

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2014 NOV 26 A 10: 22

1. Minutes of the City Council Meeting, NOVEMBER 17, 2014.
2. PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2015.
3. Communication from the Mayor re: Tax Classification Hearing/Tax Levy Offset Transfer Request.
4. Communication from the Mayor re: Home Rule Petition Exempting Certain Marlborough Public School Positions from Civil Service.
5. Communication from the Mayor re: Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2015 State 911 Department Support and Incentive Program Grant in the amount of \$99,805.00 and a Target Grant in the amount of \$1,000.00 awarded to the Police Department. The first Grant will be used to offset personnel costs in the dispatching center and cover fire alarm related purchases. The second Grant will be used to pair a Police Officer with a local family to choose Christmas gifts using Target gift cards.
6. Communication from City Solicitor Rider re: Application to further modify a Special Permit from Sprint Spectrum Realty Co., L.P., 450-460 Boston Post Rd. East, in proper legal form, Order No. 14-1005984A.
7. Communication from City Solicitor Rider re: Application to further modify a Special Permit from Sprint Spectrum Realty Co., L.P., 115 Onamog St., in proper legal form, Order No. 14-1005985A.
8. Communication from City Solicitor Rider re: Application to further modify a Special Permit from Sprint Spectrum Realty Co., L.P., 2 Mt. Royal Ave., in proper legal form, Order No. 14-1005986A.
9. Communication from City Solicitor Rider re: Application to further modify a Special Permit from Sprint Spectrum Realty Co., L.P., 157 Union St., in proper legal form, Order No. 14-1005987A.
10. Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Amendment to Zoning Code (Chapter 650) regarding New Marlborough Village District, Order No. 14-1005947B.
11. Communication from the Planning Board re: Acceptance of Long Dr. as a Public Way.
12. Communication from the Mark Donahue of Fletcher Tilton, re: Withdrawing Without Prejudice, Application for Special Permit on behalf of Chick-Fil-A, Inc. 230 Boston Post Rd. West. Order No. 14-1005761F.
13. Minutes, Recreation Commission, October 8, 2014.
14. Minutes, Conservation Commission, October 2, 2014.
15. Minutes, Planning Board, November 3, 2014.
16. Minutes, Zoning Board of Appeals, October 21, 2014.
17. CLAIMS:
  - a. Gilbert Schiappa, 59 Minehan Lane, pothole or other road defect.
  - b. Paul & Heather DiGregorio, 32 Tremont St., other property damage and/or personal injury

REPORTS OF COMMITTEES:

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

## UNFINISHED BUSINESS:

**From Urban Affairs Committee**

18. **Order No. 14-1005947B - Proposed Zoning Petition, Downtown Village (MVD) District.** The Urban Affairs Committee continued their review of Order No. 14-1005947, Proposed Zoning Petition, Marlborough Downtown Village District. The Assistant City Solicitor made changes requested by the committee and they reviewed an annotated version of comments and suggestions from their prior meeting. The committee made some minor changes/clarifications during their continued review of the proposed zoning petition. **Motion made by Councilor Clancy, seconded by Chair, to approve as amended with all supporting documents, Carries 5-0. Suspension of the Rules was requested at the November 17, 2014 City Council meeting to refer to City Solicitor to place in proper legal form.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**NOVEMBER 17, 2014**

Regular meeting of the City Council held on Monday, NOVEMBER 17, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 8:52 PM.

**Council President Pope recognized the visiting Chinese Principal, Zhou Junshan.**

**ORDERED:** That the minutes of the City Council meeting NOVEMBER 3, 2014, **FILE**; adopted.

**ORDERED:** That the Update from DPW Commissioner Ghiloni re: Senior Center Building Project, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 450-460 Boston Post Rd., Order No. 14-1005984, all were heard who wish to be heard, hearing recessed at 8:10 PM.

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

**Motion made and seconded to grant a Suspension of the Rules to vote to remove from Wireless Communications Committee. Motion carried, 11-0, it is approved.**

**Motion made and seconded to remove from Wireless Communications Committee. Motion carried, 11-0, it is approved.**

**Motion made and seconded to refer to City Solicitor's Office to place a decision in proper legal form on the December 1, 2014 regular meeting agenda effectively approving the application to modify existing equipment as requested, subject to all conditions in place for the site referred to as 460/460 Boston Post Road as if said conditions were recited herein in their entirety. Motion carried, 11-0, it is approved.**

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 115 Onamog St., Order No. 14-1005985, all were heard who wish to be heard, hearing recessed at 8:12 PM.

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

**Motion made and seconded to grant a Suspension of the Rules to vote to remove from Wireless Communications Committee. Motion carried, 11-0, it is approved.**

**Motion made and seconded to vote to remove from Wireless Communications Committee. Motion carried, 11-0, it is approved.**

**Motion made and seconded to refer to City Solicitor's Office to place a decision in proper legal form on the December 1, 2014 regular meeting agenda effectively approving the application to modify existing equipment as requested, subject to all conditions in place for the site referred to as 115 Onamog Street as if said conditions were recited herein in their entirety. Motion carried, 11-0, it is approved.**

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 2 Mt. Royal Ave., Order No. 14-1005986, all were heard who wish to be heard, hearing recessed at 8:16 PM.

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

**Motion made and seconded to grant a Suspension of the Rules to vote to remove from Wireless Communications Committee. Motion carried, 11-0, it is approved.**

**Motion made and seconded to remove from Wireless Communications Committee. Motion carried, 11-0, it is approved.**

**Motion made and seconded to refer to City Solicitor's Office to place a decision in proper legal form on the December 1, 2014 regular meeting agenda effectively approving the application to modify existing equipment as requested, subject to all conditions in place for the site referred to as 2 Mt. Royal Avenue as if said conditions were recited herein in their entirety. Motion carried, 11-0, it is approved.**

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 157 Union St., Order No. 14-1005987, all were heard who wish to be heard, hearing recessed at 8:18 PM.

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

**Councilor Robey recused.**

**Motion made and seconded to grant a Suspension of the Rules to vote to remove from Wireless Communications Committee. Motion carried, 10-0-1 (Robey abstained), it is approved.**

**Motion made and seconded to remove from Wireless Communications Committee. Motion carried, 10-0-1 (Robey abstained), it is approved.**

**Motion made and seconded to refer to City Solicitor's Office to place a decision in proper legal form on the December 1, 2014 regular meeting agenda effectively approving the application to modify existing equipment as requested, subject to all conditions in place for the site referred to as 157 Union Street as if said conditions were recited herein in their entirety. Motion carried, 10-0-1 (Robey abstained), it is approved.**

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

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

						\$23.71	12100003	51329	On - Call Pay	\$8,090.64
	Reason:								Police Command Contract	
						\$7,728.53	12100003	51920	Sick Leave Buy Back	\$153,656.00
	Reason:								Police Command Contract	
						\$6,008.23	12100003	51490	Holiday Pay	\$208,690.95
	Reason:								Police Command Contract	
						\$9,077.51	12100003	51342	Longevity	\$118,185.50
	Reason:								Police Command Contract	
						\$30,702.79	12100003	51440	Educational Incentive	\$360,206.91
	Reason:								Police Command Contract	
						\$3,256.15	12100003	51450	Night Shift Differential	\$82,083.76
	Reason:								Police Command Contract	
						\$274.39	12100003	51410	First Responder	\$38,043.96
	Reason:								Police Command Contract	
	\$226,392.31	Total				\$226,392.31	Total			

**ORDERED:** That the Fire Department transfer request in the amount of \$159,777.53 which moves funds from and to various account as noted in the attached spreadsheets to mostly fund the sick leave and vacation buyback for a retiring member and to fund the overtime account which has received higher than projected usage, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
	DEPT:	Fringe				FISCAL YEAR:	15		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$400,000.00	\$65,940.30	11990006	51500	Fringe	\$65,940.30	12200003	51920	Sick Leave	\$188,850.00
	Reason:			Retirement payout of sick leave					
\$400,000.00	\$68,698.80	11990006	51500	Fringe	\$68,698.80	12200001	50450	Firefighter	\$2,334,099.21
	Reason:			Payout of vacation buy back					
	\$134,639.10	Total			\$134,639.10	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		FIRE				FISCAL YEAR:		15		
FROM ACCOUNT:					TO ACCOUNT:					
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$2,334,099.21	\$25,138.43	12200001	50450	Firefighter	\$25,138.43	12200003	51300	Overtime		\$106,355.69
Reason:		Transfer is available due to 111F payments								
	\$25,138.43	Total			\$25,138.43	Total				

**ORDERED:** That the DPW transfer request in the amount of \$24,630.00 which moves funds from Fringes to Sick Leave Buy Back to fund obligations due to a retiring member, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		DPW - Water Division				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$400,000.00	\$24,630.00	11990006	51500	Fringes	\$24,630.00	61090003	51920	Sick Leave Buy Back		\$16,500.00
Reason:		Sick Leave Buy Back				Retirement				
	\$24,630.00	Total			\$24,630.00	Total				

**ORDERED:** That the Marlborough Fire Department Assessment Final Report, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

**President Pope divulged that she requested the Mayor or his designee deliver a presentation at the December 15, 2014 City Council meeting.**

**ORDERED:** Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough, as amended, be further amended as follows:

Section 125-27, entitled "Use of sick leave" is hereby amended by deleting paragraph C. in its entirety and inserting in place thereof the following new paragraph C.:

- C. Upon the termination of employment of a non-union employee, except where the termination is by the City for cause, or upon the death of a non-union employee, the City shall pay to said employee or said employee's beneficiary or estate, whichever is applicable, the value of the employee's accumulated and unused sick leave, not to exceed the amount of \$5,000.00.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

- A. The City Code is hereby amended in its entirety by deleting the words "Personnel Director" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Director."
- B. The City Code is hereby amended in its entirety by deleting the words "Personnel Department" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Department."
- C. Paragraph F of Section 125-3, is hereby amended by deleting the words "Executive Aide" and, in its place, inserting "Chief of Staff."
- D. The City Code is hereby amended in its entirety by deleting the words "Secretary/Research Assistant to the City Council" wherever they appear throughout the City Code, and inserting in place thereof the words "Legislative Aide to the City Council."

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

ORDERED: That the Municipal Aggregation Program, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

**Councilor Ossing recused.**

ORDERED: That the "Boroughs Trail" Conceptual Plan, refer to **OPEN SPACE COMMITTEE**; adopted.

ORDERED: It is moved, in conformance with the provision of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy in a wireless special permit dispute involving two properties on Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

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

**Yea: 11-Nay: 0**

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

ORDERED: That the Plowing of Private Way – Reagin Lane, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board re: Positive Recommendation Pertinent to the Downtown District Village, Order No. 14-1005947A, **MOVED TO REPORTS OF COMMITTEE**; adopted.



ORDERED: That the Communication from Public Employee Retirement Administration Commission (PERAC) re: appropriation for Fiscal Year 2016, **FILE**; adopted.

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

ORDERED: That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary two-year basis, requiring further City Council approval two years from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

**APPROVED**; adopted.

**Councilor Oram recused.**

ORDERED: That the Minutes, License Board, September 24, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 20, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough High School Meeting, October 1 & November 5, 2014, **FILE**; adopted.

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

- A. Beth Kelly, 12 Graham Path, pothole or other road defect.
- B. Gregory Grassby, 55 Clinton St., other property damage and/or personal injury
- C. Greg Flanigan, 50 Mill St., Maynard, MA other property damage and/or personal injury

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: November 10, 2014

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:38 PM

Adjourned: 6:41 PM

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

Also Present: Cynthia Panagore Griffin, Assistant City Solicitor, City of Marlborough; Mark Racicot, Director of the Land Use Department at Metropolitan Area Planning Council (MAPC)

**Order No. 14-1005947: Proposed Zoning Petition, Downtown Village (MVD) District.** The Urban Affairs Committee continued their review of Order No. 14-1005947, Proposed Zoning Petition, Marlborough Downtown Village District. The Assistant City Solicitor made changes requested by the committee and they reviewed an annotated version of comments and suggestions from their prior meeting. The committee made some minor changes/clarifications during their continued review of the proposed zoning petition. **Motion made by Councilor Clancy, seconded by Chair, to approve as amended with all supporting documents, Carries 5-0.**

**Motion made by Councilor Clancy, seconded by Chair, to adjourn, Carries 5-0. The meeting adjourned at 6:41 PM.**

*Reported by: Chairman Delano*

*November 17, 2014*

**Suspension of the Rules requested – granted**

ORDERED: That the Proposed Zoning Petition, Downtown Village District, refer to **THE CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:52 PM.

**Public Hearing – 2015 Tax Levy**

LEGAL NOTICE  
CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing with** the Board of Assessors on **Monday, December 1, 2014** at 8:00 p.m. in Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2015. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

*Per Order of: City Council President, Patricia A. Pope*



*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](http://www.marlborough-ma.gov)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 26 10 54  
*Arthur J. Vigeant* MAYOR  
*Michael C. Berry* EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 25, 2014

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

**Re: Tax Classification Hearing / Tax Levy Offset Transfer Request**

Honorable President Pope and Councilors:

Enclosed for your information is my recommendation and corresponding draft motions for the FY15 Tax Classification Hearing.

Our Board of Assessors has once again provided you with an informative packet that provides the basis for this recommendation. Below are a few highlights.

- **CIP Shift Factor: 1.40**
- **Residential Shift Factor: .804390**
- **Residential Property Valuation: 67.16%**
- **Commercial, Industrial, Personal Valuation: 32.84%**

In addition, to reduce the FY2015 tax levy, I am submitting for your approval the following transfer requests totaling \$4,226,230.00.

- 1) Transfer in the amount of \$46,230.00 from 27000-33020 (Sale of Graves) to offset the FY15 Tax Levy.
- 2) Transfer in the amount of \$500,000.00 from 61000-31200 (Aquifer Protection) to offset the FY15 Tax Levy.
- 3) Transfer in the amount of \$3,680,000.00 from 10000-32200 (Overlay Reserve) to offset the FY15 Tax Levy.

The Board of Assessors and Comptroller Brian Doheny will be on hand to answer any questions you may have. Thank you in advance for your consideration.

Sincerely,

**Arthur G. Vigeant**  
**Mayor**



*City of Marlborough*  
Office of the Assessors  
140 Main Street  
Marlborough, Massachusetts 01752  
TDD (508) 460-3610  
Phone: (508) 460-3779

Dear Mr. Mayor:

The assessors have examined the overlay and have concluded that given the number of pending appeals that we will release \$3,680,000 to the general fund.

Sincerely,

Anthony C. Arruda, Jr.

Ellen Silverstein

Bradford C. Dunn

**Motion to Approve**

I move to approve the residential factor of .80439 which results in a CIP shift factor of 1.40 and produces based upon the fiscal 2015 tax levy a residential tax rate of \$15.76 and a commercial tax rate of \$27.43.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

	DEPT:	Mayor's Office				FISCAL YEAR:	2015		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$46,230.00</u>	<u>\$46,230.00</u>	<u>27000</u>	<u>33020</u>	<u>Sale of Graves</u>	<u>\$546,230.00</u>	<u>To reduce FY15 Tax Levy</u>		<u>\$0.00</u>	
<u>\$1,189,358.03</u>	<u>\$500,000.00</u>	<u>61000</u>	<u>31200</u>	<u>Aquifer Protection</u>					
	Reason:	<u>Other funds used to reduce FY15 Tax Levy</u>							
	\$546,230.00	Total			\$546,230.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor's Office

FISCAL YEAR: 2015

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available  
Balance

\$3,680,000.00

\$3,680,000.00

10000 32200

Overlay Reserve

\$3,680,000.00

To reduce FY15 Tax Levy

\$0.00

Reason:

Overlay surplus used to reduce FY15 Tax Levy

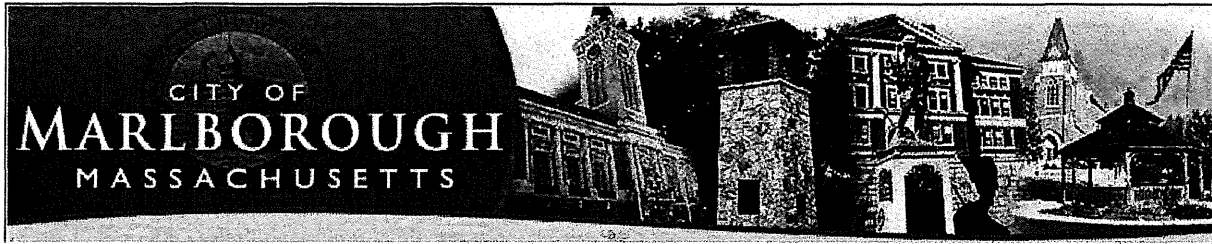
\$3,680,000.00

Total

\$3,680,000.00

Total





Fiscal Year 2015

# Tax Classification Hearing

December 1, 2014

**Marlborough Board of Assessors**

Anthony C. Arruda, Jr.

