Preferred Development Site? If yes, name site.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name site:	N/A <input type="checkbox"/>
(c) Does the proposed expansion project involve the renovation and reuse of an abandoned building?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
(i) If yes or unsure, how long has the building been vacant or unused (if known, state date)	30 months Vacant since: December 2011	N/A <input type="checkbox"/>
(ii) If yes, during the period of time that the building has been vacant or unused, what percentage of the building was vacant and unused? If the percentage varied during this time period, provide information for each change in the percent of vacant space and the applicable time period.	100 % vacant Details: The buildings have been 100% vacant for more than two years.	N/A <input type="checkbox"/>

7. INCENTIVES & FINANCING

(a) Please indicate which incentives the applicant is seeking in relation to the	State Investment Tax Credit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Local Real Estate Tax Incentive	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
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expansion project.	State Abandoned Building Renovation Deduction	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(b) Is the applicant seeking tax incentives from the Massachusetts Life Science Center? If yes, please explain as this may affect the potential EDIP benefits.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If, yes please explain:	
(c) Please provide detailed information on any other sources of public or quasi-public funding that has been received or will be sought to contribute towards the financing of the proposed expansion.	The Company does not plan to pursue other sources of public or quasi-public financing programs.	
(d) Has the applicant previously been approved as a "Certified Project" by the Economic Assistance Coordinating Council (EACC)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, what is the Project (i) name; (ii) municipality; (iii) approval date?	(i) Project Name: IPG Photonics Corporation (ii) Project Municipality: Oxford (iii) Project Approval Date: 12/21/2011	N/A <input type="checkbox"/>
(e) Please indicate whether the applicant has utilized other sources of public or quasi-public funding in the past. If applicable , please explain specific uses of funding and amount. If other , please give details on the funding source.	<i>Select Funding Source</i> The Company has received a Workforce Training Fund from the MA Executive Office of Labor and Workforce Development in 2007 in the amount of \$33,535 for Lean Manufacturing.	N/A <input type="checkbox"/>
	<i>Select Funding Source</i>	N/A <input checked="" type="checkbox"/>
	<i>Select Funding Source</i>	N/A <input checked="" type="checkbox"/>
	If applicable or other, please explain:	N/A <input checked="" type="checkbox"/>

PART III. LABOR AFFIRMATION

1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS

- As an applicant requesting Certified Project approval, IPG Photonics Corporation and IPG Realty I, LLC, affirms (**check box**) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.
- As an applicant requesting Certified Project approval, IPG Photonics Corporation and IPG Realty I, LLC, affirms (**check box**) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
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2. COMPANY DISCLOSURE

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

<p>(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>
<p>(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>
<p>(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>

IV. AUTHORIZATION & CERTIFICATIONS

1. CERTIFICATE OF GOOD STANDING

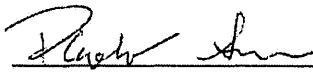
<p>Provide proof of good tax standing in the Commonwealth of Massachusetts via a <u>Massachusetts Department of Revenue</u> Certificate of Good Standing for each of the businesses intending to take advantage of the state tax incentives.</p> <p>*Applications will not advance to the supplemental round until a Certificate of Good Standing is received. The certificate must be dated within 6 months of the anticipated EACC meeting that the project is coming forth for review.</p> <p>To obtain a Certificate of Good Standing visit: https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx</p>	<p>Attached <input checked="" type="checkbox"/></p> <p>Date of DOR Application for Certificate of Good Standing: 7/10/14</p> <p>Notes: The Company intends to apply for an EDIP ITC. The LLC is a disregarded entity for federal and state tax purposes. The LLC will file under IPG Corporation tax ID number.</p>
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COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

2. AUTHORIZATION & CERTIFICATION

I, Paolo Sinni, Vice President, Treasurer & Controller, of the applicant businesses applying for "Certified Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment, job creation and sales. I understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Project if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I make this certification under the pains and penalties of perjury.

Signed:



Name

7/17/14

Date

Paolo Sinni

Name

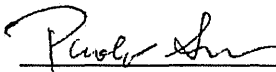
Vice President, Treasurer & Controller

Title

3. CERTIFICATION AS TO ACCURACY AND PUBLIC RECORDS LAW ACKNOWLEDGEMENT

The signatories hereby certify that the answers in this application and the documents submitted in support thereof are accurate and complete representations of the applicant. They also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:



Name

VP, Treasurer & Controller

Title

7/17/14

Date

Paolo Sinni

Name

Vice President, Treasurer & Controller

Title

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 Framingham-Marlborough 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 part of a 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 115, Parcels 1B and 1 on the Marlborough Assessor's Map; and

WHEREAS; the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the 257 and 259 Cedar Hill Street Economic Opportunity Area application; and

WHEREAS, the City Council of the City of Marlborough finds that the 257 and 259 Cedar Hill Street 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 257 and 259 Cedar Hill Street 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 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 257 and 259 Cedar Hill Street Economic Opportunity Area in the City of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby endorses the 257 and 259 Cedar Hill Street Economic Opportunity Area ("EOA") and authorizes the submission of the 257 and 259 Cedar Hill Street EOA application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council, said EOA to be comprised of Map 115, Parcels 1B and 1 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 IPG Photonics Corporation's application for 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 257 and 259 Cedar Hill Street EOA;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities servicing the 257 and 259 Cedar Hill Street EOA;
 - c. The project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the Framingham - Marlborough Regional ETA; and
 - d. The City Council approves IPG Photonics Corporation's request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for five (5) years.

ADOPTED
In City Council
Order No 14-100____
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 JUL 17 A 11:50
140 Main Street, Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

July 17, 2014

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

**Re: Designation of School Committee Positions as Special Municipal Employees –
Exemption to Serve as Host Families for International Students**

Honorable President Pope and Councilors:

Earlier this year, the Marlborough School Committee voted to approve the participation of the Public Schools in a program administered by The Cambridge Institute of International Education, which will enable some students from China to attend our Schools during the upcoming school year. This should prove a wonderful educational and social experience, both for the Chinese students and for our current students. While they are attending our schools, the Chinese students need Marlborough families to host them. Two School Committee members, Heidi Matthews and Denise Ryan, recently became aware that additional host families were needed, and they are to be commended for graciously offering to open up their homes and serve as host families.

