

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 MAR 21 P 1:17

1. Minutes of the City Council Meeting, March 11, 2013.
2. PUBLIC HEARING On the Application for Fuel Storage License, Partners HealthCare System, Inc., off of Forest Street, Order No. 13-1005343.
3. PUBLIC HEARING On the Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd, X-96/97-6754F, Order No. 13-1005342.
4. Communication from the Mayor re: Recognition and Swearing in of New Firefighter Recruits.
5. Communication from the Mayor re: Public Service Internship Program transfer request in the amount of \$25,000.00 which moves funds from Loan Origination Fee to Summer Employment Initiative which will allow the City to hire a maximum of twenty college interns for the remainder of FY2013 and to allow advertising well in advance of summer breaks.
6. Communication from the Mayor re: Comptroller's transfer request in the amount of \$6,176.00 which moves funds from Bond Issue Expense to Widows Pensions.
7. Communication from the Mayor re: Snow & Ice Deficit Spending Authorization, X-13-1005334.
8. Communication from the Mayor re: Final Regional Veterans District-Inter-Municipal Agreement (IMA).
9. Communication from the Mayor re: Reappointment of Police Chief Leonard for a term of four years to expire on the date of confirmation by City Council.
10. Communication from City Solicitor Rider re: Medical Marijuana Treatment Centers, Proposed Moratorium.
11. Communication from City Solicitor Rider re: Boston Scientific's Proposed Zoning Ordinance Amendment in proper legal form, Order No. 13-1005306B.
12. Communication from City Solicitor Rider re: Cumberland Farms Special Permit, 412 & 418 Maple St., in proper legal form, Order No. 12/13-1005220B.
13. Communication from the Planning Board re: Acceptance of Dufrense Dr. as a Public Way, Order No. 12/13-1005153B.
14. Communication from Logical Partners, LLC to extend time limitations for construction of three Townhouse Condominium Units at 126 Pleasant St. to May 15, 2013 until 5:00 PM, Order No. 12/13-1005151D.
15. Application for Junk Dealer's License, Michael Komapovsky, d/b/a Aaurus Art Gallery, 305 Lincoln St.
16. Minutes, Planning Board, February 25, 2013.
17. Minutes, Recreation Commission, February 13, 2013.
18. Minutes, Board of Assessors, March 6, 2013.
19. Communication from Liberty Mutual Insurance on behalf of H. Theresa Dangelo, 18 Airport Rd., North Grafton.

## 20. CLAIMS:

- A. Robert Emsley, 60 Emer Rd., pothole or other road defect
- B. Ralph Martino, 126 Ferrecchia Dr., other property
- C. David Ha, 123 Union St. other property damage
- D. Kayla Bennett, 39 Lincoln St. Hudson, pothole or other road defect
- E. Patricia A. McClay, 49 Teller St., residential mailbox claim 2(b)
- F. Alan Liverman, 13 Graham Path, residential mailbox claim 2(b)
- G. Angelo & Anna Puzella, 146 Barnard Rd., residential mailbox claim 2(b)
- H. Jessica Pameneau, 181 Boston Post Rd, E. lot 38, pothole or other road defect

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

- 21. **Order No. 13-1005318 – Transfer \$124,328.00 for DPW Mid Year Transfers.** - The Finance Committee reviewed the Mayor's letter dated February 7, 2013 requesting DPW transfers to fund line items associated with employee promotions, interim/temporary promotions due to absences and vacancies, and police overtime associated with water and sewer maintenance and repairs totaling \$124,328.00. **The Finance Committee voted 5 - 0 to approve the transfers.**
- 22. **Order No. 13-1005333 – Transfer \$30,000.00 Internal to the Assessor's Office.** - The Finance Committee reviewed the Mayor's letter dated February 21, 2013 requesting two transfers totaling \$30,000.00 to fund contracted appraisal services for the 4<sup>th</sup> quarter of FY2013. **The Finance Committee voted 5 - 0 to approve the transfers.**
- 23. **Order No. 12-1005204 – Transfer \$2,000,000.00 from Undesignated Funds to OPEB Stabilization Account.** - The Finance Committee reviewed the Mayor's letter dated November 1, 2012 requesting the transfer of \$2,000,000.00 from Undesignated Funds to the Other Post Employment Benefits (OPEB) Space Stabilization account to continue the City's financial plan to meet these unfunded responsibilities. **The Finance Committee voted 5 - 0 to approve the transfers.**