Ellen Silverstein

Bradford C. Dunn

## **Introduction**

Each year, prior to the mailing of 3<sup>rd</sup> quarter tax billings, the City Council holds a public hearing to determine the percentage of the city's property tax levy to be borne by each major property class. This responsibility and procedure are described in Chapter 40, Section 56 of the Massachusetts General Laws.

The steps in completing the Classification Hearing are outlined below. Also provided is information about the levy, property assessments, and recommendations made by the Board of Assessors.

## **Steps in Setting Tax Rates**

### **Pre-classification Hearing Steps**

Step 1: Determination of the property tax levy (Budget Process)

Step 2: Determine assessed valuations (Assessors)

Step 3: Tabulate assessed valuations by class (Assessors)

### **Classification Hearing Steps**

Step 4: Classification hearing presentation (Assessors & Council)

Step 5: Determine tax shift options (City Council)

Step 6: Vote a tax shift factor (City Council)

### **Post Classification Hearing Steps**

Step 7: Sign the LA-5 Classification Form (City Council)

Step 8: Send annual recap to DOR for tax rate approval (Assessors)

Step 9: Obtain DOR approval of tax rates (DOR)

## Terminology

The following are definitions of the terms frequently used in the discussion of tax rates.

**Levy:** The tax levy (or levy) is the amount of property taxes to be raised. The levy amount is determined by the budget. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from property taxation. In Marlborough, the levy to be raised is reported to the Assessors by the City Comptroller.

**Levy Ceiling:** The levy ceiling is 2.5 percent of the full value of the city. Based on the Marlborough aggregate valuation of \$4,526,130,781, the city cannot levy taxes in excess of \$113,153,270.

**New Growth Revenue:** Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property.

**Levy Limit:** Also referred to as the "maximum allowable levy", this is calculated by adding 2.5 percent of the previous year's levy limit plus new growth revenue for the present fiscal year to last year's levy limit. Exceeding the levy limit requires an override of Proposition 2 ½.

**Excess Levy Capacity:** Excess levy capacity is the difference between the levy and the levy limit.

## The Fiscal Year 2015 Levy Limit and Amount to be Raised

The following is a calculation of Marlborough's levy limit for fiscal year 2015.

Fiscal year 2014 levy limit	\$109,200,278
Levy increase allowed under Prop. 2 ½	\$2,730,007
New growth revenue	\$2,472,705
Fiscal year 2014 levy (note: exceeds levy ceiling)	\$114,402,990
Levy ceiling (effective levy limit)	\$113,153,270
<b>Levy to be raised</b>	<b>\$88,678,939</b>
Excess levy capacity	\$24,474,331

## Valuations by Class before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	3,039,659,586	67.1580	67.1580
Commercial	858,599,524	18.9698	
Industrial	383,146,081	8.4652	32.8420
Personal Property	244,725,590	5.4070	
TOTAL	4,526,130,781	100.0000	

## Mayor's Recommendation

After considering the valuation of the City of Marlborough's residential and commercial property and examining the current fiscal strength of the city. It is the Mayor's recommendation to use \$3,680,000 from overlay surplus to reduce the city's tax levy. The Mayor further recommends the adoption of a Residential tax rate of \$15.76 with a shift factor of 1.40, producing a Commercial tax rate of \$27.43.

## Tax Rates

Based on the above shift factors, the Board of Assessors has calculated the following tax rates needed to raise the tax levy:

<u>Property Class</u>	<u>FY2015</u>	<u>FY2014</u>
Residential	15.76	16.11
Commercial	27.43	28.22
Industrial	27.43	28.22
Personal Property	27.43	28.22

Note that these rates are estimates only and may change upon Department of Revenue review. Were Marlborough not to shift taxes, the uniform tax rate for all properties would be \$19.59 per \$1,000 valuation. The consequence of the proposed shift and capital contributions results in a rate of \$15.76 for residential properties and \$27.43 for Commercial, Industrial and Personal Properties.

## Tax Impacts

Though tax rates are proposed to decrease, valuation increases will yield tax increases for all property owners.

Single family home valuations have been increased an average of 5 percent in response to an improved real estate market. The average single family home, however, will realize only a 2.9% increase in tax. Other residential property classes including condominiums and multi-family residences will realize similar valuation increases.

### Examples of Typical Residential Tax Changes

<u>Residential Class</u>	<u>FY15 Value</u>	<u>Avg. Tax</u>	<u>FY14 Value</u>	<u>Avg. Tax</u>	<u>Change</u>
Single Family Homes	304,000	\$4,791	288,900	\$4,654	\$137
Condominiums	150,300	2,369	142,200	2,290	78
2 Family Homes	212,100	3,343	203,200	3,274	69
3 Family Homes	215,100	3,390	206,000	3,318	72

<u>Address</u>	<u>FY 14</u>	<u>FY15</u>	<u>Change</u>
Ranch	\$3,209	\$3,322	+3.52%
Split	\$4,061	\$4,172	+2.73%
Cape (large)	\$7,831	\$8,076	+3.12%
Colonial (Old)	\$4,554	\$4,672	+2.59%
Colonial (New)	\$7,199	\$7,369	+2.36%

Commercial and industrial valuation changes vary from property-to property. Tax changes vary too much to provide statistically relevant information, however, Office and retail properties should expect a tax increase of about 3-5%, while Industrial property will stay flat or decrease slightly. Some example are listed below:

Strip Mall - West	\$33,042	\$34,122	+3.26%
Office Building-West	\$70,891	\$75,789	+6.90%
Strip Mall- East	\$67,372	\$68,413	+0.15%
Office Building - East	\$57,349	\$60,412	+5.34%

## **Recommendations**

The Board of Assessors recommends that the City Council adopt a Fiscal 2015 residential factor of 0.80439 with a corresponding CIP shift of 1.40, producing a residential tax rate of \$15.76 and CIP tax rate of \$27.43. Final tax rates are subject to Department of Revenue approval.

## **Voting a Tax Shift Factor**

The Marlborough City Council votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2015 tax rates and set the Residential Factor at 0.80439 with a corresponding CIP shift of 1.40, pending approval of the City's annual tax recap by the Massachusetts Department of Revenue.

## Marlborough LA-4

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	6,998	2,127,060,300				
102	2,348	352,877,368				
Misc 103, 109	38	22,054,900				
104	795	168,581,861				
105	164	35,279,200				
111, 125	156	283,073,296				
130-132, 106	880	22,475,316				
200-231	0		0			
300-393	563			838,296,776		
400-452	273				381,304,856	
Ch-61 Land	1		0	662		
Ch-61A Land	17		0	121,532		
Ch-61B Land	7		0	770,275		
012-043	103	28,257,345	0	19,410,279	1,841,225	
501	374					52,917,800
502	564					102,392,850
503	0					0
504, 550-552	3					48,148,650
505	9					37,293,200
506	1					829,300
508	5					3,143,790
<b>TOTALS</b>	<b>13,299</b>	<b>3,039,659,586</b>	<b>0</b>	<b>858,599,524</b>	<b>383,146,081</b>	<b>244,725,590</b>
<b>Real and Personal Property Total Value</b>						<b>4,526,130,781</b>
<b>Exempt Value</b>						<b>480,454,430</b>

# Marlborough LA-5 Options & Certifications

LA4 VALUES		FFCV PERCENTS			
Residential	3,039,659,586	Res %	67.1580	MRF	75.5487
Open Space	0	OS %	0.0000	175% Shift	0.0000
Commercial	858,599,524	Com %	18.9698	Chapter 3	0.0000
Industrial	383,146,081	Ind %	8.4652	Historic Low %	41.0771
Pers Prop	244,725,590	P P %	5.4070	Prior Res %	53.1962
<b>Total</b>	<b>4,526,130,781</b>	<b>Total %</b>	<b>100.0000</b>	<b>Lowest RF</b>	<b>75.5487</b>
<b>INPUT OPTIONS</b>				<b>OPEN SPACE DISCOUNT</b>	
Estimated Levy	88,678,939	Resid Factor Selected	0.804390	Selected O S Discount %	0.0000
		CIP Shift	1.40000	O S Factor	1.00000
		Single TR	19.59		
<b>SHIFT PERCENTS</b>					
Res %	54.0212	Res TR	15.76		
O S %	0.0000	OS TR	0		
Com %	26.5577	Com TR	27.43		
Ind %	11.8513	Ind TR	27.43		
P P %	7.5698	PP TR	27.43		
<b>Total %</b>	<b>100.0000</b>				
<b>RESIDENTIAL EXEMPTION</b>					
Total Res Value	3,039,659,586	/ Total Res Parcel Count	0	= Avg Res Value	0
Avg Res Value	0	X Selected Res Exemption %	0.0000	= Residential Exemption	0
		No. Eligible Res Parcels	0.0000000	= Tot Res Value minus Exempt	0
<b>SMALL COMMERCIAL EXEMPTION</b>					
No. Eligible Com Parcels	0	X Total Value of Eligible Pcls	0	= Total Value to be Exempt	0
Selected Com Exem %	0.0000				
Total C & I Value minus Exemption	1,241,745,605				

# Marlborough LA- 15

MARLBOROUGH 2015

Jurisdiction: Marlborough - 170 Fiscal Year: 2015 Go

Sales Ratio Study Time Period: 1/4/2012 through 12/31/2013

**Non-Time Trended Values**

Property Class	181	102	Misc 103, 109	104	105	111-112	130-132	300's	400's
Current Year # of Parcels	6,998	2,348	38	795	164	156	880	563	273
<b>Use Prior FY Assessed Value</b>									
Total # of Sales > \$1000	326	140	2	72	17	15	45	34	18
# Arms-Length Sales	229	79	0	24	2	6	4	6	2
Prior Median ASR	0.89	0.92	0.00	0.93	0.89	0.99	0.66	0.86	0.97
C O D	8.19	7.77	0.00	10.03	13.09	7.74	10.65	8.62	0.22
<b>Use Current FY Assessed Value</b>									
Total # of Sales > \$1000	329	140	2	72	17	15	42	34	18
# Arms-Length Sales	242	101	0	24	2	6	1	6	2
% AL Sales/Parcels	3.5%	4.3%	0.0%	3.0%	1.2%	3.8%	0.1%	1.1%	0.7%
Current Median ASR	0.94	0.94	0.00	0.96	0.96	0.99	0.97	0.93	0.97
C O D*	7.58	7.07	0.00	8.67	10.62	7.88	0.00	7.23	0.22
% Change of Median ASR's	5.6%	2.1%	0.0%	4.1%	6.0%	-0.4%	47.6%	7.1%	0.0%

**COMMERCIAL AND INDUSTRIAL**

Have properties been adjusted?  Yes  No

Capitalization Rates     Rent Schedules     Vacancy Rates     Land Values

Building costs recalibrated     Depreciation tables

Other Adjustments (explain)



MARLBOROUGH 2015

Jurisdiction  Fiscal Year

Property Class	(A) PFY LA4 Values	No.	(B) Rev & Omit Values	No.	(C) Abatement Values	No.	(D) Other Adjustment Values	(E) Adjusted Value Base	Reval Perc	(F) + or - Reval Adj Values	(G) Total Adjusted Value Base	(H) CFY LA4	(I) New Growth Valuation	(J) PY Tax Rate	(K) Tax Levy Growth	
RESIDENTIAL																95
SINGLE FAMILY (101)	2,017,964,400	0	0	14	682,700	5	610,500	2,017,892,200	.04937	99,627,700	2,117,519,900	2,127,060,300	9,540,400			2
CONDOMINIUM (102)	339,027,341	0	0	32	1,959,700	0	0	337,067,641	.00698	2,351,727	339,419,368	352,877,368	13,458,000			4
TWO & THREE FAMILY (104 & 105)	195,155,861	0	0	0	0	1	203,200	195,359,061	.04198	8,200,500	203,559,561	203,861,061	301,500			6
MULTI - FAMILY (111-125)	283,806,031	0	0	10	1,033,600	0	0	282,772,431	.00106	300,865	283,073,296	283,073,296	0			10
VACANT LAND (130-132 & 106)	23,088,100	0	0	10	328,800	24	-1,721,700	21,037,600	.06834	1,437,716	22,475,316	22,475,316	0			12
ALL OTHERS (103, 109, 012-018)	48,725,484	0	0	0	0	0	0	48,725,484	.03239	1,578,361	50,303,845	50,312,245	8,400			14
TOTAL RESIDENTIAL	2,907,767,217	0	0	66	4,004,800	30	-908,000	2,902,854,417	.03910	113,496,869	3,016,351,286	3,039,659,586	23,308,300	16.11	\$375,497	96
OPENSACE	0	0	0	0	0	0	0	0	.00000	0	0	0	0			27
OPEN SPACE - CHAPTER 61, 61A	0	0	0	0	0	0	0	0	.00000	0	0	0	0			33
TOTAL OPEN SPACE	0	0	0	0	0	0	0	0	.00000	0	0	0	0	.00	\$0	97
COMMERCIAL	815,823,586	0	0	16	10,349,900	3	-1,204,500	804,269,186	.05884	47,320,169	851,589,355	857,707,055	6,117,700			28
COMMERCIAL - CHAPTER 61, 61A	890,093	0	0	0	0	0	0	890,093	.00267	2,376	892,469	892,469	0			29
TOTAL COMMERCIAL	816,713,679	0	0	16	10,349,900	3	-1,204,500	805,159,279	.05877	47,322,545	852,481,824	858,599,524	6,117,700	28.22	\$172,641	98
INDUSTRIAL	372,836,587	1	3,363,500	5	1,944,100	1	-35,900	374,220,087	.00205	765,294	374,985,381	383,146,081	8,160,700	28.22	\$230,295	30
PERSONAL PROPERTY	270,693,650											244,725,590	60,037,970	28.22	\$1,694,272	31
TOTAL REAL & PERSONAL	4,368,011,133											4,526,130,781	97,624,670		\$2,472,705	99

6

Marlborough LA-13 New Growth

## Levy Limit

<b>I. TO CALCULATE THE FY 2014 LEVY LIMIT</b>		
A. FY 2013 Levy Limit	111,500,706	
A1. ADD Amended FY 2013 Growth	0	
B. ADD (IA + IA1)*2.5%	2,787,518	
C. ADD FY 2014 New Growth	1,872,105	
C1. ADD FY2014 New Growth Adjustment	0	
D. ADD FY 2014 Override	0	
E. FY 2014 Subtotal	116,160,329	
F. FY 2014 Levy Ceiling	109,200,278	I. 109,200,278 FY 2014 Levy Limit
<b>II. TO CALCULATE THE FY 2015 LEVY LIMIT</b>		
A. FY 2014 Levy Limit from I.	109,200,278	
A1. ADD Amended FY 2014 Growth	0	
B. ADD (IIA + IIA1)*2.5%	2,730,007	
C. ADD FY 2015 New Growth	2,472,705	
C1. ADD FY 2015 New Growth Adjustment	0	
D. ADD FY 2015 Override	0	
E. ADD FY 2015 Subtotal	114,402,990	
F. FY 2015 Levy Ceiling	113,153,270	II. 113,153,270 FY 2015 Levy Limit
<b>III. TO CALCULATE THE FY 2015 MAXIMUM ALLOWABLE LEVY</b>		
A. FY 2015 Levy Limit from II.	113,153,270	
B. FY 2015 Debt Exclusion(s)	0	
C. FY 2015 Capital Expenditure Exclusion(s)	0	
D. FY 2015 Stabilization Fund Override	0	
E. FY 2015 Other Adjustment	0	
F. FY 2015 Water/Sewer	0	
G. FY 2015 Maximum Allowable Levy	\$ 113,153,270	



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
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RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 26 A 8:16  
*Arthur G. Vigeant* MAYOR  
*Michael C. Berry* EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 25, 2014

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

**Re: Home Rule Petition Exempting Certain Marlborough Public Schools Positions from Civil Service**

Honorable President Pope and Councilors:

In 1998 the City Council acted favorably on a home rule petition of the Marlborough School Committee to exempt certain employees within the School Department from civil service requirements. The petition was not filed in time to be passed by the state legislature and was not revisited until recently. This exemption applies to custodial, cafeteria, and clerical workers throughout the school system. For your information, I have enclosed all the relevant documents from the 1998 Council vote.