In order for Ms. Matthews and Ms. Ryan to qualify to serve as host families, for which they would receive a stipend from The Cambridge Institute to reimburse them for the expenses they would incur, I ask that you take two votes tonight. The first vote would be to designate all School Committee positions as special municipal employees. The second vote, pertaining to a disclosure of financial interest submitted by Ms. Matthews and by Ms. Ryan, would approve their exemption from the conflict of interest law as provided by MGL c. 268A, § 20(d). Their disclosure forms are enclosed, as is a proposed order for your consideration.

As always, I am available to answer any questions you may have on the above matter. Thank for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

[1ST ORDER]

ORDERED:

That the City Council of the City of Marlborough, for purposes of the conflict of interest law set forth in MGL c. 268A, hereby designates Marlborough School Committee positions as special municipal employees.

ADOPTED
In City Council
Order No 14-100 ____ A
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

[2ND ORDER]

ORDERED:

That the City Council of the City of Marlborough, having designated for purposes of the conflict of interest law set forth in MGL c. 268A that Marlborough School Committee positions are special municipal employees, hereby declares, pursuant to MGL c. 268A, § 20(d), that the financial interests of School Committee members Heidi Matthews and Denise Ryan, as set forth in their attached disclosure forms, are exempt from MGL c. 268A, § 20.

ADOPTED
In City Council
Order No 14-100 ____ B
Adopted


Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

**DISCLOSURE BY SPECIAL MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(d)**

SPECIAL MUNICIPAL EMPLOYEE INFORMATION	
Name of special municipal employee:	Heidi A. Matthews
Put an X beside one statement.	<p>I am a special municipal employee because:</p> <p><input type="checkbox"/> I am a selectman in a town with a population of 10,000 or fewer people;</p> <p><input checked="" type="checkbox"/> I am not a mayor, alderman or city councilor, and</p> <p><input type="checkbox"/> I serve in a municipal position for which no compensation is provided, or</p> <p><input type="checkbox"/> I earned compensation for fewer than 800 hours in the preceding 365-day period, or</p> <p><input checked="" type="checkbox"/> By the classification of my position by my municipal agency or by the terms of a contract or my conditions of employment, I am permitted to have personal or private employment during normal business hours.</p> <p><input type="checkbox"/> I work for a company or organization which has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular, and the contract states that I am a special municipal employee or indicates that I meet one of the three requirements listed above.</p>
Title/ Position	School Committee Member
Fill in this box if it applies to you.	If you are a special municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Municipal Agency/ Department:	This is "my Municipal Agency."
Agency Address:	
Office phone:	
Office e-mail:	
	Check one: <input checked="" type="checkbox"/> Elected or <input type="checkbox"/> Non-elected
Starting date as a special municipal employee.	Pending

<p>BOX # 1</p> <p>Select either STATEMENT #1 or STATEMENT #2.</p> <p>Write an X by your financial interest.</p>	<p>ELECTED SPECIAL MUNICIPAL EMPLOYEE</p> <p>I am an elected special municipal employee.</p> <p><input type="checkbox"/> STATEMENT #1: I had a financial interest in a contract made by a municipal agency before I was elected to a compensated special municipal employee position. I will continue to have this financial interest in a municipal contract.</p> <p><input checked="" type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A compensated, non-elected position with a municipal agency.</p> <p><input type="checkbox"/> A contract between a municipal agency and myself.</p> <p><input checked="" type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p><input type="checkbox"/> Other work because a municipal agency has a contract with my company or organization and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular.</p>
<p>BOX #2</p> <p>Select either STATEMENT #1 or STATEMENT #2.</p> <p>Write an X by your financial interest.</p>	<p>NON-ELECTED SPECIAL MUNICIPAL EMPLOYEE</p> <p>I am a non-elected special municipal employee (compensated or uncompensated).</p> <p><input type="checkbox"/> STATEMENT #1: I had a financial interest in a contract made by a municipal agency, other than an employment contract, before I took a non-elected, compensated special municipal employee position. I will continue to have this financial interest in a municipal contract.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A contract between a municipal agency and myself, but not an employment contract.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p>OR</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A compensated, non-elected position with a municipal agency.</p> <p><input type="checkbox"/> A contract between a municipal agency and myself.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p><input type="checkbox"/> Other work because a municipal agency has a contract with my company or organization and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular.</p>
<p>Name and address of municipal agency that made the contract</p>	<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p> <p>This is the "contracting agency."</p>
<p>Write an X to confirm this statement.</p>	<p><input type="checkbox"/> In my work as a special municipal employee for my Municipal Agency, I participate in or have official responsibility for activities of the contracting agency.</p>

<p>FILL IN THIS BOX OR THE NEXT BOX</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE MUNICIPAL AGENCY AND YOU.</p> <ul style="list-style-type: none"> - Please explain what the contract is for.
	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE MUNICIPAL AGENCY AND ANOTHER PERSON OR ENTITY</p> <ul style="list-style-type: none"> - Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for? <p><i>The Cambridge Frsttute</i></p> <p><i>Hosting Chinese Students for the school year</i></p>
<p>What is your financial interest in the municipal contract?</p>	<ul style="list-style-type: none"> - Please explain the financial interest and include the dollar amount if you know it.
<p>Date when you acquired the financial interest</p>	<p><i>Pending - 2014-2015 School Year</i></p>
<p>What is the financial interest of your immediate family?</p>	<ul style="list-style-type: none"> - Please explain the financial interest and include the dollar amount if you know it. <p><i>n/a</i></p>
<p>Date when your immediate family acquired the financial interest</p>	<p><i>n/a</i></p>
<p>Employee signature:</p>	
<p>Date:</p>	<p><i>7/17/2014</i></p>

**SEE NEXT PAGE FOR APPROVAL
BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN, TOWN COUNCIL,
OR DISTRICT PRUDENTIAL COMMITTEE**

**APPROVAL OF EXEMPTION
BY THE CITY COUNCIL, BOARD OF ALDERMEN, BOARD OF SELECTMEN,
TOWN COUNCIL OR DISTRICT PRUDENTIAL COMMITTEE**

Name:	
Name of approving body: Write an X by one selection.	<input type="checkbox"/> City Council <input type="checkbox"/> Board of Aldermen <input type="checkbox"/> Board of Selectmen <input type="checkbox"/> Town Council <input type="checkbox"/> District Prudential Committee
Title/ Position	
Agency Address:	
Office phone:	
APPROVAL OF § 20(d) EXEMPTION	
	<p>We have received a disclosure under G.L. c. 268A, § 20(d) from a special municipal employee who seeks to have a financial interest in a contract made by a municipal agency of this city or town. We understand that the special municipal employee participates in, or has official responsibility for, activities of the municipal agency that made the contract. We approve this exemption under § 20(d) regarding the financial interest identified by the special municipal employee.</p>
Signature:	On behalf of the Council, Board or Committee identified above, I sign this approval.
Date:	

Attach additional pages if necessary.