From Urban Affairs Committee

- 24. **Order No. 13-1005306B - Communication from Attorney Arthur Bergeron requesting changes to the City of Marlborough's Zoning Ordinance on behalf of Boston Scientific who recently announced plans to build large, new office building at its existing campus here in Marlborough and to relocate its headquarters here.** The proposed zoning ordinance will allow for the development of this project. Atty. Bergeron outlined the proposed changes which would take part throughout the City but is specifically being sought to permit Boston Scientific to add a new building on their campus. Building Commissioner Mendoza stated that the three changes would not have any real impact throughout other parcels in the City, and the Commissioner had no concern about the proposed amendment.

**Motion made by Councilor Clancy, seconded by the Chair, to approve the first three changes, in three separate motions. The Chairman requested that the committee table further discussion on the fourth proposed change regarding building height. Vote 5-0 to recommend approval of the proposed amendment, deleting all reference to building height.**

**Recommendation of the Urban Affairs Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form for the March 25, 2013 agenda.**

25. **Order No. 12/13-1005220A, X-12-1005081 - Application for Special Permit from Cumberland Farms Inc., 412 and 418 Maple Street and Walker Street to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5AM to midnight.** The hours of operation have been amended from the 24-hour operation sought under its prior submission. -REFER TO URBAN AFFAIRS  
PUBLIC HEARING: DECEMBER 17, 2012

The Chair read the changes to the proposed conditions discussed at the previous meetings, with other input from the City Solicitor and Atty. Lombardo.

Attorney Lombardo resisted the committee's language regarding the city's sign ordinance and the language that the city has implemented in various special permits.

Councilor Jenkins informed the committee that he would not be supporting the project as the ward representative and urged other members of the committee to join him in opposition.

**Motion by Councilor Clancy to recommend approval, with the Chair giving a courtesy second to the motion. Vote 3 in favor; 2 opposed (Elder and Landers)**

**Recommendation of the Urban Affairs Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form for the March 25, 2013 agenda.**

---

#### **From Operations and Oversight Committee**

26. **Order No. 12-1005262 - Communication from Mayor submitting for City Council endorsement the MEDC Master Plan titled "Building the New Marlborough Economy" (a hard copy and digital files have been filed with the City Council Office.)** The Master Plan provides a roadmap that identifies goals for future growth and economic development for the foreseeable future. Having a fully endorsed Master Plan will provide a vital tool that can guide the City's growth for years to come. -REFER TO OPERATIONS & OVERSIGHT

The committee discussed the MEDC Master Plan including the executive summary, which are both very comprehensive, lengthy documents. Chairman Delano recommended adding a City Council preamble as a way to put the body's stamp of approval on the document. Councilor Elder agreed, adding that the preamble sets a good tone of what we would like to focus on as a city. Councilor Landers also expressed support for the MEDC Plan and the proposed preamble.

The Committee discussed the preamble making minor changes to the Chairman's draft.