The purpose of this initiative is to obtain greater flexibility throughout the hiring and appointment process for certain personnel groups. As many of us know, the prevalence of Civil Service exams has all but disappeared and today's hiring practices are reflective of that change. The School Department has worked collaboratively with the impacted bargaining units throughout this process. The unions fully understand that this potential change in no way inhibits their ability to collectively bargain with the school department.

Superintendent of Schools Richard Langlois will be available to answer any questions you may have regarding this matter. Enclosed is pertinent backup information and draft home rule petition language. In the meantime, please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

ORDERED:

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

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

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

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

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

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

ADOPTED

In City Council  
Order No. 14-100  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



# Marlborough Public Schools

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*District Education Center*

*Richard P. Langlois • Superintendent  
17 Washington Street, Marlborough, MA 01752  
Phone (508) 460-3509, ext. 10100 • rlanglois@mps-edu.org*

November 24, 2014

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

Dear Mayor Vigeant:

I am requesting you include on the next agenda of the Marlborough City Council, to move forward to the Great and General Court, removal of members of the Clerical, Custodial, and Cafeteria units from Civil Service requirements. Attached are the agenda item acted upon by the school committee and the minutes from the May 27, 2014 Marlborough School Committee meeting. The school committee voted to approve the above named units removal from civil service requirement.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Richard P. Langlois".

Richard P. Langlois  
Superintendent of Schools

/ps

Attachment: 2

**Marlborough Public Schools • 17 Washington Street • Marlborough, MA 01752 • [www.mps-edu.org](http://www.mps-edu.org)**

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*

**SCHOOL COMMITTEE**

**Agenda Item #9B**

**AGENDA ITEM SUMMARY**

**For School Committee Meeting  
of May 27, 2014**

**SUBJECT:** Removal of Clerical, Cafeteria, and Janitorial Positions from Civil Service

Person(s) preparing Agenda Item: Richard Langlois

Listing of Attachments:

---

**BACKGROUND:** Many years ago, clerical, cafeteria, and janitorial unions requested to be removed from civil service status. Paperwork was completed but the procedure was never delivered to the state house.

**STATUS:**

**RECOMMENDATION:** that the School Committee approve the exemption of the clerical, cafeteria, and janitorial positions from chapter 31 of the General Laws.

*Richard Langlois*

Recommended by the Superintendent: \_\_\_\_\_

**MARLBOROUGH SCHOOL COMMITTEE  
MARLBOROUGH, MA 01752**

**Call to Order**

**May 27, 2014**

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:35 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included, Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger & Mrs. Matthews.

Mr. Walter was absent.

Also present were Superintendent Langlois, MEA Representative Molly Callahan, Student Representative Maggie Vaccaro & Clerk Melissa Irish.

This meeting is being recorded by local cable WMCT-tv, and is available for review.

2. **Pledge of Allegiance:** Was led by Chairman Vigeant.

3. **Presentation:**

**A. Business Professionals of America**

Mrs. Mattingly, advisor for the group, introduced the President Ms. Colleen Anderson who gave a presentation to the Committee regarding the B.P.A. trip to Nationals in Indianapolis, IN.

\*\*An electronic version of the presentation is available.\*\*

**B. Special Education Update**

Ms. Karen Sturges opened the presentation with the introduction of some of Marlborough's Special Olympians. The Olympians brought not only their smiles to share with the Committee, they also brought the medals that they had won. Marlborough had a wonderful showing at the games. Ms. Sturges presented a power point program to the Committee.

\*\*An electronic version of the presentation is available.\*\*

Ms. Heather Geary continued the presentation by updating the Committee on the undertaking of the Intervention procedures currently being investigated for use by the District as well as the Coordinated Program Review (CPR) that has just been completed. The full report from the review should be available this summer.

\*\*An electronic version of the presentation is available.\*\*

4. **Committee Discussion/Directives:** None

5. **Communications:** None

6. **Superintendents Report:**

Mr. Langlois gave his report covering a range of topics including: National Honor Society Induction, District Improvement Plan Development, Teacher of the Year Award, Educator Evaluation, Spring Conference, Superintendent Performance Evaluation, FY '15 Budget Reductions. Additional information included: the High School Graduation on June 1 and the Undergraduate Breakfast on June 6, as well as recognition of Ms. Vaccaro's last meeting. Maggie is Graduating on June 1<sup>st</sup> and we wish her luck for her future endeavors.

- **Executive Director of Finance & Operation Report**



Mr. Langlois introduced Mr. Bergeron. His report covered a range of topics including: Transfers, MASBO Annual Conference Attendance, Draft Payroll Manual, Food Services Contract, FY '14 Budget monitoring.

**7. Acceptance of Minutes:**

**A. Minutes of May 13, 2014 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the May 13, 2014 School Committee Meeting as amended. Motion passed 5-0-1.

**8. Public Participation:**

Ms. Diane Chandler spoke to the Committee regarding the need for Full Day Kindergarten. She believes that the 1/2 day program is a disservice to our students. There is too much to cram into a 2.5 hour school day. The children in that program get no socialization skills due to the academic requirements and the short time frame.

**9. Action Items/Reports:**

**A. FY '15 Budget**

Mrs. Hennessy requested that a workshop meeting be set up in the coming days to fully explore the programs included in the FY '15 budget and to adequately understand the ramifications to existing programming to bring Full Day Kindergarten to fruition in the next school year. The meeting must take place prior to June 10, 2014.

**B. Civil Service Exemption**

Mr. Langlois presented to the Committee the request for removal of Clerical, Cafeteria and Janitorial Positions from the requirements of Civil Service. This process had been started a multitude of years prior however it was never presented on the floor of the House of Representatives. It is requested that the process be re-voted by the City Council and presented to State Representative Gregoire for presentation at the House.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the request to remove the following positions from the Civil Service Requirements: Clerical, Cafeteria and Janitors, and to pass this request along to the City Council for the next step in the process. Motion passed 5-0-1.

**C. Global Competency Certificate Program**

Mrs. Greulich presented to the Committee an overview of the new proposed program. It was noted that this program is not for everyone and is not a graduation requirement but a certification to be presented at graduation to qualifying students.

This was an informational item only.

**D. FY '14 Budget Transfers**

Mr. Bergeron presented the list of transfers to the Committee. The total of the requested transfers is \$122,174.37.

Motion made by Ms. Matthews, seconded by Chairman Vigeant to approve the requested transfers of \$122,174.37. Motion passed 5-0-1.

**E. Acceptance of Donation and Gifts**

Mr. & Mrs. Neil Shutzman have donated \$50.00 to be used by the Kane School Library. Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$50.00 to the Kane School Library. Motion passed 5-0-1.

Adopt a Classroom has donated \$500.00 to the Kane School specifically for use by Mrs. Benway's Class.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$500.00 to Mrs. Benway's class. Motion passed 5-0-1.

Middlesex District Attorney's Office has donated \$500.00 to be used by the High School to support Post Prom activities.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$500.00 for use by the High School for Post Prom activities. Motion passed 5-0-1.

MA Department of Elementary & Secondary Education has awarded the District the SpEd Improvement Grant in the amount of \$4,275.00.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the SpEd Improvement Grant in the amount of \$4,275.00. Motion passed 5-0-1.

**10. Reports of School Committee Sub-Committees:**

Mrs. Hennessy announced that the policy sub-committee had met on May 15th and took up multiple policies, including but not limited to: Security cameras and safety, playground non-disclosure, Student activity, civil rights & background checks.

Mrs. Hennessy noted that multiple policies will be forthcoming for action by the entire committee.

**11. Members Forum:**

Mrs. Bodin-Hettinger brought to the Committees attention to a letter as presented by the Peabody school district to the Governor's office regarding Mr. Mitchell Chester's perceived conflict of interest regarding the PARCC testing. Mr. Mitchell sits on the board of Directors for the company that has created the PARCC test. It appears egregious that Mr. Mitchell is pushing for the State to replace the existing MCAS test with the PARCC test.

The district must make a choice between the PARCC test and the MCAS test by October 1, 2014 or be defaulted back to the MCAS as the testing for the district.

**12. Adjournment:** Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 9:43pm the motion passed unanimously.

Respectfully submitted,

Heidi Matthews  
Marlborough School Committee

HM/mai

1998

Vote of the Marlborough  
City Council



## IN CITY COUNCIL

Marlborough, Mass., JUNE 15, 1998 19

ORDERED:

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND BY THE AUTHORITY OF SAME, AS FOLLOWS:

SECTION 1: All positions in the School Department of the City of Marlborough, classified in the Munclass Manual within the General Administrative, Clerical and Office Services Group, identified as Occupational Group 0300, and the Accounting and Budget Group, identified as Occupational Group 0500, shall be exempt from the provisions of Chapter thirty-one of the General Laws and any rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance.

SECTION 2: The provisions of Section One of this Act shall not affect the rights or status of any person serving in a permanent status pursuant to the provisions of Chapter thirty-one of the General Laws in any of the classified position titles in the School Department of the City of Marlborough on the effective date of this Act.

SECTION 3: This Act shall take effect upon its passage.

ADOPTED: Yea: 9 - Nay: 2

Yea: Katz, Langley, Nawrocki, Pope, Evangelous, Oram, Zomar, McAllister, Vigeant.

Nay: Hunt, Yurkus.

ADOPTED

In City Council

Order No. 98-7479A

Adopted June 15, 1998

Approved by Mayor

William J. Mauro, Jr.

Date: June 17, 1998

A TRUE COPY

ATTEST:

City Clerk



Service Employees International Union  
Local 254, AFL-CIO, CLC

May 23, 1997

James R. Myers, Superintendent  
Marlborough Public Schools  
17 Washington Street  
Marlborough, MA 01752

RE: Exemption of Clerical Unit classification from the provisions of Civil Service (MGL c. 31)

Dear Dr. Myers:

I am writing to request your assistance with the matter referenced above.

As you know, several problems involving the Civil Service appointment process have been identified in the Clerical Unit. When all the facts are analyzed, the only way we can completely resolve the problems is to exempt the applicable classifications from the provisions of Civil Service.


Accordingly, the Union membership approved the following motion:

**Moved that the Union request the Marlborough School Committee to take the steps necessary to petition the Great and General Court of the Commonwealth to exempt the clerical unit classifications from the provisions of the Civil Service law (MGL C. 31).**

On behalf of the Clerical Unit members represented by Local 254, I respectfully request that you bring this matter before the Marlborough School Committee for their approval as soon as possible.

Please let me know if I can be of any further assistance with this business.

Very truly yours,

  
Cathy Conway  
Business Agent

c: Dianne Leland  
Candace Noonan

Edward T. Sullivan, Jr.  
Business Manager

June 12, 1997

Ms. Dianne Leland  
S.E.I.U., Local 254  
Marlborough High School

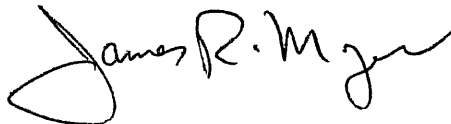
Dear Ms. Leland:

The Marlborough School Committee, at its June 10, 1997 meeting, approved the following:

That the Marlborough School Committee approve the exemption of S.E.I.U, Local 254, Clerical and Support Employees from the provisions of Civil Service.

If I can be of any further assistance, please do not hesitate the contact me.

Sincerely,

A handwritten signature in black ink that reads "James R. Myers". The signature is written in a cursive style with a large initial "J" and "M".

James R. Myers, Ph.D.  
Superintendent of Schools

JRM:dh

cc: Cathy Conway

**SCHOOL COMMITTEE**

Agenda Item # 2E

**AGENDA ITEM SUMMARY**

For School Committee Meeting  
of June 10, 1997

**SUBJECT:** Exempting members of S.E.I.U., Local 254, Clerical and Support employees from the provisions of Civil Service.

Person(s) preparing Agenda Item: Ronald G. Guest, Legal Administrator

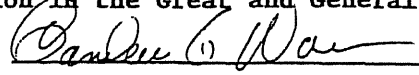
Listing of Attachments: 1. Letter from Union requesting exemption from Civil Service.  
2. An Act Relative to Civil Service in the City of Marlborough

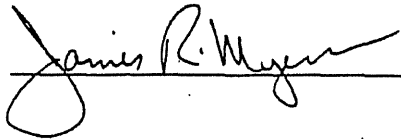
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**BACKGROUND:** Because of the complexity of G.L.c.31, the former Personnel Administrator Rules (PAR Rules), and the depletion of employees at the Division of Human Resources (Civil Service) in Boston, several misunderstanding arose over the years as to certifications rosters, provisional appointments and promotions and various other personnel actions required by the Civil Service law and Rules. The result is that nine members of the Union are not permanent Civil Service Employees.

**STATUS:** The only reasonable way to resolve the complex issues is to exempt from Civil Service the members of the Union, as requested by a vote of the Union.

**RECOMMENDATION:** It is recommended the School Committee vote to approve the proposed Special Act of the Legislature, attached hereto, and to forward said proposed Special Act to the City Council and Mayor with the Committee's recommendation it be approved and forwarded to State Senator Robert A. Durand and State Representative Stephen E. LeDuc for introduction in the Great and General Court.

Approved by Principal: 

Recommended by the Superintendent: 



## MARLBOROUGH PUBLIC SCHOOLS

---

JAMES R. MYERS, Ph.D.  
SUPERINTENDENT OF SCHOOLS  
Frank D. Walker Building • 255 Main Street  
Marlborough, Massachusetts 01752-5505  
Telephone: 508-460-3509 • Fax: 508-485-1142  
E-mail: SuptJMyers@aol.com

June 12, 1997

Mayor J. Michael McGorty  
Marlborough City Hall  
Main Street  
Marlborough, MA 01752

Dear Mayor McGorty:

By copy of this letter, I am sending to you for action to be taken by the City Council to move forward to the Great and General Court this proposal for members of S.E.I.U., Local 254, Clerical and Support Employees.

I am sure that Ron Guest will be pleased to offer his assistance to move this forward. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Myers", written over a horizontal line.

James R. Myers, Ph.D.  
Superintendent of Schools

JRM:dh

Attach. (3)



**RECEIVED**

**FEB 13 1998**

**CITY CLERK'S  
OFFICE**

**CITY OF MARLBOROUGH**  
MARLBOROUGH, MASSACHUSETTS 01752-3812



**OFFICE OF THE MAYOR**  
CITY HALL, 140 MAIN STREET, 4TH FLOOR  
TEL: 508/460-3707 ■ FAX: 508/460-3698 ■ TDD: 508/460-3610

**WILLIAM J. MAURO, JR.**  
MAYOR

**JAMES W. AGORITSAS**  
EXECUTIVE AIDE TO THE MAYOR

**DIANE C. HALPER**  
EXECUTIVE SECRETARY

February 13, 1998

Marlborough City Council  
City Hall, 140 Main Street  
Marlborough, MA 01752

Subj: Exempting School Clerical & Support Employees from Civil Service.