File your completed, signed, approved Disclosure with the city or town clerk.

**DISCLOSURE BY SPECIAL MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(d)**

SPECIAL MUNICIPAL EMPLOYEE INFORMATION	
Name of special municipal employee:	DENISE E. RYAN
Put an X beside one statement.	<p>I am a special municipal employee because:</p> <p><input type="checkbox"/> I am a selectman in a town with a population of 10,000 or fewer people;</p> <p><input checked="" type="checkbox"/> I am not a mayor, alderman or city councilor, and</p> <p><input type="checkbox"/> I serve in a municipal position for which no compensation is provided, or</p> <p><input type="checkbox"/> I earned compensation for fewer than 800 hours in the preceding 365-day period, or</p> <p><input checked="" type="checkbox"/> By the classification of my position by my municipal agency or by the terms of a contract or my conditions of employment, I am permitted to have personal or private employment during normal business hours.</p> <p><input type="checkbox"/> I work for a company or organization which has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular, and the contract states that I am a special municipal employee or indicates that I meet one of the three requirements listed above.</p>
Title/ Position	SCHOOL COMMITTEE MEMBER
Fill in this box if it applies to you.	If you are a special municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Municipal Agency/ Department:	This is "my Municipal Agency."
Agency Address:	
Office phone:	
Office e-mail:	
	Check one: <input checked="" type="checkbox"/> Elected or <input type="checkbox"/> Non-elected
Starting date as a special municipal employee.	Pending

<p>BOX # 1</p> <p>Select either STATEMENT #1 or STATEMENT #2.</p> <p>Write an X by your financial interest.</p>	<p>ELECTED SPECIAL MUNICIPAL EMPLOYEE</p> <p>I am an elected special municipal employee.</p> <p><input type="checkbox"/> STATEMENT #1: I had a financial interest in a contract made by a municipal agency before I was elected to a compensated special municipal employee position. I will continue to have this financial interest in a municipal contract.</p> <p><input checked="" type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A compensated, non-elected position with a municipal agency.</p> <p><input type="checkbox"/> A contract between a municipal agency and myself.</p> <p><input checked="" type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p><input type="checkbox"/> Other work because a municipal agency has a contract with my company or organization and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular.</p>
<p>BOX #2</p> <p>Select either STATEMENT #1 or STATEMENT #2.</p> <p>Write an X by your financial interest.</p>	<p>NON-ELECTED SPECIAL MUNICIPAL EMPLOYEE</p> <p>I am a non-elected special municipal employee (compensated or uncompensated).</p> <p><input type="checkbox"/> STATEMENT #1: I had a financial interest in a contract made by a municipal agency, other than an employment contract, before I took a non-elected, compensated special municipal employee position. I will continue to have this financial interest in a municipal contract.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A contract between a municipal agency and myself, but not an employment contract.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p>OR</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A compensated, non-elected position with a municipal agency.</p> <p><input type="checkbox"/> A contract between a municipal agency and myself.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p><input type="checkbox"/> Other work because a municipal agency has a contract with my company or organization and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular.</p>
<p>Name and address of municipal agency that made the contract</p>	<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p> <p>This is the "contracting agency."</p>
<p>Write an X to confirm this statement.</p>	<p><input type="checkbox"/> In my work as a special municipal employee for my Municipal Agency, I participate in or have official responsibility for activities of the contracting agency.</p>

FILL IN THIS BOX OR THE NEXT BOX	ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE MUNICIPAL AGENCY AND YOU. - Please explain what the contract is for.
	ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE MUNICIPAL AGENCY AND ANOTHER PERSON OR ENTITY - Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for? <i>The Cambridge Institut</i> <i>Hosting a Chinese Student</i>
What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. -
Date when you acquired the financial interest	<i>Pending - 2014-2015 School year</i>
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it. <i>n/a</i>
Date when your immediate family acquired the financial interest	<i>n/a</i>
Employee signature:	<i>Wendee Ryan</i>
Date:	<i>7-17-14</i>

**SEE NEXT PAGE FOR APPROVAL
BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN. TOWN COUNCIL,
OR DISTRICT PRUDENTIAL COMMITTEE**

**APPROVAL OF EXEMPTION
BY THE CITY COUNCIL, BOARD OF ALDERMEN, BOARD OF SELECTMEN,
TOWN COUNCIL OR DISTRICT PRUDENTIAL COMMITTEE**

Name:	
Name of approving body: Write an X by one selection.	<input type="checkbox"/> City Council <input type="checkbox"/> Board of Aldermen <input type="checkbox"/> Board of Selectmen <input type="checkbox"/> Town Council <input type="checkbox"/> District Prudential Committee
Title/ Position	
Agency Address:	
Office phone:	
APPROVAL OF § 20(d) EXEMPTION	
	<p>We have received a disclosure under G.L. c. 268A, § 20(d) from a special municipal employee who seeks to have a financial interest in a contract made by a municipal agency of this city or town. We understand that the special municipal employee participates in, or has official responsibility for, activities of the municipal agency that made the contract. We approve this exemption under § 20(d) regarding the financial interest identified by the special municipal employee.</p>
Signature:	On behalf of the Council, Board or Committee identified above, I sign this approval.
Date:	

Attach additional pages if necessary.

File your completed, signed, approved Disclosure with the city or town clerk.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
14 JUL 17 A 11:51

City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

July 17, 2014

Patricia Pope
President
Marlborough City Council

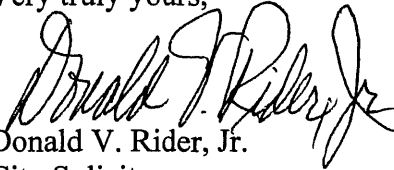
RE: Order No. 14-1005820A
Application to Modify Special Permit
T-Mobile
860 Boston Post Road East (Easterly Wastewater Treatment Plant)

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, as well as to the recommendation made by the Wireless Communications Committee at its July 15, 2014 meeting, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by T-Mobile to modify its existing special permit at 860 Boston Post Road East. The application is to allow replacement of six (6) of the panel antennas currently located on the wireless communication facility with six (6) newer models. Applicant also seeks to add one (1) fiber optic cable (1" O.D.), and fiber jumpers to the wireless communication facility.