**Motion made by Councilor Elder, seconded by the Chair, to recommend approval of the Master Plan Preamble, as amended. Vote 3-0**

**From Public Services Committee**

27. **Order No. 13-1005286A - Communication from John Breslouf, President of JBS Development, LLC, requesting Acceptance as Public Way of GRAVES LANE together with required easements in the subdivision entitled The Residence at Oak Crest.** Solicitor Panagore Griffin submitted all required documents and certified that the documents are in proper legal form for acceptance by the City Council. By February 12, 2013 letter to the Marlborough City Council, Chairman Barbara Fenby forwarded the Planning Board recommendation and vote taken on December 3, 2012 to endorse the November 15, 2012 Plan of Acceptance of Graves Lane & Municipal Easements. **On a motion made by Councilor Clancy, seconded by the Chair, the Public Services Committee recommends the acceptance as a Public Way of GRAVES LANE, together with required easements in the subdivision entitled The Residence at Oak Crest. Vote 2-0.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**MARCH 11, 2013**

Regular meeting of the City Council held on Monday, MARCH 11, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:30 PM.

ORDERED: That the minutes of the City Council Meeting FEBRUARY 25, 2013, **FILE**; adopted.

ORDERED: That the **CONTINUED PUBLIC HEARING** On the Petition from NGrid to install six new heavy duty hand holes in the area of Bigelow Heights, URD, Bergeron Rd, Ahlgren Circle, Duca Dr., Rodgers Ave., Evelina Dr. and Houde St., Order No. 12/13-1005285, all were heard who wish to be heard, hearing recessed at 8:15 p.m.; adopted.

**Councilors Present: Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.**

**Councilor Pope abstained**

ORDERED: That City Clerk's transfer request in the amount of \$18,712.85 which moves funds from Assistant City Clerk to appropriate \$14,680.85 to Pollworker and \$4,032.00 to Constables to fund Special State Elections, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:		City Clerk/Election				FISCAL YEAR: 2013			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:	
\$39,315.16	\$18,712.85	11610002	50290	Assistant City Clerk	\$14,680.85	11620006	53871	Poll Workers	
	Reason:	Fund two Special State Elections			\$4,032.00	11620003	51460	Constables at Poll	
	\$18,712.85	Total			\$18,712.85	Total			

ORDERED: That the Comptroller's transfer request in the amount of \$10,308.00 which moves funds from Bond Issue Expense to Finance Assistant to fund costs associated with the unanticipated short term absence of payroll personnel, be and is herewith refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11330006-57850 \$10,308.00  
Bond issue Expense

TO:

Acct. # 11330002-50062 \$10,308.00  
Finance Assistant

**Councilor Seymour abstained**

ORDERED: That the Mayor's request to modify Line Item Budget Presentation, **DOES NOT CARRY**; adopted.

ORDERED: That the Reappointment of Chief Procurement Officer, Beverly Sleeper, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Joseph Collins to the Board of Assessors for a term of three years to take effect on the 1s Monday after City Council, refer **BACK TO THE MAYOR**; adopted.

ORDERED: That the Appointment of Lynn Anderson as a member of the Council on Aging for a term of four years to expire on the 1<sup>st</sup> Monday in Mayo following a City Council meeting, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Construction Materials Service, Inc. re: request to extend time limitations on application for Special Permit, 379 South St., to construct a new 2400 sq. ft. office building on a nonconforming property to May 8, 2013 until 5:00 PM, Order No 12/13-1005236B, **APPROVED**; adopted.

ORDERED: That the Communication from MetroPCS Massachusetts, LLC re: request to extend time limitations on Application for Special Permit, 98 Pleasant St. to install wireless communication facility onto the existing building to June 4, 2013 until 12:59 PM., Order No. 12/13-1005122D, **APPROVED**; adopted.

**Councilor Tunnera abstained**

ORDERED: That the Minutes, Planning Board, February 11, 2013, **FILE**; adopted.

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

ORDERED: That the Minutes, Council on Aging, February 12, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, January 29, 2013, **FILE**; adopted.

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

- A. Alex Knaf, 502 Williams St., residential mailbox claim 2(a)
- B. Anthony Pikul, 30 Baker Dr., residential mailbox claim 2(a)
- C. F. Ty Edmondson, 768 Hemenway St., other property damage

Reports of Committees:

Councilor Ossing reported the following out of Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Delano, Seymour, Jenkins, and Oram. Councilors Clancy, Landers, and Robey were also in attendance. The meeting convened at 7:06 PM.