President and Members,

Attached please find a proposed City Council order and Special Act of the Legislature that will, if approved by your body and the Great and General Court, exempt clerical and support employees of the School Department from the requirements of Civil Service.

This request is being made by the Marlborough School Committee, Superintendent James R. Myers and the membership of S.E.I.U., Local 254. Attached hereto is correspondence from the Superintendent, a copy of the vote of the union which seeks approval of this legislation, and a School Committee Agenda Item which explains the need for this action.

Your approval of the order will be sincerely appreciated.

Very truly yours,

William J. Mauro, Jr.  
Mayor

/g

encl:

xc: James Myers, Ph.D., Superintendent of Schools  
S.E.I.U., Local 254, Cathy Conway, 11 Beacon St., Suite 200, Boston, MA 02108  
Diane Leland, S.E.I.U., Local 254, Marlborough High School

REF:[COUNCIL\COUNCIL\_SCHOOL\_EXEMPT\_C31.WP

ORDERED:

THAT THE CITY COUNCIL OF THE CITY OF MARLBOROUGH SUPPORTS THE ATTACHED SPECIAL ACT OF THE LEGISLATURE WHICH IS INCORPORATED HEREIN, TO EXEMPT CLERICAL AND SUPPORT EMPLOYEES WHO ARE MEMBERS OF THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 254, FROM THE PROVISIONS OF CHAPTER 31 OF THE GENERAL LAWS AND THE REGULATIONS PROMULGATED THERETO BY THE HUMAN RESOURCES DIVISION OF THE EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE;

AND IT IS FURTHER ORDERED THAT THIS ORDER AND THE PROPOSED SPECIAL ACT OF THE LEGISLATURE BE FORWARDED TO THE CITY OF MARLBOROUGH'S STATE SENATOR AND STATE REPRESENTATIVE WITH A REQUEST THEY INTRODUCE AND SUPPORT ITS PASSAGE IN THE GREAT AND GENERAL COURT.

*COMMONWEALTH OF MASSACHUSETTS*

**AN ACT RELATIVE TO CIVIL SERVICE  
IN THE CITY OF MARLBOROUGH**

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

1           SECTION 1: All positions in the School Department of the City of Marlborough,  
2           classified in the Munclass Manual within the General Administrative, Clerical and Office  
3           Services Group, identified as Occupational Group 0300, and the Accounting and Budget  
4           Group, identified as Occupational Group 0500, shall be exempt from the provisions of  
5           chapter thirty-one of the general laws and any rules promulgated by the Human  
6           Resources Division of the executive Office for Administration and Finance.

7           SECTION 2. The provisions of section one of this act shall not affect the rights  
8           or status of any person serving in a permanent status pursuant to the provisions of  
9           chapter thirty-one of the General Laws in any of the classified position titles in the  
10          School Department of the City of Marlborough on the effective date of this act.

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



# 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](http://www.marlborough-ma.gov)

REC *Arthur G. Vigeant*  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 26 10:48  
*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 25, 2014

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

## Re: Police Department Grant Acceptances (2)

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant award from the Executive Office of Public Safety and Homeland Security to the City of Marlborough in the amount of \$99,805.00.

These funds will be utilized to offset personnel costs in the dispatching center as well as to cover fire alarm related equipment purchases for enhanced 911 services.

The second grant, in the amount \$1,000.00, comes from Target's "Heroes and Helpers" program. This worthy program pairs up a Marlborough Police Officer and a local family to help choose Christmas gifts using Target gift cards.

Enclosed is the relevant backup information and paperwork from Police Chief Mark Leonard. I respectfully request your acceptance of this grant so that the funds may be utilized for their intended purposes.

Sincerely,

Arthur G. Vigeant  
Mayor



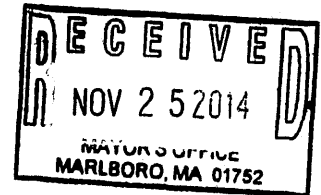
# City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949  
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD  
Chief of Police

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

November 20, 2014



Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$99,805 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2015 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant, which will be used to offset personnel costs in the Public Safety Dispatching center, to purchase fire alarm receiving and alerting equipment to provide enhanced 911 service.

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard  
Chief of Police



The Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY  
STATE 911 DEPARTMENT  
1380 Bay Street, Building C - Taunton, MA 02780-1088  
Tel: 508-828-2911 - TTY: 508-828-4572 - Fax: 508-828-2585  
[www.mass.gov/e911](http://www.mass.gov/e911)



**DEVAL L. PATRICK**  
Governor

**ANDREA J. CABRAL**  
Secretary of Public Safety  
and Security

**FRANK POZNIAK**  
Executive Director

September 24, 2014

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

Dear Mayor Vigeant,

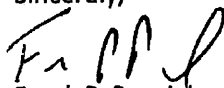
The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY 2015 State 911 Department Support and Incentive Grant** program.

For your files, attached please find a copy of the executed contract. Please note your contract start date is **September 24, 2014** and will run through June 30, 2015. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2015.

Reimbursement requests should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website [www.mass.gov/e911](http://www.mass.gov/e911). For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than six (6) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to [911DeptGrants@state.ma.us](mailto:911DeptGrants@state.ma.us). Grantees are strongly encouraged to submit final, year-end budget modification requests on or before April 30, 2015.

Sincerely,

  
Frank P. Pozniak  
Executive Director

cc: FY 2015 Support and Incentive Grant File

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM.



<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a): Marlborough Police Department		<b>COMMONWEALTH DEPARTMENT NAME:</b> State 911 Department MMARS Department Code: EPS	
<b>Legal Address:</b> (W-9, W-4,T&C): 140 Main Street, Marlborough, Mass 01752		<b>Business Mailing Address:</b> 1380 Bay Street, Building C, Taunton, MA 02780	
<b>Contract Manager:</b> Chief of Police Mark F. Leonard		<b>Billing Address (if different):</b>	
<b>E-Mail:</b> mleonard@marlborough-ma.gov		<b>Contract Manager:</b> Marilyn Godfrey	
<b>Phone:</b> 508-624-6970	<b>Fax:</b> 508-624-6938	<b>E-Mail:</b> 911DepGrants@state.ma.us	
<b>Contractor Vendor Code:</b> VC600019211		<b>Phone:</b> 508-821-7299	<b>Fax:</b> 508-828-2585
<b>Vendor Code Address ID</b> (e.g. "AD001"): AD_061 (Note: The Address ID must be set up for EFT payments.)		<b>MMARS Doc ID(s):</b> CT SUPG	
		<b>RFR/Procurement or Other ID Number:</b> FY2015 SUPG	
<input checked="" type="checkbox"/> <b>NEW CONTRACT</b>		<input type="checkbox"/> <b>CONTRACT AMENDMENT</b>	
<b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only) <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <b>Department Procurement</b> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") <b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification and updated scope and budget)	
The following <b>COMMONWEALTH TERMS AND CONDITIONS (T&amp;C)</b> has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
<b>COMPENSATION:</b> (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <b>Rate Contract</b> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <b>Maximum Obligation Contract</b> Enter Total Maximum Obligation for total duration of this Contract (or <u>new Total</u> if Contract is being amended) \$ <u>99,805.00</u>			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through <u>EFT</u> 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD, Payment issued within 15 days ___% PPD, Payment issued within 20 days ___% PPD, Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason. <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A). ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) For disbursement of funds under the State 911 Department FY 2015 PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.			
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30, 2015</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached herein) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract			
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> X: <u>Arthur Vigeant</u> Date: <u>9/17/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor of Marlborough</u>		<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X: <u>Frank Pozniak</u> Date: <u>9/24/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u> Print Title: <u>Executive Director</u>	

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: November 20, 2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: FY 2015 State 911 Dept. Support and Incentive Grant Program

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$99,805.00

GRANT PERIOD: Present to June 30, 2015

SCOPE OF GRANT/  
ITEMS FUNDED To provide for personnel costs in the public safety  
dispatching center. To purchase Fire Alarm  
Receiving and Alerting Equipment which is associated with  
providing enhanced 911 service.

IS A POSITION BEING  
CREATED: No

CAN FRINGE BENEFITS BE PAID FROM GRANT?

IF YES: No

ARE MATCHING CITY  
FUNDS REQUIRED? None

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

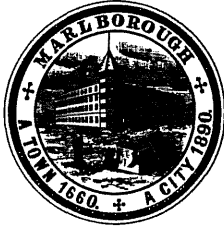
IF MATCHING IS  
MONETARY PLEASE  
GIVE ACCOUNT None

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Approval needed asap to begin  
the use of the grant.

**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 G**





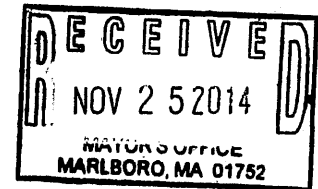
# City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949  
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD  
Chief of Police

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

November 21, 2014



Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$1,000 from Target. The grant is part of Target's Heroes and Helpers program, and will be used to purchase Target GiftCards for children participating in the program. Each child participating will be paired with a Marlborough police officer who will help choose gifts for the child's family using one of the donated Target GiftCards. We will simply be turning the \$1,000 back over to Target as we participate with them in this program.

Attached is a copy of the e-mail notification of the grant approval from Target, and a description of the Heroes and Helpers program. I am requesting that the grant award be forwarded to the City Council for approval, and if possible that the grant be approved at the Dec. 1 City Council meeting since the event is scheduled to take place on Friday December 12<sup>th</sup> at the Target store on Boston Post Road East. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard  
Chief of Police



TARGET

JOE CURLEY  
ASSET PROTECTION TEAM LEADER

P 508 251 6957 **13209**  
Joseph.Curley@Target.com  
605 Boston Post Rd E, Marlborough, MA 01752



heroes & helpers

essages

### STRONG, HEALTHY, SAFE COMMUNITIES

- Target works with partners to build strong, healthy and safe communities, and our extensive public safety partnerships help strengthen neighborhoods across the country.
- At Target, we work to share our resources and expertise with public safety partners to help build safe and secure communities.

### HEROES & HELPERS

- The Heroes & Helpers program fosters strong community relationships by pairing public safety officials with in-need youth.
- Through Heroes & Helpers, Target will donate more than \$200,000 worth of Target GiftCards to public safety organizations in almost 200 communities across the country.
- Each child participating in a Heroes & Helpers event will be paired with a public safety official who will help choose gifts for the child's family using one of the donated Target GiftCards.
- Target and local public safety organizations across the country have held events similar to Heroes & Helpers for the past several years.

### HEROES & HELPERS – SPECIFIC EVENT

- Our Target store has partnered with [Partner Organization] for a Heroes & Helpers shopping event scheduled for [Month XX] at [XX:XX] [a.m./p.m.].
- During the event, [XX] children and [police officers/firemen/public safety officials/other] will be in our Target store shopping for holiday gifts.

## Susan Blaisdell

---

**From:** Michael Amoros  
**Sent:** Tuesday, November 18, 2014 3:27 PM  
**To:** Susan Blaisdell  
**Subject:** FW: Your Target grant request

You may want to attach this to the email so that they can understand the grant

-----Original Message-----

**From:** application.notification@target.com [mailto:application.notification@target.com]  
**Sent:** Friday, October 31, 2014 5:20 PM  
**To:** Michael Amoros  
**Subject:** Your Target grant request

Lieutenant Michael A Amoros  
Administrative Services Unit Commander  
Marlborough Police Department  
355 Bolton St  
Marlborough, MA 01752

Program: Heroes and Helpers  
Amount: \$1,000.00

Dear Lieutenant Amoros:

Target is pleased to inform your organization that a grant has been approved specifically for the program and amount referenced above. Your grant check should arrive in the next few days. Please note that your grant check is void if it is not cashed within five months.

If you choose to produce any announcements or articles in recognition of this grant, we ask that you identify us as "Target". Resources to help you promote your partnership with Target are available at [target.com/marketingresources](http://target.com/marketingresources).

As always, Target grants are one-time gifts. By making annual commitments, we ensure we can remain flexible and respond to changing community and business needs.

Since 1946, Target has given 5 percent of its profit - which today equals more than \$4 million a week - to local communities. Our more than 1,700 Target stores carry on this tradition by making local grants and providing volunteer hours. We are proud to partner with organizations like yours to meet the needs of our communities. Whether it's inspiring young minds, offering unique cultural experiences or meeting your community's most basic needs; we thank you for your continued commitment to making a difference

You will receive a second email directing you to your account and requesting you fill out and submit a "Charitable Contribution Receipt" as required by Internal Revenue Services guidelines. After you receive your grant check, please follow the directions from that email, and submit your "Charitable Contribution Receipt" electronically. If you have any questions, please email [Community.Relations@Target.com](mailto:Community.Relations@Target.com).

Sincerely,

Target Community Relations

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# City of Marlborough Legal Department

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**DONALD V. RIDER, JR.**  
CITY SOLICITOR

**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**ELLEN M. STAVROPOULOS**  
PARALEGAL

November 24, 2014

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 14-1005984A  
Application to Further Modify a Special Permit  
Sprint Spectrum Realty Company, L.P.  
450-460 Boston Post Road East (Countryside Village Apartments)

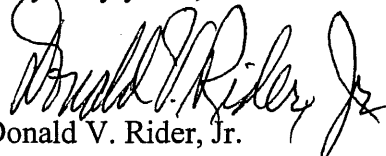
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 24 P 4:38

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to further modify its existing special permit at 450-460 Boston Post Road East (Countryside Village Apartments). The application seeks to add to its currently installed equipment three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and four (4) new batteries to be installed in the existing battery cabinet.

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: Bill Hanrahan, Network Building + Consulting, LLC, agent for Sprint Spectrum Realty Company, L.P.

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

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005984B**

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

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

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter, "the Applicant").
2. The site is located at 450-460 Boston Post Road East, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Lot 31 (hereinafter, "the Site"). The owner of record for the Site is Trinity Countryside Limited Partnership.
3. On March 26, 2007, the City Council granted to the Applicant a Special Permit to locate its wireless communications facility (3 canister antennas and associated equipment shelter) on the roof at the existing building located at 450-460 Boston Post Road East, Marlborough, MA (hereinafter, "the Original Special Permit").
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility rooftop; six (6) remote radio heads onto an existing wireless communication facility rooftop; replace one (1) GPS mounted to the rooftop; replace two (2) cabinets with three (3) MM equipment cabinets on the existing steel dunnage on the rooftop; as well as remove all existing coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit").
5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybridflex fiber

cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and four (4) new batteries to be installed in the existing battery cabinet (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS03XC082, Site Name: Countryside Village Apartments, 450-460 Boston Post Road, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").

6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Site is located partially in the Business B Zoning District and partially in the Residential A-1 Zoning District. The Proposed WCF Project is located in the portion of the Site located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.

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9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.

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10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and

Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

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

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

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

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

- 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.





# City of Marlborough Legal Department

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**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**ELLEN M. STAVROPOULOS**  
PARALEGAL

November 24, 2014

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 14-1005985A  
Application to Further Modify a Special Permit  
Sprint Spectrum Realty Company, L.P.  
115 Onamog Street (Fairmount Hill Water Tank)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 24 P 4: 39

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to further modify its existing special permit at 115 Onamog Street (Fairmount Hill Water Tank). The application is to add to its currently installed equipment three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and eight (8) new batteries to be installed in the existing battery cabinet

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: Bill Hanrahan, Network Building + Consulting, LLC, agent for Sprint Spectrum Realty Company, L.P.

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

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005985B**

Re: 115 Onamog Street (Fairmount Hill Water Tank)

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

EVIDENCE

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

modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and eight (8) new batteries to be installed in the existing battery cabinet (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS54XC930, Site Name: Fairmount Water Tank, 115 Onamog Street, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").

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

Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

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

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

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

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

- 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.