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

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Brian S. Grossman, Esquire

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

T-MOBILE NORTHEAST LLC (OMNIPOINT HOLDINGS, INC.)

Order No. 14-1005820B

860 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 05-100873B submitted by T-Mobile Northeast LLC, having a usual place of business at 15 Commerce Way, Suite B, Norton, MA 02766 as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is T-Mobile Northeast LLC (Omnipoint Holdings, Inc.), with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006.
2. Previously, the City Council granted to Omnipoint Holdings, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., a special permit to locate and operate a wireless communications facility located at 860 BOSTON POST ROAD, Marlborough, MA (hereinafter, "the Original Special Permit"). In 2006, Omnipoint Holdings, Inc. converted into a limited liability company named T-Mobile Northeast LLC. The Original Special Permit is recorded at the Middlesex South District Registry of Deeds, Book 46368 Page 441.
3. The site is located at 860 Boston Post Road East, owned by the City of Marlborough, and is further described as shown on the Marlborough Assessors Maps as Map 61, Parcel 16 (hereinafter, "the Site").
4. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter, "the Application"), the Applicant seeks permission to allow replacement of six (6) of the panel antennas currently located on the wireless communication facility with six (6) newer models, along with one (1) GMS/GRS antenna with ½" feed mounted to the existing cable bridge. Applicant also seeks to add one (1) fiber optic cable (1" O.D.), and fiber jumpers to the wireless communication facility (hereinafter, "the WCF Project"), all substantially as depicted on a set of plans entitled "Site Name: BS547/VZMarlboroWWTP-RFP, 860 Old Boston Post Road East, Marlboro, MA 01752, Site ID Number: 4BS0547D," by AEG Advanced Engineering Group, P.C., 500 North Broadway, East Providence, RI 02914, dated 4/31/14 [sic], a copy of which was provided in Special Permit Application (hereinafter, "the Plans").
5. The Applicant is the Wireless Communication Facility owner and the lessee of the Site's owner for purposes of the Application.

6. The WCF Project is located in the Rural Residential zoning district. Wireless communication devices are allowed by grant of special permit in the Rural Residential zoning district.
7. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
8. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
9. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
10. The City of Marlborough City Council held a public hearing on the WCF Project on June 16, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
11. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
12. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the WCF Project's compliance with the applicable Special Permit criteria.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the WCF Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the WCF Project and the WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated

in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

- 1) The WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit, as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant agrees to all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's existing WCF.
- 4) The issuance of this Modified Special Permit may be further subject to Site Plan Review in accordance with the City of Marlborough's Ordinance, as determined by the Building Inspector prior to issuance of an actual building permit. Any additional changes, alterations, modifications or amendments, as may be required by any Site Plan Review, shall be further conditions attached to this Modified Special Permit and shall be further approved by using a building permit application so long as the changes, alterations, modifications or amendments fall within the scope of section 6409 of the 2012 Federal Tax Relief Act. No occupancy permit shall be issued until the Applicant complies with all such further conditions, if any.
- 5) Applicant shall minimize the visual impacts of the WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the WCF Project only in cases of power outages to the WCF Project and for purposes

of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.

- 7) As soon as practicable but in any event within one (1) month after the occupancy permit has been issued to the Applicant by the City of Marlborough's Building Inspector for the WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall: (i) provide measurements as to the actual output of radio frequency energy emitted by the WCF Project; (ii) include a professional opinion by a qualified third party certifying that the WCF Project fully complies with all applicable health and safety standards; and (iii) provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the WCF Project that may increase the actual output of radio frequency energy emitted by the WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall: (i) state what the changes or upgrades are; (ii) provide measurements specifying how the actual output of radio frequency energy emitted by the WCF Project has been increased; (iii) provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and (iv) include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
- 8) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the Building Inspector's office when the

Applicant applies for the building permit, as well as a copy to the City Council's office and to the City Solicitor's office.

- 9) All conditions set forth in the Original Special Permit, except for conditions 2 (mitigation payments) and 3 (one-time site improvement contribution fee), shall apply to this Modified Special Permit.

ADOPTED
In City Council
Order No. 14-1005821B
Adopted

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

JUL 17 A 11:51

City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

July 17, 2014

Patricia Pope
President
Marlborough City Council

RE: Order No. 14-1005821A
Application to Modify Special Permit
T-Mobile
460 Boston Post Road East (Countryside Village Apartments)

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, as well as to the recommendation made by the Wireless Communications Committee at its July 15, 2014 meeting, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by T-Mobile to modify its existing special permit at 460 Boston Post Road East (Countryside Village Apartments). The application is to allow replacement of three (3) of the panel antennas currently located on the wireless communication facility with three (3) newer models. Applicant also seeks to replace the existing stealth canister with a new canister 36" in diameter and to enlarge the ballast footing of the mount to 12' x 12' to accommodate the new antennas, and to add one (1) fiber optic cable (1 5/8" O.D.), and fiber jumpers to the wireless communication facility.

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

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Brian S. Grossman, Esquire

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

T-MOBILE NORTHEAST LLC (OMNIPOINT HOLDINGS, INC.)

Order No. 14-1005821B

460 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 97-7201B submitted by T-Mobile Northeast LLC, having a usual place of business at 15 Commerce Way, Suite B, Norton, MA 02766 as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is T-Mobile Northeast LLC (Omnipoint Communications, Inc.), with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006.
2. Previously, the City Council granted to Omnipoint Holdings, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., a special permit to locate and operate a wireless communications facility located at 460 BOSTON POST ROAD, Marlborough, MA (hereinafter, "the Original Special Permit"). In 2006, Omnipoint Holdings, Inc. converted into a limited liability company named T-Mobile Northeast LLC. The Original Special Permit is recorded at the Middlesex South District Registry of Deeds, Book 27967 Page 258.
3. The site is located at 460 Boston Post Road East, owned by Trinity Countryside Limited Partnership, and is further described as shown on the Marlborough Assessors Maps as Map 73, Parcel 31 (hereinafter, "the Site").
4. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter, "the Application"), the Applicant seeks permission to allow replacement of three (3) of the panel antennas currently located on the wireless communication facility with three (3) newer models. Applicant also seeks to replace the existing stealth canister with a new canister 36" in diameter and to enlarge the ballast footing of the mount to 12' x 12' to accommodate the new antenna, and to add one (1) fiber optic cable (1 5/8" O.D.), and fiber jumpers to the wireless communication facility (hereinafter, "the WCF Project"), all substantially as depicted on a set of plans entitled "Site Name: BO149/450 Boston Post Rd, Marlboro, MA 01752, Middlesex County, Site Number: 4DE5149A," by AEG Advanced Engineering Group, P.C., 500 North Broadway, East Providence, RI 02914, dated 2/24/14, a copy of which was provided in the Special Permit Application (hereinafter, "the Plans").

5. The Applicant is the Wireless Communication Facility owner and the lessee of the Site's owner for purposes of the Application.
6. The WCF Project is located in the Business and A-1 Residence zoning districts. Wireless communication devices are allowed by grant of special permit in the Business and A-1 Residence zoning districts.
7. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
8. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
9. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
10. The City of Marlborough City Council held a public hearing on the WCF Project on June 16, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
11. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
12. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the WCF Project's compliance with the applicable Special Permit criteria.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the WCF Project.

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

A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.

B) The Site is an appropriate location for the WCF Project and the WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

- 1) The WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit, as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant agrees to all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's existing WCF.
- 4) The issuance of this Modified Special Permit may be further subject to Site Plan Review in accordance with the City of Marlborough's Ordinance, as determined by the Building Inspector prior to the issuance of an actual building permit. Any additional changes, alterations, modifications or amendments, as may be required by any Site Plan Review, shall be further conditions attached to this Modified Special Permit and shall be further approved by using a building permit application so long as the changes, alterations, modifications or amendments fall within the scope of section 6409 of the 2012 Federal Tax Relief Act. No occupancy permit shall be issued until the Applicant complies with all such further conditions, if any.
- 5) Applicant shall minimize the visual impacts of the WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.

- 6) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the WCF Project only in cases of power outages to the WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
- 7) As soon as practicable but in any event within one (1) month after the occupancy permit has been issued to the Applicant by the City of Marlborough's Building Inspector for the WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall: (i) provide measurements as to the actual output of radio frequency energy emitted by the WCF Project; (ii) include a professional opinion by a qualified third party certifying that the WCF Project fully complies with all applicable health and safety standards; and (iii) provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the WCF Project that may increase the actual output of radio frequency energy emitted by the WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall: (i) state what the changes or upgrades are; (ii) provide measurements specifying how the actual output of radio frequency energy emitted by the WCF Project has been increased; (iii) provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
- 8) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for

appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the Building Inspector's office when the Applicant applies for the building permit, as well as a copy to the City Council's office and to the City Solicitor's office.

- 9) All conditions set forth in the Original Special Permit shall apply to this Modified Special Permit.

ADOPTED
In City Council
Order No. 14-1005821B
Adopted

A TRUE COPY
ATTEST:

City of Marlborough
Commonwealth of Massachusetts

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CITY OF MARLBOROUGH



PLANNING BOARD P 2: 26

Barbara L. Fenby, Chair
Colleen M. Hughes
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay
Shawn McCarthy

Melissa Irish - Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: MIrish@marlborough-ma.gov

July 8, 2014

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

Re: Acceptance of LaCombe Street Ext. as a Public Way
City Council Order No. 14-1005847

President Pope:

At its regular meeting on July 7, 2014, the Planning Board took the following action:

Street Acceptance:

On a motion by Mr. Hodge seconded by Ms. Hughes it was duly voted to:

Recommend to the City Council to NOT Accept the LaCombe Street extension as a city way until such time as the ownership issue on the easterly side of the street is cleared.

The motion carried by a vote of 5-0-0.

Should you need any additional information please do not hesitate to contact me.

Sincerely,

Barbara L. Fenby
Chairperson

Cc: City Clerk
File

City of Marlborough
Commonwealth of Massachusetts

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2014 JUL -8 P 4:49



PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes
Philip J. Hodge
Edward F. Coveney
Sean N. Fay
Shawn McCarthy
Brian DuPont

Melissa Irish - Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: MIrish@marlborough-ma.gov

July 7, 2014

City Council Order No. 12/13-1005247E.

President Pope:

At its regular meeting on July 7, 2014, the Planning Board took the following action:

On a motion made by Mr. Hodge, seconded by Ms. Hughes it was voted to send a generally favorable recommendation to the City Council regarding changes to the City of Marlborough Zoning Ordinance as defined by City Council Order No. 12/13-1005247E

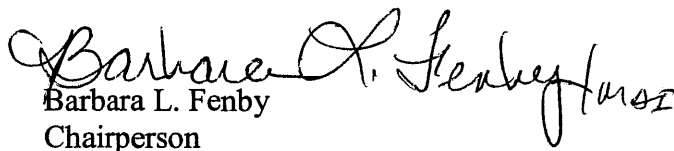
In addition the Board voted to offer the following concern:

- The restrictions imposed by the proposed ordinance seem restrictive seeing as there will be hefty restrictions associated with the licensing at the state level already in place.

The motion carried with a vote of 5-0-0.

Should you need any additional information please do not hesitate to contact me.

Sincerely,


Barbara L. Fenby
Chairperson

Cc: City Clerk
File

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2014 JUL -9 P 12:07

The Guaranty Building

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

July 8, 2014

The Meadows

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

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

Cape Cod

171 Main Street
Hyannis, MA 02601
TEL 508.815.2500
FAX 508.459.8300

RE: Chick-Fil-A, Inc.
Application for Special Permit
230 Boston Post Road West
Order Number 14-1005761A

FletcherTilton.com

Dear President Pope and Members of the Council:

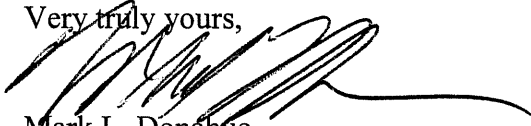
As you are aware from previous correspondence, this office represents Chick-Fil-A, Inc. with regard to the above referenced Application for Special Permit.