# City of Marlborough Legal Department

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ASSISTANT CITY SOLICITOR

**ELLEN M. STAVROPOULOS**  
PARALEGAL

November 24, 2014

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 14-1005986A  
Application to Further Modify a Special Permit  
Sprint Spectrum Realty Company, L.P.  
2 Mount Royal Avenue

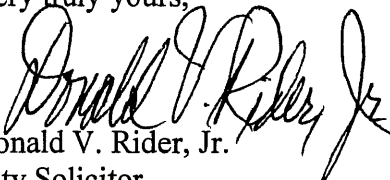
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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 24 P 4: 39

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to further modify its existing special permit at 2 Mount Royal Avenue. The application seeks to add to its currently installed equipment three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybriflex fiber cables, as well as retrofit existing equipment cabinets by adding one (1) rectifier shelf with three (3) new rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing BTS cabinet, and four (4) new batteries to be installed in the existing battery cabinet.

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: Bill Hanrahan, Network Building + Consulting, LLC, agent for Sprint Spectrum Realty Company, L.P.

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

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005986B**

Re: 2 Mount Royal Avenue

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

EVIDENCE

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

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

13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

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

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

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

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

- 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.





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PARALEGAL

November 24, 2014

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 14-1005987A  
Application to Further Modify a Special Permit  
Sprint Spectrum Realty Company, L.P.  
157 Union Street (Marlborough Hospital)

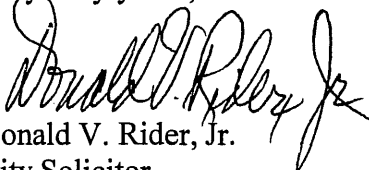
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 24 P 4: 39

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to further modify its existing special permit at 157 Union Street (Marlborough Hospital). The application seeks to add to its currently installed equipment three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybriflex fiber cables. Note that, while the application states that it also includes retrofitting of existing equipment cabinets, the plans accompanying the application do not appear to propose any such retrofitting.

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: Bill Hanrahan, Network Building + Consulting, LLC, agent for Sprint Spectrum Realty Company, L.P.

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

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005987B**

Re: 157 Union Street (Marlborough Hospital)

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

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter "the Applicant").
2. The site is located at 157 Union Street, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter, "the Site"). The owner of record for the Site is Marlborough Hospital.
3. On December 6, 1999, the City Council granted to Nextel Communications a Special Permit to locate and operate a wireless communications facility at the existing building located at the Site (hereinafter, "the Original Special Permit"). The Original Special Permit allowed up to nine (9) antennas and additional equipment to be installed. The Original Special Permit is recorded in the Middlesex South District Registry of Deeds ("the MSDRD") at Book 30970, Page 260.
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace six (6) CDMA antenna with three (3) Network Vision antenna and install six (6) RRH; install two (2) new BBU cabinets and replace one (1) existing CDMA cabinet with one (1) MM-BTS cabinet, replace existing GPS with a new GPS, remove existing coax cable and install three (3) hyperflex cables ("the Modified Special Permit"). The Modified Special Permit is recorded in the MSDRD at Book 59064, Page 394.
5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment

three (3) 2.5 GHz antennas, three (3) remote radio heads and three Hybriflex fiber cables (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS13XC625, Site Name: Marlborough Hospital, 157 Union Street, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").

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

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

**AND TAKES THE FOLLOWING ACTIONS**

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

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

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

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

- 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.



*City of Marlborough*  
**Legal Department**

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PARALEGAL

November 20, 2014

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

Re: Order No. 14-1005947  
Amendments To Zoning Code Regarding New Marlborough Village District

Dear President Pope and Members,

Please find proposed Order No. 14-1005947, together with Exhibits "A", "B", and "C" thereto, concerning amendments to the Zoning Code of the City of Marlborough which would create a new downtown zoning district to be known as the Marlborough Village District.

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

Very truly yours,

Cynthia Panagore Griffin  
Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor  
Tim Cummings, Director, MEDC  
Mark Racicot, MAPC  
Cynthia Wall, MAPC  
Robert Camacho, Interim Building Commissioner  
Evan Pilachowski, City Engineer  
Nat Bowen, GIS Administrator

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 NOV 21 P 1:01

ORDERED:

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

- I. A. Chapter 650, is hereby amended by inserting in paragraph B. of § 650-5, entitled “Definitions, word usages”, the following new definitions:

**Artist Studios/Live/Work Gallery Space**

The use of all or a portion of a structure for both habitation and work by persons engaged in the creation, manufacture or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking, or the composition of music (but not to include Adult Entertainment). Sales of artist-created work are also permitted in a portion of the space.

**Recording Studio/Live/Work Space**

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

**Bed and Breakfast**

An owner-occupied dwelling unit in which 8 or fewer rooms without kitchen facilities are let, on an overnight basis, as a temporary sleeping quarters for persons who have their residence elsewhere. Food and beverage service is limited to breakfast for registered, paying overnight guests at no additional cost. The length of occupancy by a registered guest does not exceed 14 days. Hotels, motels, boarding, lodging or rooming houses are not classified as Bed and Breakfast establishments. Extended stay may be permitted beyond fourteen days with the approval of the Building Commissioner. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested.

**Brew Pub**

Restaurants which are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the relevant statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and/or ale on the premises which may be sold wholesale to other establishments, but not more than 20% of the production capacity.

**Hotel**

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is through the lobby and interior corridors. This definition does not include boarding, lodging or rooming houses.

**Motel**

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is directly from parking spaces or by an exterior walkway.

**Drive-thru Facilities**

The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-thru facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

**Mixed Use**

A combination of Permitted (Y) or Special Permit (SP) Residential/Business Uses as listed in § 650-17, Table of Use Regulations, for a particular zoning District, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

The mix of uses shall be balanced and compatible and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses such as retail or restaurant.

Ground floors of buildings fronting streets or public access ways shall be reserved for non-residential uses, except as specified below:

Dwelling units shall be allowed on ground floors of buildings if:

- a) The building is set behind another building that has commercial uses on the ground floor, OR
- b) The residential portion of the ground floor if a building is set behind street-front non-residential uses within the same building.

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

**Retail Sales and Services**

Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as insurance, optometry, banks; dry-cleaning and laundry drop-off stations; hairdressers and barbers; health clubs,

gyms, dance or yoga studios; repair services for appliances, shoes, etc.; catering and similar. Retail Sales and Services do not include Adult Entertainment, check cashing services, pawn shops, gold exchange shops, medical marijuana facilities or drug treatment facilities.

II. Section 7 of Chapter 650, entitled “Districts Enumerated,” is hereby amended as follows:

- (1) By deleting from the first sentence the number “11” and by inserting in place thereof the number “12”.
- (2) By inserting at the end of the list of District types, the following:  
Marlborough Village District            MV

III. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:

- (1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “MV”, and by inserting beneath the new district abbreviation MV the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (2) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Artist Studio/Live/Work/Gallery Space”, and by inserting beneath the district abbreviations the letters “N” and “Y” as shown on said Exhibit “A”.
- (3) Under the heading entitled “Business Use”, by deleting from the Use category entitled “Hotels and motels” the words “and motels”, and by inserting after the word “Hotel” the following number: (41).
- (4) Under the heading entitled “Business Use”, by inserting the word “Motels”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (5) Under the heading entitled “Business Use”, a new Use category as follows: “Mixed Use Development”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (6) Under the heading entitled “Business Use”, a new Use category as follows: “Brew Pubs”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (7) Under the heading entitled “Business Use”, by inserting new Use categories as follows “Copy shops, newspaper offices”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (8) Under the heading entitled “Business Use”, by inserting a new Use category entitled “Drive-thru facilities”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (9) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Recording Studio/Live/Work Space”, and by inserting beneath the district abbreviations the letters “N” and “Y” as shown on said Exhibit “A”.

IV. Chapter 650 is hereby amended by inserting at the end of paragraph A (4) of § 650-18, entitled “Conditions for uses,” the following sentence: The above provision shall not



apply to mixed-use or multi-family developments within the Marlborough Village District.

- V. Chapter 650, is hereby amended by inserting in paragraph (31) of § 650-18, entitled “Conditions for uses,” the following new paragraph [6]:

[6] Within the Marlborough Village District, a Special Permit may be granted to allow for roof-top, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.

- VI. Chapter 650, is hereby amended by inserting after paragraph (40) of § 650-18, entitled “Conditions for uses,” new paragraphs numbered (41), (42), and (43) as follows:

(41) Hotels within the Marlborough Village District are by right, subject to Site Plan Approval by the City Council with input from Department staff who participate in administrative Site Plan Review as provided under § 270-2. See in § 650-33 (B) special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District.

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

(43) A combination of permitted Business Uses is allowed, such as a coffee shop in a bookstore, or a restaurant in a food/wine shop, or entertainment/arcade elements accessory to a restaurant.

- VII. Chapter 650 is hereby amended by inserting after paragraph A (3) of § 650-26, entitled “Affordable housing”, the following new paragraph (4):

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

- VIII. Chapter 650 is hereby amended by inserting a new § 33, entitled “Special Provisions Applicable to the Marlborough Village District (MV)”, as follows:

### **§ 650-33. Special Provisions Applicable to the Marlborough Village District (MV)**

Within the Marlborough Village District (MV), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this Section shall apply.

#### **A. Purpose and Vision**

The purpose of the Marlborough Village District is to implement smart growth principles with development that is compatible with the character of Downtown Marlborough. The Marlborough Village District is envisioned as the hub of community gathering places that reflects and celebrates the existing historic character and enhances the traditional village

atmosphere. The vision is to build value and to support our employers with a Downtown that attracts visitors and helps to retain and recruit employees while creating new housing opportunities.

## **B. Site Plan Review**

Projects within the Marlborough Village District shall be subject to Site Plan Review as provided in § 270-2, entitled "Site Plan Review and Approval", of the City Code.

### **(1) Applicability**

- (a) Site Plan Review applies to both as of right and uses available by grant of a special permit within the Marlborough Village District. Site Plan Review applicability includes, but is not limited to new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. (See § 270-2 (3)).
- (b) Site Plan Review shall be conducted administratively, as provided in § 270-2, except for hotel uses and for those projects over 10,000 square feet, which projects shall undergo site plan review by the City Council.

### **(2) Provisions for Hotel Site Plan Review**

- (a) Within the Marlborough Village District, all hotel site plan reviews shall be conducted by the City Council. Site plan approval may contain conditions on the design and uses. The occupancy of the hotel may be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. The approval may allow extended stay to be permitted beyond thirty days with approval of the Building Commissioner. The extended stay approval may be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay may be permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

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

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

### **C. Special Permit Granting Authority**

The City Council shall be the Special Permit Granting Authority within the Marlborough Village District.

### **D. Design Standards**

- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any Site Plan Review and Approval.
  - (a) Non-mandatory Design Guidelines which will complement the design standards of this section, and which will provide a guide to the desired appearance and quality of design in the Marlborough Village District, will be available at the Building Department and/or on the official website of the City.
  - (b) In performing Site Plan Review, the City Council may employ the services of qualified professional consultants as provided under M.G.L. c. 44, § 53G, as amended, entitled "Employment of outside consultants." These services may include those of an urban designer, architect and/or landscape architect.
- (2) All Site Plan review and approval applications in the Marlborough Village District shall be subject to the following Design Standards.

#### **(a) Building Scale:**

[1] New buildings and/or substantial alterations shall be pedestrian-oriented and shall reflect the community preference for moderate-scale structures that are in harmony with the existing historic brick structures. Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and architectural details.

[2] Buildings shall relate to the pedestrian scale by:

[a] Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.

[b] Articulating the base, middle, and top of the facade by cornices, string cornices, step-backs or other similar features.

[c] Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces are discouraged. Continuous blank walls in excess of 50% of the wall frontage are not allowed. If windows cannot be installed,

the façade should include different materials or a design element to vary the frontage.

**(b) Roof Form:**

- [1] Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.
- [2] Adverse impacts on abutters from vents, HVAC, etc. are to be minimized.

**(c) Entrances:**

- [1] For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.
- [2] Doors shall not extend beyond the exterior facade into pedestrian pathways.
- [3] Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

**(d) External Materials and Appearance:**

- [1] Predominant wall materials shall be red brick, stone, or pre-cast concrete panels; wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. If painted, or coated, a non-metallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements such as turrets. Materials designed to “imitate” brick are not permitted.
- [2] The standards for acceptable masonry construction are as follows:
  - [a] Acceptable masonry construction will be of standard fired clay brick units bonded together with mortar. Acceptable applications include building components such as walls, stairs, columns, arches, planter beds, etc.
  - [b] Utilize bricks which are sound, hard, well burnt with uniform color shape and size.
  - [c] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.
  - [d] Frogged bricks shall be laid with the frogs pointing upwards.
  - [e] Mortar specifications shall comply with relative ASTM standards.

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

**(e) Awnings and Canopies:**

Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings, if any.

**(f) Reflective Materials:**

Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

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

Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 35% of the facade surface.

**(h) Landscaping and Sidewalk Amenities:**

To the maximum extent possible, projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Window boxes are encouraged. Large windows that open up to provide the experience of “open air dining” are encouraged. Site landscaping shall be maximized. Links/sidewalks designed to connect Granger Boulevard parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within downtown Marlborough.

**(i) Service Areas, Utilities and Equipment:**

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces, and shall incorporate effective techniques for noise buffering from adjacent uses.

**(j) Vehicle and Pedestrian Features:**

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

**(k) Parking:**

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

**(l) Bicycle Parking:**

Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

**(m) Sustainable Building Design:**

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

**(n) Historic District:**

Proposed structures or alterations to existing structures within any Historic District shall be allowed the design waivers under § 650-29, but shall otherwise be as consistent as possible with both the Historic District (as determined by the Marlborough Historic District Commission) and these Design Review criteria.

**(o) Other Historic or Landmark Structures:**

Historic structures not in the Historic District but which contribute to the character of the Marlborough Village District shall to the maximum extent possible be preserved.

**E. Parking Requirements for the Marlborough Village District**

**(1) General Parking Requirements:**

The following provisions are applicable within the Marlborough Village District.

**(a) Residential Projects:**

[1] For Residential and the residential component of Mixed Use projects:

Studio and 1 bedroom units	.75 space per unit
Two bedroom units	1.25 spaces per unit

[2] Spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

**(b) Retail, Restaurant, other Business Uses:**

- [1] Eliminate parking minimums per the existing Off-Street Parking (§ 650-48).
- [2] A maximum of 3 spaces per 1,000 sq. ft. for these uses.

**(c) Public Assembly:**

For legal occupancy of up to 200 persons, no parking required. Over 200 persons legal occupancy, no parking required for the first 200; thereafter, a minimum of 1 space per 6 legal occupants and a maximum of 1 space per 4 legal occupants, except that parking may be reduced by special permit if the developer can show that there is adequate public parking available to service the place of assembly during the time that the facility will be used.

**(d) Hotel:**

Minimum of .75 spaces per room, maximum 1.0 spaces per room, and no parking required for employees. For hotels with 30 rooms or less, spaces in City-owned garages and parking lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

**(2) Payment in Lieu of Parking:**

In the Marlborough Village District, any new commercial or mixed use structure that is required to provide parking spaces may make payments to the City of Marlborough in lieu of providing for all or part of the on-site required parking.

- (a) Payment made to the City of Marlborough in-lieu of providing some or all of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall be allowed by-right, subject to Site Plan and Design Review.
- (b) A one-time fee to be paid shall be \$10,000 per parking space, which shall be paid prior to the receipt of an occupancy permit.
- (c) Fees in-lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account, or such account as the City Council shall deem appropriate, to be used solely for expenses related to maintenance and capital repairs to the existing parking garages, improving the utilization of existing parking spaces (e.g., signage, parking management activities), reducing the need for new parking to serve the Marlborough Village District (e.g., bicycle parking, improved transit), or expenses (e.g., land acquisition, design/engineering services and construction costs) related to adding parking spaces. Requests to appropriate funds out of this Reserve Account, or such account as the City Council shall deem

appropriate, shall be filed with the City Council and referred to the appropriate committee of the City Council, which committee shall have 60 days to forward its comments and recommendations before a City Council vote of the appropriation is taken. Fees collected are not to be used for routine parking lot maintenance, such as sweeping or plowing snow, or for salaries of municipal staff.