On behalf of the Applicant, this correspondence shall serve as the agreement of the Applicant to extend the time limit for action by the Marlborough City Council on the above referenced Special Permit Application by agreement, until 5:00 p.m. on September 30, 2014.

We look forward to the opportunity to present additional materials to the Urban Affairs Committee and to have subsequent discussions with the City Council.

Should there be any questions, please do not hesitate to contact me.

Very truly yours,



Mark L. Donahue

MLD/mmp

Direct Line: (508) 459-8029
Direct Fax: (508) 459-8329
E-Mail: mdonahue@fletchertilton.com

Please direct all correspondence to our Worcester office.

David P. Gadbois
Attorney-at-Law
PO Box 773
Marlborough, Massachusetts 01752

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2014 JUL 16 P 4: 54

Phone (508) 481-0101

E-mail David@attygadbois.com

Fax (508) 484-9435

July 16, 2014

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

RE: Site Plan Approval
170 Forest Street
Hilton Garden Inn

Dear President and Members;

On May 19, 2014 the City Council Approved the site plan with conditions for the above site. CSM Corporation, the applicant for the site plan approval in the process of finalizing plans and with the recommendation of Group One Partners, Inc., the architect for the project, has made minor changes to the look of the building, number of rooms and size and the size and location of the restaurant and restaurant terrace.

The changes incorporated in the plans provided herewith are as follows:

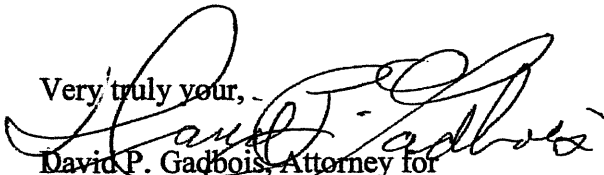
1. Exterior Material Dryvit system as originally shown will incorporate in part a specialty (Dryvit) brick finish;
2. Building footprint is decreased by 1,431 sq. ft.;
3. Reduced dining area by 1,000 sq. ft., and estimated seat count reduced to 140 seats from 230 seats;
4. Restaurant terrace relocated from northwest rear corner of the building to the northeast corner and increased the size by approximately 1,000 sq. ft.;
5. Minor revisions to fine grading of terrace and egress locations to provide ADA access;
6. Landscaping revised to reflect the building and terrace revisions while maintaining the previous design intent;
7. Relocated exterior doors;
8. Located rooms over the restaurant area;
9. Incorporated flat roof in lieu of a gable style roof;

10. Increased room count from 153 to 160;
11. Parking requirements for the additional rooms are met by the original design. No additional parking is required or needed.
12. Site utilities are unaffected by the decreased building footprint. The grease trap may shift east to avoid installing manhole covers in the terrace landscape.

Most of the above changes have been suggested by the Hilton Corporation in its approval of building design. Hilton wants consistency in its branding. The first page is a Hilton Garden Inn located in Pittsburg PA and is what the building will substantially look like. The additional rooms are captured by constructing over the restaurant area, which in the previous design did not have rooms over it.

If you have any questions, please contact me at your convenience.

Very truly yours,



David P. Gadbois, Attorney for
CSM Corporation, Applicant

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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Call to Order

June 16, 2014 10:28

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, Shawn McCarthy & Brian DuPont.

Also in attendance was Board Secretary Melissa Irish, Assistant City Engineer Timothy Collins & City Engineer Evan Pilachowski.

1. Meeting Minutes:

A. Regular Meeting May 5, 2014 (tabled June 2)

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to approve the minutes of the May 5, 2014 regular meeting as amended. Motion carried..

B. Regular Meeting June 2, 2014

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted to accept the minutes of the June 2, 2014 regular meeting as amended. Motion carried, with Mr. McCarthy abstaining.

2. Chair's Business:

A. Referral from City Council regarding LaCombe Street Acceptance

Ms. Hughes read the referral from the City Council into the record.

Discussion regarding the action in question, involved the intention of the developer to have the portions of LaCombe Street that are under the control of the developer to be accepted by the City, however the developer does not control the entire length of the street in question.

On a motion made by Ms. Hughes seconded by Mr. Coveney this item was tabled and a request is being made to have a representative of the Legal Department present at the next meeting, to discuss and clarify the questions being asked by the Board. Motion carried.

3. Approval Not Required: None

4. Public Hearings:

A. 7:15pm Public Hearing re: Proposed Medical Marijuana Treatment Center, Zoning Changes

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor

Those speaking in opposition

Questions from the Board Members

Presentation:

Ms. Kathleen Robey, City Councilor at Large presented to the Board the overview of the zoning change request. In 2012 there was a ballot question put forth to the voters of the Commonwealth. The ballot question passed which in turn charged the Department of Public Health to come up with regulations regarding the dispensing of Medical Marijuana. The City of Marlborough enacted a moratorium on allowing any Medical Marijuana dispensaries within the city until such time as proper regulations were enacted and that moratorium is set to expire on June 30, 2014.

In Favor:

Mr. Joseph Delano, City Councilor Ward 1

In his capacity as the Chairman of the Urban Affairs Committee which is the sub-committee currently deliberating on the proposed zoning amendment, Councilor Delano believes there is universal sentiment to regulate this use allowing it in the Industrial Zone only by Special Permit from the City Council in much the same manner as the current Adult Entertainment Zone.

The City is not able under the State laws to ban the use from the City completely, however it is able to heavily regulate where such as use may operate within the City. This subject is still under discussion in the Urban Affairs subcommittee.

In Opposition: None

Questions from the Board members:

Mr. McCarthy questioned the size of the currently proposed buffer zones of 5,000 ft and 1,000 ft.

The Buffer areas proposed by the ordinance are: There cannot be an additional "Center" within 5,000 feet of an existing "Center", nor a Narcotic Detoxification Center.

As well there are 5 uses that a "Center" cannot be within a 1,000 feet of, they are proposed to include: a school, a recreational facility, a park, an elderly housing facility, & a retirement community.

Mr. McCarthy questioned if those buffer zones were too large?

Councilor Delano noted that the buffer zones still leave a number of locations to be considered.

Mr. DuPont questioned why a different ordinance speaks to distances from daycare centers but this proposed ordinance only speaks to schools and is silent to daycares. Solicitor Rider noted that daycare centers tend to open and close very sporadically especially centers that are home based. It would be very difficult to keep up with the changes.

Councilor Delano noted that he considered the inclusion of daycares to be a good idea and would bring it up to the committee members.

Mr. DuPont questioned how the distances of the buffer zones were going to be measured will it be from the building foundations or from the property lines of the parcel on which the building sits? Another thought would be to have the special permits for operation reviewed annually, and if something changes there is the possibility of revocation of the Special Permit.

Councilor Delano noted that the Laws in place at the time of the granting of the special permit in question would prevail and making someone move from a fully permitted location would be very difficult legally.

The entire Public Hearing was closed at 7:37pm

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Mr. Collins informed the Board that the Blackhorse Farms subdivision currently has a house under construction however the site is a cluttered mess. There are large spools of cable and empty spools as well as piles of dirt.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to send a letter to the developer regarding the condition of the site as well as reminding the developer of his requirement to mow the development area. This matter is to be turned over to the Code Enforcement Office as well for continued inspections. Motion carried with Mr. Fay and Mr. DuPont in Opposition.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to place this subdivision on the next agenda for review of the completion date and construction scheduling. Motion carried.

Continuation of the Engineers Report brought the Mauro Farms subdivision to the table. Mr. Collins has asked again of the developer to get an updated construction schedule as of this date the information has not been received.

Mr. Fay will investigate the conditions of the enforcing covenant and will bring his findings to the Board at the next regularly scheduled meeting.

It was noted to have this item on the next regularly scheduled meeting on July 7, 2014.

B. Hudson St Open Space Special Permit (Discussion/Decision)

Ms. Hughes read the communication from the Conservation Officer Priscilla Ryder into the record.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to accept the communication and place it on file. Motion carried.

On a motion made by Mr. McCarthy, seconded by Mr. Coveney it was voted that:

The Planning Board specifically finds, in accordance with the requirements of Section 650-28H(8) of the Ordinance that:

- a. The Proposed Development meets the objectives of an open space development set forth in Section 650-28B of the Ordinance.
- b. The Proposed Development meets the design criteria of an open space development set forth in Section 650-28H(7)(b) of the Ordinance

- c. The Proposed Development will not have a substantial or undue adverse effect upon adjacent property or the character of the neighborhood.

Pursuant to section 650-28H(7)(a) of the Ordinance, the Planning Board determines that the Proposed Development, with the conditions set forth hereinafter, is at least as beneficial to the City as a conventional plan based on the design guidelines and evaluation criteria set forth in section 650-28H(7)(b) of the Ordinance.

The vote on the motion was taken by roll call vote:

- Mr. Fay – Yes
- Ms. Hughes – Yes
- Chairperson Fenby – Yes
- Mr. Hodge – Yes
- Mr. Coveney – Yes
- Mr. McCarthy – Yes
- Mr. DuPont – Yes

The Motion carried, unanimously.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Berlin Farms Update

Ms. Hughes read a communication from the Engineering Department to the Engineer of record for the development. Ms. Hughes then read the response from the Engineer that was delivered just at the start of the meeting from the Engineer. Mr. Poole was unavailable to stay to report directly to the Board, due to a conflicting appointment.

On a motion made by Ms. Hughes, seconded by Mr. DuPont both communications were accepted and placed on file. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was duly voted to send a communication to both the Engineer of Record (Steve Poole) as well as the developer (Mr. Freeman) to provide information to the Engineering Dept. no later than June 30, 2014 regarding proof of grading, raking and seeding of the areas in question that are well known to both. The areas in question must be inspected by the Engineering Department prior to the next regularly scheduled meeting (July 7, 2014). Motion carried.

On a motion made by Ms. Hughes seconded by Mr. Hodge it was voted to table this item and have it appear on the July 7, 2014 agenda. Motion carried.

B. Walker Brook, (Covenant)

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to endorse the covenant as presented. The presented covenant was reviewed by the Legal Department and is in proper legal form. Motion carried.

C. Mauro Farms Update

This topic was taken up under the Engineers Report item 5A.

10. Informal Discussions:

Ms. Hughes questioned the marketing material that has been produced by the developer of the new overlay district created by the city council. The new entity has labeled itself as Marlborough Hills and unfortunately that name is already in use by the continuing care facility up the road. Mr. Collins advised that the issue has already been noted and will be a topic of discussion at the Site Plan Review meeting in the morning.

Mr. Fay questioned the street sign that has appeared at Allora Restaurant indicating it to be Allora Drive? Mr. Collins noted that the prior City DPW Commissioner had determined that since that sign was on the private property there was nothing that could be done about it.

Multiple Board members brought forward complaints regarding the site conditions at the Monnik Supply location on Maple St. The information will be relayed to the Code Enforcement Officer and Building Commissioner.

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Sudbury, Board of Appeals, Notice of Decision

B. Town of Berlin, Zoning Board of Appeals, Public Hearing July 9, 2014

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

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to accept the notices A-C 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

Zoning Board of Appeals
Minutes
June 3, 2014

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2014 JUL -9 P 4:03

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

Public Hearing

7:00 PM 90 Onamog St. – GMP Development, Corp. (Greater Marlborough Program)(GMP)

Present this evening were: David Powers of GreenbergFarrow, 225 Cedar Hill St., Marlborough, MA and David LaBossiere of Housing/Facility Manager of GMP (Greater Marlborough Program) representing **GMP**.

Proposal: David Powers stated the proposed parking lot will be located at the South portion of the lot. The proposed parking lot will contain 8 parking spaces. According to the applicant's application it requires a variance from the Table of Lot Area, Yards and Height of Structures §650-41 for site coverage. The maximum allowed coverage for Zoning District A3 is 30%, this proposal requires extending maximum coverage to 50%."

Located at the North portion of the lot is an existing parking lot which contains 5 parking spaces. The facility owns 2 vehicles, one of which is a van. These 2 vehicles utilize 2 parking spaces, thus 3 spaces remain (including 1 handicapped space) The applicant would like to construct a new parking lot on the south portion of the lot, to service their employees and visitors. A curb opening will be requested thru the city's engineering dept. Proposed new plantings will be along the street frontage of the proposed parking lot to shield the proposed parking lot from the neighborhood.

Site:

- Topography: Land is fairly flat, but it drops off considerably at the rear.
- The lot is narrow. It narrows slightly from South to North.
- The applicant stated there is a proposed drainage at the north rear corner

- A wooded area will have to be removed for the location of the proposed parking lot.