**(3) Additional Reduction in Parking Requirements:**

Required on-site parking may be reduced by 10% if one of the on-site spaces is dedicated to use by a car-share service (such as ZIP Car) and an agreement with a car-share service to place a vehicle at the site is provided as part of the Site Plan Approval process.

**F. Heights of Structures:**

To encourage redevelopment and re-use of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 70 feet except for where a proposed structure is within 50 feet of a residential lot boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height may be increased to 80 feet. Height limits do not include roof mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-33 D (2) (b), shall be subject to Site Plan Review and Design Standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this ordinance.

**G. Residential Development:**

- (1) The maximum number of residential units for which building permits may be issued in a calendar year in the Marlborough Village District is one-hundred (100), including units developed as part of a mixed use development. This upper limit may be increased by Special Permit from the City Council.
- (2) Not more than 10% of the units in any proposed development within the Marlborough Village District shall be more than 2 bedrooms in size.

**H. Private Open Space:**

**(1) Minimum Open Space:**

The minimum amount of Private Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc., and shall not include the required buffer strips/plantings. Up to 50% of the required private open space may be placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area.



**(2) Ground Level Open Space:**

All or a portion of ground level open space may be reserved for residents of the development, or made available for public use.

**(3) Joint Open Space:**

Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 ft. of participating developments.

**(4) City Council Waiver Under Site Plan Review:**

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

**I. Signage:**

- (1) In addition to the provisions of Chapter 526 of the Marlborough City Code, the following regulations apply within the Marlborough Village District. If the provisions of Chapter 526 conflict with this Chapter, the regulations in this Chapter apply.

**(a) Display:**

The City Council may grant a license to display, on the sidewalk, items for sale in the adjacent business, for example flowers and plant materials. The displays must enhance the pedestrian experience and not detract from the Village character.

**(b) Other Business Signs:**

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

**(c) Projecting (blade) signs:**

It is the intent of this ordinance to allow for the installation of high quality, artistic, visually appealing projecting (or blade) signs that will enhance the quality of the visitor/patron experience in the Marlborough Village district. Within the Marlborough Village District, one projecting sign per establishment shall be

permitted by right, provided it meets the standards below. All projecting sign applications shall be subject to Site Plan Review and approval. Projecting signs exceeding these dimensions or using materials other than those specified may be allowed by Special Permit.

- [1] The sign may not exceed six square feet in area (not including the area of the supporting bracket or hanger); the area of a hanging sign with but two (2) parallel display surfaces not over six (6) inches apart shall be determined by the measurement of a single face; for all other configurations, the area of a hanging sign shall be the sum of the areas of all display surfaces.
- [2] For single-story structures, the sign shall not project above the roofline or 18 feet, whichever is lower; for multistory structures projecting signs may not extend vertically above the window sill of the second story;
- [3] The projecting sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four (4) feet from a building or one-third the width of the sidewalk, whichever is less;
- [4] The projecting sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.
- [5] Projecting signs may only be externally lit; no internally lit signs shall be allowed. Lighting shall be properly screened so as to have no impact on abutting properties or any residential or commercial units above the business associated with the blade sign.
- [6] All such projecting signs shall be wood, or have the visual impression of being made of wood, and shall be painted, stained, varnished or otherwise sealed. External finishing of the signs shall be maintained in its original quality; if not, the sign may be ordered to be removed as being in violation of its permit.
- [7] Projecting signs which include 3-dimensional elements that symbolically indicate the type of business being advertised are encouraged and may be allowed by Site Plan Review whether by the City Council or under § 270-2. Any such 3-dimensional element may add up to 33% of the allowed sign area; the size of the 3-dimensional element to be measured as a cross section of the element perpendicular to the street.
- [8] The area of the blade or projecting sign, but not the additional area occupied by any 3-dimensional element of the sign, shall count towards the total sign area (square footage) allowed under Chapter 526, the City of Marlborough sign ordinance.

- IX. Chapter 650 is hereby amended by inserting at the end of paragraph (B) of § 650-44, entitled “General off-street requirements”, the following sentence: Nothing herein shall prevent owners of abutting properties from jointly setting aside and managing an area for storage of refuse and like matter.
- X. Chapter 650 is hereby amended by inserting into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards and Height of Structures,” such amendments as provided in Exhibit “B” attached hereto.
- XI. Chapter 650, is hereby amended by inserting into § 650-47 the following:
- (1) By deleting paragraph E (1)(a)[2] in its entirety and inserting in place thereof the following new paragraph E (1)(a)[2]:

[2] Multi-family dwellings (except multi-family dwellings and mixed use structures in the Marlborough Village District): the minimum width of the required front yard.
  - (2) By deleting paragraphs [a] and [b] of paragraph E (1)(a)[3], entitled “Nonresidential use and districts” in their entirety and inserting in place thereof the following new paragraphs [a], [b], and [c]:

[a] Along Main Street in the Marlborough Village District: 0 feet

[b] Commercial and Automotive Districts, and for all portions of the Marlborough Village District not fronting on Main Street: 10 feet.

[c] Other districts: 15 feet.
  - (3) By inserting in paragraph E(1)(b) after the words “In nonresidential districts” the followings parenthetical words: (except in the Marlborough Village District).
  - (4) By inserting in paragraph F after the word “widths” in the sentence “Side line planting areas are required with the following minimum widths,” the following words: except for where structures are built according to 0-foot side yard setbacks as allowed in the Marlborough Village District.
  - (5) By inserting at the end of paragraph P of § 47 the following sentence: Within the Marlborough Village District, where significant topographic change or other site conditions on the development lot or the abutting parcel would eliminate the benefits of the above landscaping and screening requirements on the abutting parcels, other more appropriate measures may be approved as part of Site Plan Review and approval.
- XII. Chapter 650, is hereby amended by inserting into § 48, entitled “Off-Street parking”, the following:

(1) By inserting beneath the title heading the following paragraph:

Except as may be superseded by the provisions of § 650-33 for the Marlborough Village District, the following provisions apply within all zoning districts in the City of Marlborough.

(2) By inserting at the end of paragraph (A) (6) the following three sentences: All new commercial and mixed use buildings shall construct loading facilities. Renovated structures shall provide for loading facilities insofar as possible. Provision for loading facilities shall be shown on site plans.

XIII. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established Marlborough Village District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

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

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

ADOPTED

In City Council  
Order No 14-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

City of Marlborough

Table of Use Regulations (§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F]

**KEY:**

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions. All uses noted with "N" are not permitted.

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
<b>Residential Use</b>												
Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
Single-family, attached (1)*	SP	SP	SP	SP	N	N	N	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	SP	SP	SP	SP	Y	Y	N	N	N	N	N	N
Two-family homes	N	N	N	N	Y	Y	N	N	N	N	N	N
Conversion of a two-family dwelling to a three (3)	N	N	N	N	SP	SP	N	SP	N	N	N	N
Multifamily dwelling (4) (42)	N	N	N	N	SP	SP	N	SP	N	N	N	SP
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Boarding and lodging homes	N	N	N	N	N	SP	N	SP	N	N	N	N
Tourist home/Bed-and-Breakfast	Y	N	N	N	N	Y	N	N	N	N	N	SP
Open space development (§ 650-28)	SP	SP	SP	SP	N	N	N	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
Retirement Community Overlay (§ 650-22)	N	N	N	N	N	N	N	N	N	SP	SP	N
Residential accessory uses (6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupations (7)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	SP	SP	N	N	N	N	N	N
Artist Studio/Live /Work Gallery Space	N	N	N	N	N	N	N	N	N	N	N	Y
Recording Studio/Live /Work Space	N	N	N	N	N	N	N	N	N	N	N	Y

\* (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
<b>Business Uses</b>												
Convert buildings to office, bank, insurance use (18)	N	N	N	N	N	SP	N	N	N	N	N	Y
Commercial kennels and animal hospitals	SP	N	N	N	N	N	N	N	N	N	N	N
Veterinary hospital	N	N	N	N	N	N	N	N	Y	N	N	SP
Commercial kennels	SP	N	N	N	N	N	N	Y	Y	N	N	N
Riding academy	SP	N	N	N	N	N	N	SP	SP	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	Y	Y	SP	SP	Y
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Offices, banks, insurance and financial institutions	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television/or radio broadcasting studios (but not including towers)	N	N	N	N	N	N	N	Y	Y	N	N	Y
Commercial radio and television towers and wireless communications facilities (20)	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	Y
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	SP	SP	SP	SP	Y
Residential conference and training center with food and recreation services (22)	N	N	N	N	N	N	N	N	N	Y	Y	N
Recreation center (23)	N	N	N	N	N	N	N	N	N	SP	SP	N
Private clubs, nonprofit	N	N	N	N	N	Y	N	SP	SP	N	N	Y
Clubs (24)	N	N	N	N	N	N	N	Y	Y	N	N	Y
Self-service laundry	N	N	N	N	N	N	N	Y	Y	N	N	SP
Medical and dental clinic	SP	SP	SP	SP	SP	Y	Y	N	N	N	N	Y
Consumer service establishments	N	N	N	N	N	N	N	Y	Y	N	N	Y
Salesroom	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale office or showroom	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale sale and warehousing	N	N	N	N	N	N	N	N	Y	N	N	N
Commercial greenhouse	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Motels	N	N	N	N	N	N	N	SP	SP	SP	SP	N

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Mixed Use Development (42)	N	N	N	N	N	N	N	SP	N	N	N	Y
Brew Pubs	N	N	N	N	N	N	N	SP	N	N	N	Y
Copy shops, newspaper offices	N	N	N	N	N	N	N	Y	N	N	N	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N	N	N	N	Y	N	N	N
Places of assembly	N	N	N	N	N	N	N	SP	SP	N	N	SP
Outdoor recreation uses	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Outdoor storage (26)	N	N	N	N	N	N	N	Y	Y	SP	SP	N
Car parking lots, garages (27)	N	N	N	N	N	N	N	SP	SP	N	N	N
Gasoline filling stations (28)	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N	N	N	N	Y	N	N	N
Car wash (28)	N	N	N	N	N	N	N	SP	SP	N	N	N
Open air markets (29)	N	N	N	N	N	N	N	SP	SP	N	N	Y
Shopping malls	N	N	N	N	N	N	N	N	N	SP	SP	N
Soil removal (30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Funeral homes, parlors and mortuaries	N	N	N	N	N	Y	N	N	Y	N	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Restaurant, cafe	N	N	N	N	N	N	N	Y	Y	SP	SP	Y
Restaurant with drive-in or drive-thru facilities (31)	N	N	N	N	N	N	N	SP	SP	N	N	N
Restaurants serving food outdoors (31)	N	N	N	N	N	N	N	Y	Y	SP	SP	Y
Restaurants for employee use	N	N	N	N	N	N	N	N	N	Y	Y	N
Drive-thru facilities	N	N	N	N	N	N	N	SP	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult video store (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult paraphernalia store (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult movie theatre (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult live entertainment establishment (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Narcotic detoxification and/or maintenance facility	N	N	N	N	N	N		N	SP	SP	SP	N



	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
<b>Agriculture, Public, and Institutional Use</b>												
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Forest, woodlots, portable, woodworking mills (11)	Y	N	N	N	N	N	N	N	N	N	N	N
Livestock farms > 10 acres (12)	Y	N	N	N	N	N	N	N	N	N	N	N
Farms and poultry farms (13)	Y	SP	SP	SP	N	N	Y	N	N	N	N	N
Cemeteries	SP	SP	SP	SP	N	N	N	N	N	N	N	N
Hospitals and sanitarium	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N
Correctional institutions	N	N	N	N	N	N	N	N	N	N	N	N
Golf courses, country clubs and beaches (14)	Y	SP	SP	SP	N	N	N	N	N	N	N	N
Charitable and philanthropic buildings	SP	SP	SP	SP	SP	SP	N	N	N	N	N	SP
Churches and religious buildings (15)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public recreation and conservation	Y	SP	SP	SP	N	N	N	N	N	N	N	N
Day camps	SP	SP	SP	SP	N	N	N	SP	SP	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Child-care centers (16)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public buildings (17)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water towers, reservoirs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Floodplain and Wetland Protection District (§ 650-23)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water Supply Protection District (§ 650-24)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Convalescent and nursing homes	SP	SP	SP	SP	SP	Y	N	N	N	N	N	N

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
<b>Industrial Uses</b>												
Airports and heliports	N	N	N	N	N	N	N	N	N	Y	Y	N
Newspaper printing and publishing, job printing	N	N	N	N	N	N	N	N	Y	Y	Y	SP
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N	N	N	N	Y	N	N	N
Transportation terminal and freight depots	N	N	N	N	N	N	N	N	SP	SP	SP	N
Food processing plants	N	N	N	N	N	N	N	N	N	N	Y	N
Research, experimental labs (33)	N	N	N	N	N	N	N	N	N	Y	Y	N
Bakery (nonretail)	N	N	N	N	N	N	N	N	N	N	Y	N
Light non-nuisance manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	N
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N	N	N	N	Y	N	N	N
Light manufacturing incidental to research	N	N	N	N	N	N	N	N	N	Y	Y	N
Associated/accessory research uses (35)	N	N	N	N	N	N	N	N	N	SP	SP	N
Manufacturing and/or warehousing (36)	N	N	N	N	N	N	N	N	N	Y	Y	N
Manufacturing or warehouse (37)	N	N	N	N	N	N	N	N	N	N	Y	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N	N	N	N	N	N	Y	N
Recreation center, indoor and outdoor	N	N	N	N	N	N	N	N	SP	SP	SP	SP
Power laundries and dry cleaning	N	N	N	N	N	N	N	N	N	N	Y	N
Dye works	N	N	N	N	N	N	N	N	N	N	Y	N
Packaging or bottling plants	N	N	N	N	N	N	N	N	N	N	Y	N
Electric power substation for changing bulk power to distribution voltage	N	N	N	N	N	N	N	N	N	SP	SP	N
Accessory uses and service buildings (39)	N	N	N	N	N	N	N	N	N	Y	Y	N
Large tract development (40)	N	N	N	N	N	N	N	N	N	N	Y	N

ZONING

650 Attachment 2

City of Marlborough

Table of Lot Area, Yards, and Height of Structures

(§ 650-41)

EXHIBIT "B"

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage <sup>7</sup>
Rural Residence RR	1 acre	180	25	40	50	2 ½ stories	20%
Residence A-1	22,500 square feet	150	20 <sup>2</sup>	30	40	2 ½ stories	25%
Residence A-2	18,000 square feet	120	15 <sup>2</sup>	30	40	2 ½ stories	30%
Residence A-3	12,500 square feet	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence B	8,000 square feet, plus 4,000 square feet for each additional dwelling unit over 2	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence C	10,000 square feet, plus 2,000 square feet for each additional dwelling unit over 3	90	10	20	25	3 stories	30%
Retirement Community Residence	15 acres	250 <sup>7</sup>	25 <sup>8</sup>	50 <sup>8</sup>	— <sup>8</sup>	2 ½ stories	50% <sup>9</sup>
Business B	5,000 square feet	50	25 <sup>3</sup>	50	None	52 feet	30% for residential; 80% for all other uses
Commercial and Automotive CA	5,000 square feet	50	50 <sup>3</sup>	50	None	2 stories (no limit where use is exclusively for industry)	80%
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum 35 feet 6 Stories - not to exceed a Maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