Hardship: The hardship as stated by the applicants:

- To provide adequate service and parking for their employees and visitors. The amount of visitors varies during the day. They would like to provide off street parking for their 10-12 employees.
- During the winter parking ban, they would like to take as many cars off the street.
- On a “safety” issue, parking on the street is a detriment to the general public and to their employees. They would like to improve the situation by taking cars off the street.
- The proposed parking lot expansion is to support the facility. The proposal will be an improvement to the facility. With expanded parking, they could also provide more activities.
- This is a narrow lot. It is difficult to add more parking spaces to the existing parking lot.
- It is not a detriment to the public good, because we are taking some of the cars off the street.

A question was asked if a couple of more spaces could be added to the rear of the building. Answer: There is a considerable drop at the rear. Existing parking lot on the North side narrows out, thus making it difficult to add additional spaces to the existing lot.

The Board asked the applicant what has changed since this facility was built (over 35 yrs. ago) to warrant more parking spaces Answer: It will be nice to improve the esthetics of the property and the neighborhood.

The Board asked how this property will sell if an additional parking lot was constructed in an A-3 residential zone. And will the property contain a single family home if this property was sold? Answer: We do not plan to sell. We have a contract with HUD for some 20 years, so we cannot sell. We have acquired some increased funding and thought this is the time to increase the parking and install some more off street parking for visitors and employees.

The applicant stated the facility is open 24/7 with no set hours for visitors. There is a time when parking is overlapped with extra cars. They have 4 shifts comprising of 10-12 employees per shift, with 4 employees during the night shift.

The Board asked if they have thought about installing a permeable surface for additional parking. Answer: No, with the winters here, that will not make sense.

Dave LaBossiere stated they do not have a frequent turnover of residents. Most of their residents are there for the duration.

A Board member asks if additional parking could be added to the existing parking lot. Answer: The existing parking lot is at the north side of the lot, which narrows towards American Way (a private way). They felt with the shape of the lot, it would be difficult to add any more parking spaces to the existing lot.

A Board Member stated that the existing parking lot has serviced this facility for some 35 yrs. If they could add one or two more parking space to the existing lot, that may help.

The Board explained to the applicant that in granting a variance, the applicant must meet certain criteria concerning “hardship”.

There was no one in the audience to speak in **favor** of the petition. The Chair closed that portion of the public hearing.

There was no one in the audience to speak in **opposition** to the petition. The Chair closed that portion of the public hearing.

A Board Member asked the applicant if they have considered doing a Comprehensive Permit. Answer: This is HUD subsidized (affordable housing); they have not considered doing a Comprehensive Permit.

Some of the Board Members thought the applicant should go for a Special Permit before City Council.

The applicant stated that the neighborhood has changed, with more homes in the area, that is why the need for more off street parking.

The Board read into the file, a letter from the Building Inspector, Michael Mendoza, dated May 20, 2014 RE: 90 Onamog St.

Paul Giunta made a motion to **continue** the public hearing to July 8, 2014 at 7:00 PM in order for the applicant and the Board to clarify some of the items in the Building Inspector’s letter dated May 20, 2014.

Discussion:

- Preserve @ Ames – Comprehensive Permit – ZBA Case #1410-2012
Atty. Bergeron, represented Fairfield, the new owners of Preserve @ Ames. Fairfield is before the Zoning Board this evening with some proposed changes to the Comprehensive Permit that was granted on January 29th, 2013 to The Gutierrez Company.

According to the Comprehensive Permit Condition #4, which states: Proposed modifications to the Plan following the issuance of the Comprehensive Permit decision and Site Plan Review shall be submitted to the Building Inspector, who may determine whether the modifications are major or minor, and may approve minor modification to the Plans. Any proposed major modification of the plans shall be submitted for review by the Site Plan Review Committee, and, if the Site Plan Review Committee determines that the modifications are inconsistent with the Comprehensive Permit decision pursuant to Condition #2, of the Comprehensive Permit, for review by the Board.

Fairfield wanted the Board to rule on whether the proposed modifications are consistent or inconsistent with the Comprehensive Permit.

Fairfield Marlborough Limited Partnership is owned and controlled by Fairfield Realty II LLC or more commonly known as Fairfield Residential. (Fairfield bought Preserve @ Ames on April 30, 2014) Fairfield anticipates the start of construction by September 2014.

Also present this evening was: Timothy J. Williams, PE, Allen & Major Associates, John Shipe of Fairfield and Kevin Maley of FF Realty II LLC.

After much discussion, a motion was made by Paul Giunta, seconded by Ralph Loftin that the modifications are minor. The Board voted 5-0 that the below proposed modifications are consistent with the Comprehensive Permit.

The approved plan is entitled: The Preserve @ Ames Multi-Family Residential Marlborough, MA, Site Comparison Exhibit Plan (Sheet CP-2), dated 1/21/2014 to 5/27/2014 showing:

- The incorporation of 10 parking garage structures to allow for enclosed parking. The number of total parking spaces has not changed. The garages will be rented out to their tenants.

- Relocation of the bus stop and refinement of the dumpster locations
- Modified pedestrian connections to building entries
- Minor changes to the location of the recreation area and the emergency access drive.

Some of the other minor changes that were mentioned:

- The bus stop is pushed up further from the club house
- Adding a mail kiosk
- With Conservation approval, the buildings were pulled further away from the wetlands.
- The maintenance garage went away.

Other Business:

- Voting of Board officers

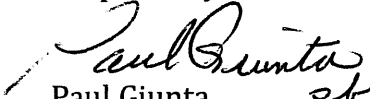
The outcome of the voting of officers is as follows:

- Paul Giunta – Chairman - Ralph Loftin nominated Paul Giunta as Chairman. Seconded by Ted Scott. All in favor were Ralph Loftin, Ted Scott and Tom Golden.
- Ralph Loftin – Vice Chairman - Tom Golden nominated Ralph Loftin as Vice Chairman. Seconded by Ted Scott. All in favor were Paul Giunta, Ted Scott and Tom Golden
- Tom Golden – Clerk - Paul Giunta nominated Tom Golden as Clerk. Seconded by Ted Scott. All in favor were Paul Giunta, Ted Scott and Ralph Loftin

Adjournment

With no other business, the meeting was adjourned at 9:00 PM.

Respectfully Submitted,


Paul Giunta
Chairman