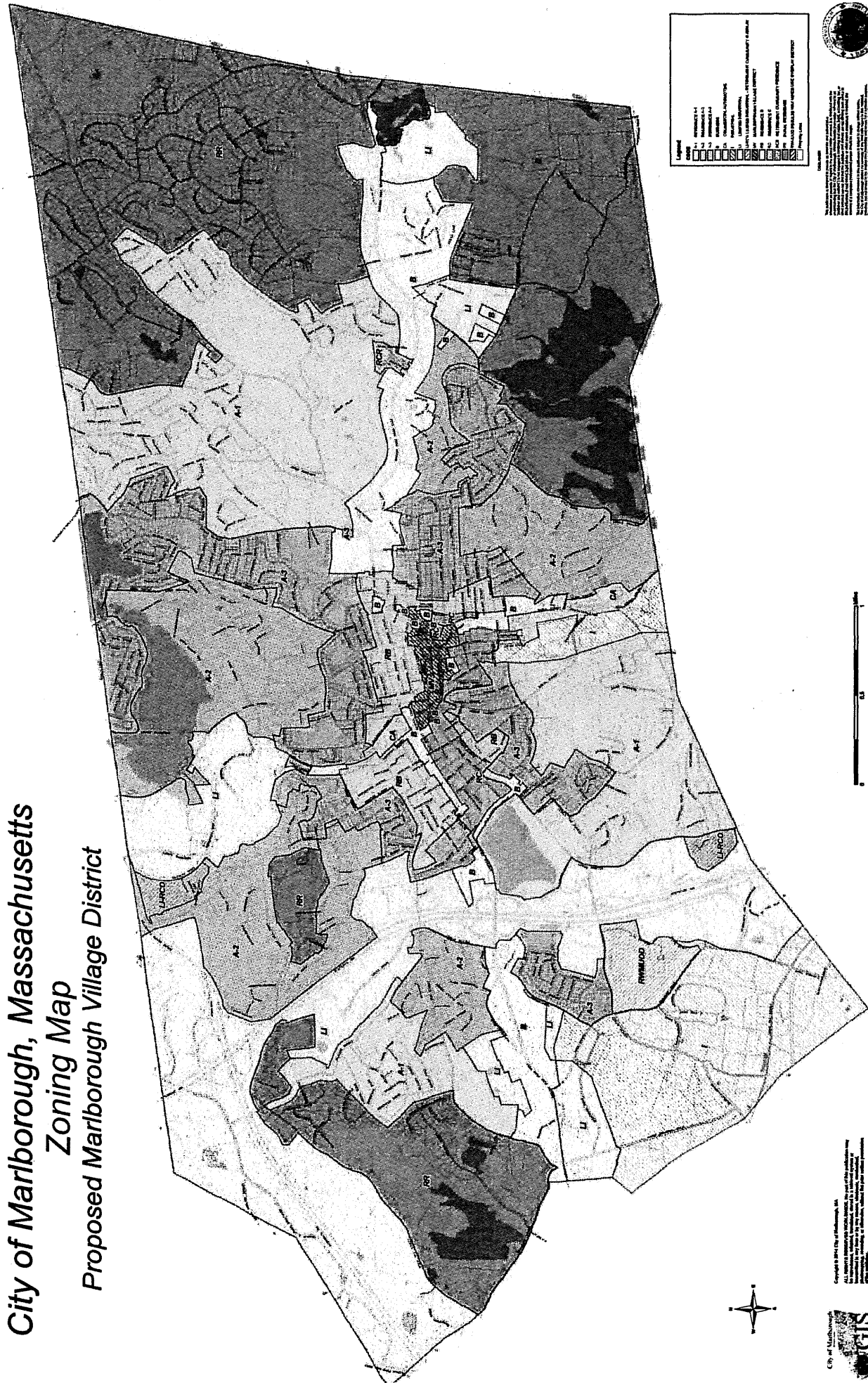
MARLBOROUGH CODE

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height		Maximum Lot Coverage <sup>7</sup>
						Distance from Residential Zone (feet)	Height <sup>6, 10</sup> (feet)	
Limited Industrial LI	2 acres	200	50	50	50	0 to 150:	30	60
						151 to 250:	36	
						251 to 400:	40	
						401 to 500:	52	
Industrial I	1 acre	50	25 <sup>4</sup>	40	40 <sup>5</sup>	— <sup>10</sup>		60 <sup>11</sup>

**NOTES:**

- <sup>1</sup> Note deleted.
- <sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
- <sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0'.
- <sup>4</sup> Except where abutting a residence district, shall be 50 feet.
- <sup>5</sup> Except for buildings extending through a block or to a railroad siding.
- <sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
- <sup>7</sup> However, this frontage need not be contiguous.
- <sup>8</sup> No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.
- <sup>9</sup> Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
- <sup>10</sup> Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.
- <sup>11</sup> Maximum lot coverage for a Large Tract Development Lot shall be 50%.
- <sup>12</sup> Within the Marlborough Village District, Special Permits may allow for an increase in height to 80'; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet (see Section 650-33(F)).
- <sup>13</sup> Within the Marlborough Village District, Special Permits may allow for an increase in lot coverage.
- <sup>14</sup> Except along Main Street within the Marlborough Village District where 0 feet setback is allowed by right.
- <sup>15</sup> Except that a Special Permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

# City of Marlborough, Massachusetts Zoning Map Proposed Marlborough Village District



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# City of Marlborough Commonwealth of Massachusetts

2014 NOV 20 P 2:25



November 20, 2014

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

## PLANNING BOARD

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**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](mailto:MIrish@marlborough-ma.gov)**

Re: Acceptance of Long Dr. as a Public Way

President Pope:

At its regular meeting on November 3, 2014, the Planning Board took the following action:

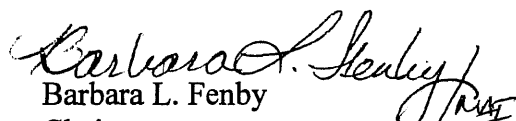
Street Acceptance:

City Engineer Pilachowski is favorably recommending to the Board to have Long Drive accepted as a public way as well as have the drainage easement accepted as a municipal easement.

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to accept the recommendation of the City Engineer and notify the City Council that the construction of the Berlin Farm Subdivision has been completed to the satisfaction of the Engineering Division and request that the City Council consider having Long Drive including easements, accepted by the City as shown on the plan prepared by Lakeview Engineering Associates, P.O. Box 787, Hudson, MA 01749 and titled "Plan of Acceptance Long Drive & Municipal Easements" Sheet 1 of 1, dated May 1, 2014 Scale 1"=40'. Motion carried.

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

Sincerely,

  
Barbara L. Fenby  
Chairperson

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2014 NOV 25 A 10:31

**The Guaranty Building**

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

November 24, 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:

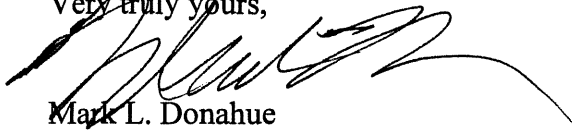
As you are aware from previous correspondence, this office represents Chick-Fil-A, Inc. with regard to the above referenced Application for Special Permit.

On behalf of the Applicant, this correspondence shall serve as a request of the Applicant to WITHDRAW the application for Special Permit WITHOUT PREJUDICE. There are some material terms to be resolved with the property owner that preclude the Applicant from proceeding at the present time.

On behalf of Chick-Fil-A, Inc. we remain hopeful that the opportunity will present itself to resubmit in the very near future for a site in Marlborough and we greatly appreciate the courtesies that have been extended in this process.

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](mailto:mdonahue@fletchertilton.com)**

**Please direct all correspondence to our Worcester office.**



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

**COMMISSIONERS**  
Brenda Calder  
Thomas Evangelous  
Robert Kays, Chairman  
Nancy Klein  
Mark Vital  
Dennis Zilembo

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CITY OF MARLBOROUGH

2014 NOV 13 P 3:36

**DIRECTOR**  
David T. Grasso

**PROGRAM MANAGER**  
Charles Thebado

October 8, 2014

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 4:00pm., at the Recreation Commission Office.

**Present were Commission Members:** Commissioner Calder, Commissioner Zilembo, Commissioner Vital and Commissioner Klein.

**Also attending:** Recreation Director David Grasso, Recreation Program Manager, Chuck Thebado, and Parks, Forestry, & Cemeteries General Foreman, Chris White. Commissioner Zilembo called the meeting to order at 4:00p.m.

**Approval of minutes 09-17-14**

On a motion duly made by Commissioner Calder and seconded by Commissioner Vital, it was unanimously:  
**VOTED:** To approve the 09-17-2014 minutes.

**Parks Report:**

General Foreman Chris White, gave the following updated parks report:

- \*There was a brief discussion regarding the upcoming renovations (i.e. playground, gazebo, tree planting, lighting, etc.) for Stevens Park.
- \*The Ward Park renovation project will start in two weeks.
- \* Kelleher field looks good for the upcoming Thanksgiving Day game.
- \*Commissioner Vital stated the fields look amazing.
- \*Overall we are in good shape.

The Commission thanked General Foreman Chris White for his time and updated parks report.

**Recreation Report:**

Recreation Director David Grasso and Program Manager Chuck Thebado gave the following updated report:

- \*Fall programs are up and running. Chuck is working on the winter program schedule.
- \*Tree Lighting is on December 5th.
- \*Ski Club will be running again – The eight week program begins the first Thursday after New Year's.
- \* The Horribles Parade is scheduled for October 30<sup>th</sup>.
- \* The Boat Launch closed 2 weeks ago.
- \*Memorial Beach looks amazing and there were countless compliments from beach goers and residents as well as non-residents throughout the summer. The basketball court and playground is still busy.
- \*Ghiloni bathrooms should ready within a week.

The Commission thanked Mr. Grasso and Mr. Thebado for their updated report.

Meeting adjourned at 4:32pm.

Attest to:

Simela Perdikomatis

Senior Clerk/Comm. Secretary



**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes**

**October 2, 2014 (Thursday)  
Marlborough City Hall - 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM**

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CITY OF MARLBOROUGH  
2014 NOV 14 P 1:00

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

**Absent:** Karin Paquin

**Minutes:** The minutes of August 7, 2014 and September 4, 2014 were reviewed and unanimously approved.

**Discussion:**

- Ft. Meadow drawdown- DEP 212-949 - Lee Thomson, Chairman of the Ft. Meadow Commission, was present and reiterated the request he'd put in a letter to the Conservation Commission requesting a winter drawdown of Ft. Meadow Reservoir. The consultants, Aquatic Control Technologies, were recommending that a drawdown may help to knock back the fanwort which is beginning to invade more. After some discussion, the Commission voted 5-0 unanimously to approve a winter drawdown to begin either Oct. 15 or 16<sup>th</sup> depending on when the 7 day prior notification is mailed. Mr. Thomson said he was going to the Hudson Con. Com. following this and would convey same. In addition, there was some discussion about the algae in the lake and the need to control that alga next year. The Commission suggested a joint meeting with the Ft. Meadow Commission, BOH and maybe Recreation Dept. and lake management consultants and others that might have some expertise. It was agreed this meeting could be held in January/February of next year to gather all these people together to meet and discuss. Ms. Ryder will coordinate with the above mentioned boards to pull this meeting together.

(Allan White arrived after this discussion)

**Public Hearings:**

Request for Determination of Applicability  
345 Littlefield Ln. - Rose Shao

Ms. Shao was present. Ms. Ryder explained that work had been done to extend the wall on this property at the 20' buffer zone line without a permit. Prior to the wall work, Ms. Ryder had discussed the removal of trees within the buffer zone and granted permission. Ms. Shao thought that was granted permission for the wall too. She apologized for not coming to the Commission for a permit before, but not having done this process before, didn't know that was missing. Ms. Ryder indicated that the landscaper had installed erosion controls as would have been required. All the work is done and the yard is now stable. The Commission confirmed that the 20' buffer zone should be left to naturalize and the wall looks stable, therefore the Commission voted 6-0 to issue a negative determination (after the fact) for this project.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

*Proposes to construct a brook crossing, access road and associated drainage at 424 South St. to allow passage to the rear area of the property.*

At the applicant's request, this item was continued to the Oct. 16<sup>th</sup> meeting.

**Notice of Intent (Continuation)**

358 Berlin Rd. - Marlborough Brazilian SDA Church

*Proposes to repair and replace their existing parking lot, reinforce some walls, and clean the accumulated debris from the brook, add some landscaping and install a wooden fence near wetlands.*

At the applicant's request, this item was continued to the Oct. 16<sup>th</sup> meeting.

**Certificate of Compliance:**

- DEP 212-109319 Royal Crest Dr. – Buildings 21/22 - Full Certificate  
Ms. Ryder reported that all the work was done per the plans. The Commission voted 6-0 to issue a full Certificate of Compliance for this work.
- DEP 212-1105 555 Forest St. – Full Certificate  
Ms. Ryder explained that she had done a site inspection and that all looks in compliance. The applicant provided all the documents and as-built plans as required. The Commission voted 6-0 to issue a full Certificate of Compliance for this project.

**Project Updates/Discussion:**

- Desert - Possible forest management- this will be discussed at the next meeting.

**Correspondence/Other Business**

The following correspondence was reviewed and the Commission voted to accept and place on file.

- Letter from ADDA Farms, dated Sept. 4, 2014 RE: Account of the 2014 haying season on Elm St.
- Letter to Planning Board, dated Sept. 22, 2014 RE: Hudson St. Open Space Development Subdivision Plan.
- Draft (9/10/2014) – A Guide to the Open Space in your Neighborhood - The Commission reviewed the draft and agreed this was a good guide to send to residents next to conservation land when issues such as “piling leaves” “dumping trash or brush” onto conservation land occurs.

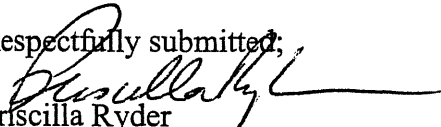
**Meetings:**

- Next Conservation Commission meetings: October 16<sup>th</sup> and November 6<sup>th</sup>, 2014 (Thursdays)

**Adjournment**

There being no further business the meeting was adjourned at 7:50 PM

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

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CITY OF MARLBOROUGH

**November 3, 2014**

2014 NOV 18 A 9:56

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> 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 were Board Secretary Melissa Irish & City Engineer Evan Pilachowski.

**1. Meeting Minutes:**

**A. Regular Meeting October 20, 2014**

On a motion made by Mr. Fay, seconded by Mr. Coveney, it was voted to accept and place on file the minutes of the October 20, 2014 regular meeting. Motion carried with Ms. Hughes abstaining.

**2. Chair's Business:**

**A. Presentation by MAPC "Where do you walk and bike in Marlborough"**

Mr. Barry Keppard Manager of the Public Health Division of the Metropolitan Area Planning Council (MAPC) gave a presentation to the Board and the assembled public regarding the Complete Streets initiative.

\*An electronic copy of the presentation is available on the MAPC website, or by contacting Mr. Keppard at [bkeppard@mapc.com](mailto:bkeppard@mapc.com).

The Public was allowed to provide input during the presentation.

Questions from the Board members included:

Mr. McCarthy questioned if paths were going to be constructed across parklands?

Mr. Fay questioned if the current hiking and mountain biking paths were going to be extended to the North?

Chairperson Fenby noted that in the current 5 year plan there was intent to create a "necklace" effect of trails through the City.

Mr. Dupont questioned how the funds were going to be allocated?

Questions from the Public included:

Mr. Buzz Hooker resident of 16 Draper Circle questioned if the requirements for sidewalks are triggered by density calculations and why are there only sidewalks currently in the developments around him but not on the streets surrounding? Would this program create sidewalks on Hemenway Street and Sudbury Street?

Mr. Don Bishop resident of Violetwood Circle questioned if the proposal was for streets use or constructing of paths? Will there be funding to keep it moving forward?

Ms. Maureen Stein resident of 28 Sandini Rd Questioned if there will be local interface with State Roads such as Route 20, to make safer crossings?

Mr. Keppard finished the formal presentation with a public interactive activity noting on the posters displayed in the meeting room where they bike and walk to and from currently and where they would like to be able to walk and bike to at the conclusion of this project.

Mr. Keppard then directed the public out into the lobby to review and discuss the maps and plans that were displayed out there.

On a motion made by Mr. Hodge seconded by Mr. Coveney Item 5B was moved up for discussion in the agenda. Motion carried.

## **5. Pending Sub Division Plans: Updates and Discussion:**

### **B. Howe's Landing Discussion**

Ms. Hughes read the request for discussion from Attorney Austin into the record.

Attorney Austin stated that the engineer of record is working with the Engineering Department and everything is moving forward. Attorney Austin requested to have the decision reported out and the approval vote taken at the next meeting (November 17). After discussion it was noted that the Board does not generally receive the final plans and then vote at the same meeting. It is requested to allow the Board to have time to review the final changes prior to the final vote.

Noting the time constraints Attorney Austin will be forwarding a request for extension to the Board at the next meeting on November 17<sup>th</sup> requesting a formal vote at the meeting after that scheduled for December 1, 2014.

### **A. Discussion/Decision Downtown Village Zoning Change**

The Board discussed the proposed Order to amend Chapter 650 of the Zoning Code of the City of Marlborough and the creation of a new downtown district to be known as the Marlborough Village. The Board voted unanimously in favor of the Purpose and Vision of the Order and to provide a positive recommendation with the following suggested edits and comments:

1. Provide clarification of certain definitions and terms to remove ambiguity. For example: Pedestrian Design, Pedestrian Oriented, and Pedestrian Friendly should all be defined clearly and used consistently throughout the text.
2. Limit as much as possible the uses that require Special Permits to provide potential developers with more certainty. Whenever possible, control uses currently designated as SP with definitions that clearly set forth acceptable parameters for that use. Specific suggestions appear below in the Table of Uses paragraph.
3. With regard to the Roof form, Section 650-33 D (b) the Board suggests requiring that a developer must demonstrate how the adverse effect is minimized.
4. With regard to illumination of signs (I Signage, Projecting Blade signs page 7), the Board suggests clarification as to whether signs will be internally or externally illuminated.

5. With regard to safety/entrance lighting (D, Entrances, page 3), the Board suggests clarification of whether entranceways and directional signs must be illuminated in the evening when businesses are closed.
6. The Board suggests that all references to Granger Street are changed to Granger Boulevard (Landscaping and Sidewalk Amenities, page 3).
7. With regard to use of the term "Open Space,"(Useable Open Space, page 6) the Board suggests using another term to avoid confusion with how that term is used in other portions of the City Code and Planning Board Rules. Further, the issue of privately owned public space versus common space for building requires further clarification.
8. With regard to Additional Reduction in Parking Requirements (page 5), the Board suggests making a provision for and definition of Electric Vehicle charging/docking stations.
9. The Board suggests making additional provisions for handicap parking/access designations on Main Street.
10. With regard to Other Business Signs Page 7, the Board suggests designating a maximum size for valet signs and designation of a process for annual licensing, with a requirement that the sign owner affixes a sticker issued by the City signifying that the license is current.
11. With regard to the Table of Uses, the Board makes the following recommendations:
  - a. (Page 1) Change artists' studios to a Y instead of SP, and add the term "music recording studio" to same line.
  - b. (Page 5) Separate Transportation Terminal from Freight Depot and change the designation for Transportation Terminal to SP instead of N.
  - c. Change the designation for Bed and Breakfast from SP to Y as the use is closely controlled in the definitions section.

Further, with regard to allowed, to foster the intended benefits of certainty for investors, review each SP designation to determine whether additional by right uses could be added with carefully designed definitions.

12. With regard to Definitions, the Board makes the following recommendations:
  - a. Add definition for Music Recording Studio.
  - b. Add definition for both Transportation Terminal and Freight Depot.
  - c. Add definition for Electric Vehicle charging/docking station.
13. The Board noted some accuracy issues with the Zoning Map that require further amendment. The Board makes the additional recommendations:
  - a. District boundaries that follow parcel / lot lines should be avoided whenever possible. Using these lines as district lines invites the possibility of future "split zoned" parcels.

b. Present the entire Zoning Map to City Council for amendment, with the creation of the Downtown Village instead of using an inset map showing the affected area.

**3. Approval Not Required:**

**A. Hudson Street Landfill City of Marlborough**

Ms. Hughes read the communication from City Engineer Pilachowski into the record.

City Engineer Pilachowski presented to the Board the information that the City has received notice of the award of a \$400,000.00 PARC Grant. This Grant will be utilized at a portion of the closed Hudson St Landfill. It is necessary to ANR out a portion of the existing lot to create a free standing lot for the new park area. The timeline is very tight and the project was just awarded out to Bruce Saluk and Associates. The Engineering Department is requesting permission to review the plan prior to the next regularly scheduled meeting this would allow for the formal submission and acceptance of the plan at the same meeting on November 17, thus allowing the City to meet the deadline of December 1.

There was no disagreement among the Board members to allow presentation and acceptance in one meeting.

**4. Public Hearings: None**

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report:**

City Engineer Pilachowski noted that the Engineers Report will be combined with item 9.

**B. Howe's Landing Discussion**

Item was moved up in the agenda.

**C. Walker Brook Estates Request for Road Bond**

Ms. Hughes read the request into the record.

On a motion made by Mr. Fay seconded by Ms. Hughes the request was referred to the Engineering Department.

**C. Berlin Farms Acceptance of Roadway and Bond Reduction Request**

Ms. Hughes read the communication from City Engineer Pilachowski into the record.

City Engineer Pilachowski is favorably recommending to the Board to have Long Drive accepted as a public way as well as have the drainage easement accepted as a municipal easement. It is also recommended to reduce the bond securing to the subdivision down to zero (0) once the payment in lieu of sufficient ground cover (grass) is received by the Department of Public Works. (\$200.00)

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to accept the communication and place it on file as well as notify the City Council that the construction of the Berlin Farm Subdivision has been completed to the satisfaction of the Engineering Division

request that the City Council consider having Long Drive including easements, accepted by the City as shown on the plan prepared by Lakeview Engineering Associates, P.O. Box 787, Hudson, MA 01749 and titled "Plan of Acceptance Long Drive & Municipal Easements" Sheet 1 of 1, dated May 1, 2014 Scale 1"=40'. Motion carried.

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

**7. Definitive Subdivision Submission:** None

**8. Signs:**

**A. Letter to Scoot Properties 418 Maple Street from the Code Enforcement Office**

Ms. Hughes read the communication from Code Enforcement Officer Pam Wilderman into the record.

On a motion made by Mr. Fay seconded by Mr. McCarthy the communication was accepted and placed on file and a sincere thank you to Code Enforcement Officer Wilderman for the good work. Motion carried.

**9. Unfinished Business:**

**A. Blackhorse Farms Update**

City Engineer Pilachowski reported that some progress has been noted, a manhole cover has been moved, curbing has been fixed, there has been a promise made by the developer to have the area swept and cut.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

**B. Mauro Farms Update**

Mr. Fay noted his previously disclosed conflict.

City Engineer Pilachowski noted that progress has been made at this location as well, an agreement to install drainage and connect the new section into the Nolan Way system this should curb the excessive erosion and flooding issues currently being encountered. The large loam pile has been disbursed the stop sign hiding behind a tree has been relocated. All in all good strides have been made.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

**C. Proposed changes to Subdivision Rules and Regulations Submitted by City Engineer. (Information from Legal Department)**

This item was tabled by City Engineer Pilachowski.

**10. Informal Discussions:** None

**11. Correspondence:** None

**12. Public Notices of other Cities and Towns:**

- A. Town of Framingham, Planning Board Public Hearings November 6, 2014 (2)**
- B. Town of Framingham, Planning Board Notice of Decision**
- C. Town of Sudbury, Board of Appeals Notice of Decision (4)**
- D. Town of Hudson, Zoning Board of Appeals Public Hearing November 13, 2014 (2)**

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

**Adjournment:** On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to adjourn at 9:58pm. Motion carried.

Respectfully submitted,

Collen Hughes  
Clerk

/mai



**Zoning Board of Appeals**  
**Minutes**  
**October 21, 2014**

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CITY OF HARLBOROUGH

2014 NOV 21 A 11: 23

**Public Hearings**

**7:00 PM      2 Labelle St. - Duque Suellen**

ZBA Case # 1433-2014

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

The lot in question is fairly flat. Almost rectangular in shape. This is a "corner" lot with 2 front yard setbacks and 2 side yard setbacks with no rear setbacks. The lot is located at the corner of Labelle St. and Hunter Ave. The existing house sits close to the front lot line and to the northerly side lot line. The lot contains 13,459 sq. ft.

The abutting lots are similar in size and some of the abutting homes are set close to the front yard setback.

The applicant has installed a new front door, facing Labelle St. Along with that door, he has added some steps with a roof overhang which is the subject of this hearing. The overhang roof extends 4 ft. to the front lot line. The roof overhang covers the landing of the steps. (The original door entrance was at the left side of the house.)

**List of exhibits:**

- Denial letter from the building department dated August 12, 2014.
- Plans entitled: Proposed House Renovation at 2 Labelle St., dated April 7, 2014, prepared by T Design, LLC Sheets A-8 and A-7.

The applicant, Sullen Duque and Mr. Joel Soares of 56 Davidson Rd., Framingham, MA were present.

Mr. Joel Soares stated the following:

- The entrance to the house was where the enclosed porch was located. He was going to continue using this as his entrance, but in switching to gas, the gas company did not want to install the gas meter where there is a door entrance or a window. Thus, the moving of the door to the front of Labelle St.
- He stated he has done major interior and exterior renovations to the house.
- He stated when his plans were presented to the building department for permits, the architect left out the roof overhang over the steps on the

plans. When the building department came out to do some inspections, the roof overhang was in place.

- The building department issued a stop work order on any exterior work until such time as the applicant receives the proper variance for the roof overhang.
- The applicant feels the roof overhang adds to the character of the house.
- He also stated his surveyor is working on the final plans which should be ready in about 2 weeks
- He will be applying for a building permit for a garage in the future.

**Speaking in favor of the petition:**

- 26 Hunter Ave. – Patricia Zilembo –she stated she was in favor of the petition. The added roof over the steps looks very nice and adds to the house. She also stated that the front door was located at the front of Labelle St. This roof overhang will protect the mailman and their children from the winter weather. She also mentioned the entrance use to be at the front of the house on Labelle St. about 4 yrs. ago.
- 1 Labelle St. – Keith Anderson – he stated he had no opposition to the petition. He feels the roof overhang is a nice addition to the house.

**Hardship as stated by the applicant:**

- The roof overhang was not shown on the plans when said plans were presented to the building department, an error by their architect. So, when the plans were approved by the building department, he thought the roof overhang was also approved.
- The roof overhang is to protect the step landing from ice and snow. Also, to protect his children while waiting for the school bus.
- There was an entrance on Labelle St. in the past, but no roof overhang.
- The gas company would not allow a gas meter to be located where any door entrance or window was to be located thus, the moving of the door entrance to the front on Labelle St.

There was some discussion of an existing bay window located at the front of the house, which extends into the front yard setback.

The Board stated to the applicant that a Hardship cannot be a personal hardship. It has to do with the shape, topography and soil condition of the lot. Also, the Board felt the applicant has created his own hardship by adding a roof over the new steps. The Board also stated he does not have to move the front door entrance, just remove the roof overhang. The children can wait in the house for the school bus. The Board asked the applicant if any other homes in the area have a similar overhang. Answer – yes.

The Board felt there was no hardship according to Mass General Law Chapter 40A:

- The applicant does not need a roof overhang over the front entrance fronting Labelle St. this is the subject of this variance request.
- There was an entrance fronting Labelle St. in the past, which has moved to the left side of the house.
- The applicant is not making his case concerning the shape, topography and soil conditions of his lot. And in what makes his lot unique from the other surrounding lots.
- The Board finds that this is a “corner” lot.
- The Board stated there is an existing bay window already encroaching into the front yard setback, which is included in the plans. The Board felt that the proposed roof overhang may be allowed by extending the existing non-conformity with the bay window. The Board would like the applicant to investigate this, and add it to a revised plan.

The Board gave the applicant the following options:

- The Board would like to see a certified plot plan of the setbacks. The existing bay window maybe “grandfathered”. If so, the roof overhang can be extended as far as the bay window.
- Or the applicant can Withdraw Without Prejudice.

With the applicants’ approval, the hearing is continued to November 18<sup>th</sup> until such time as the applicants can present a certified plot plan to the Board at least 4 days prior to the hearing date to review the setbacks on the lot.

On a motion by Paul Giunta and seconded by Mitchell Gorka, the hearing was continued to November 18<sup>th</sup> at 7:00 PM.

The Board voted 5-0 to continue the hearing to November 18, 2014 at 7:00 PM.

7:30 PM

**44 Ferrecchia Dr. - Shawn Butland**

ZBA Case # 1434-2014

**Petition:** To erect a structure within the required minimum 15 ft. side yard setback vs. the proposed 10 ft. 5 inches from the side lot line. The property is located in Zoning District A2, being 44 Ferrecchia Dr., Map 79, Parcel 84 of the Assessors’ Map.

The topography of the lot slopes slightly from the existing garage to the side lot line and sharply to the front lot line. The shape of the lot is wider at the front and slightly narrows to the rear of the lot.

The neighboring lots are similar to the lot in question in relation to shape and topography.

The applicant proposes to erect a structure within the required minimum 15 ft. side yard setback vs. the proposed 10 ft. 5 inches from the side lot line. Proposal is to go back 12 ft. from the existing attach two car garage towards the rear of the property. The applicant is filing for a variance under Chapter 650-41 – Table of Lot Areas, Yards and Height of Structures.

**List of exhibits placed on file:**

- A write up attached to his ZBA application dated 9/15/2014
- A denial letter from the Building Dept. dated 9/16/2014
- A plan entitled: Proposed Addition, Plot Plan of Land in Marlborough, MA dated 7/31/2014 (plan is not stamped)
- A GIS map of the area in question.
- The applicant presented photos at the meeting.

Present this evening were Mr. and Mrs. Butland.

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

**The applicant stated:**

- His existing driveway is steep, creating difficulties for entering and existing out of vehicles.
- He has 3 boys in the family who are driving with a 4<sup>th</sup> child who will be driving, creating additional cars to be parked in the driveway.
- The existing garage is poorly designed to accommodate the 2 cars they currently own. The applicant stated he has a truck which is too long to fit into the garage, thus the reason to extend the existing garage towards the rear.
- With the proposed added space they will also have more room for storage.
- There is a column at the middle of the garage which prevents vehicles to be parked for easy access in and out.
- He stated that his abutting neighbor on the left side has no opposition to his proposal. He was going to have his neighbor write a letter, but he is out of town.
- The existing angle of the side lot line prevents him from complying with the city's side yard setback requirement of 15 ft.

- The applicant has elderly parents which makes it difficult for them to enter and exit from a vehicle outside the garage due to the steep driveway.

The applicant's stated **hardship**:

- The existing attach 2 car garage is poorly designed for easy access.
- The driveway is steep creating a safety issue for people entering and existing out of vehicles.
- His growing family of drivers will create more vehicles onto his driveway.
- He has a truck that will not fit into the garage.
- The shape of the lot is odd shape. The side lot line slightly angles to the rear.

The Board wants to see the plan that was presented this evening to be stamped by their engineer and provide a copy for our file.

On a motion by Mitchell Gorka and seconded by Ralph Loftin, the public portion of the hearing was closed. The Board voted 5-0 to close the public portion of the hearing.

On a motion by Mitchell Gorka and seconded by Ralph Loftin to grant a variance as proposed by the applicant. The Board discussed the applicant's hardship and felt there was a substantial hardship on the shape of the lot in question.

The Board voted 4-1 to grant a variance with conditions.

The Board voted 5-0 to close the public hearing

**Adjournment** – The Board voted 5-0 to adjourn the public meeting.

Respectfully submitted,

  
Paul Giunta - Chairman