**Order No. 13-1005318 – Transfer \$124,328.00 for DPW Mid Year Transfers.** - The Finance Committee reviewed the Mayor's letter dated February 7, 2013 requesting DPW transfers to fund line items associated with employee promotions, interim/temporary promotions due to absences and vacancies, and police overtime associated with water and sewer maintenance and repairs totaling \$124,328.00. **The Finance Committee voted 5 - 0 to approve the transfers.**

**Order No. 13-1005333 – Transfer \$30,000.00 Internal to the Assessor's Office.** - The Finance Committee reviewed the Mayor's letter dated February 21, 2013 requesting two transfers totaling \$30,000.00 to fund contracted appraisal services for the 4<sup>th</sup> quarter of FY2013. **The Finance Committee voted 5 - 0 to approve the transfers.**

**Order No. 12-1005204 – Transfer \$2,000,000.00 from Undesignated Funds to OPEB Stabilization Account.** - The Finance Committee reviewed the Mayor's letter dated November 1, 2012 requesting the transfer of \$2,000,000.00 from Undesignated Funds to the Other Post Employment Benefits (OPEB) Space Stabilization account to continue the City's financial plan to meet these unfunded responsibilities. **The Finance Committee voted 5 - 0 to approve the transfers.**

The Finance Committee adjourned at 8:00 PM.

Councilor Elder reported the following out of Urban Affairs Committee:

**Present: Chairman Elder, Councilors Clancy, Landers, Robey and Tunnera**

**Also Present: Atty. Bergeron on behalf of Boston Scientific**

**Order No. 13-1005306A - Communication from Attorney Arthur Bergeron requesting changes to the City of Marlborough's Zoning Ordinance on behalf of Boston Scientific who recently announced plans to build large, new office building at its existing campus here in Marlborough and to relocate its headquarters here.** The proposed zoning ordinance will allow for the development of this project. Atty. Bergeron outlined the proposed changes which would take part throughout the City but is specifically being sought to permit Boston Scientific to add a new building on their campus. Building Commissioner Mendoza stated that the three changes would not have any real impact throughout other parcels in the City, and the Commissioner had no concern about the proposed amendment.

**Motion made by Councilor Clancy, seconded by the Chair, to approve the first three changes, in three separate motions. The Chairman requested that the committee table further discussion on the fourth proposed change regarding building height. Vote 5-0 to recommend approval of the proposed amendment, deleting all reference to building height.**

**Recommendation of the Urban Affairs Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form for the March 25, 2013 agenda.**

Councilor Elder reported the following out of Urban Affairs Committee:

**Present: Chairman Elder, Councilors Clancy, Landers, Robey and Tunnera**

**Also Present: Councilors Jenkins, Delano and President Pope; Attorney Lombardo for Cumberland Farms**

**Order No. 12/13-1005220A, X-12-1005081 - Application for Special Permit from Cumberland Farms Inc., 412 and 418 Maple Street and Walker Street to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5AM to midnight.** The hours of operation have been amended from the 24-hour operation sought under its prior submission.

**-REFER TO URBAN AFFAIRS**

**PUBLIC HEARING: DECEMBER 17, 2012**

The Chair read the changes to the proposed conditions discussed at the previous meetings, with other input from the City Solicitor and Atty. Lombardo.

Attorney Lombardo resisted the committee's language regarding the city's sign ordinance and the language that the city has implemented in various special permits.

Councilor Jenkins informed the committee that he would not be supporting the project as the ward representative and urged other members of the committee to join him in opposition.

**Motion by Councilor Clancy to recommend approval, with the Chair giving a courtesy second to the motion. Vote 3 in favor; 2 opposed (Elder and Landers)**

**Recommendation of the Urban Affairs Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form for the March 25, 2013 agenda.**

Councilor Delano reported the following out of the Operations and Oversight Committee:

**Present: Chairman Delano; Councilors Elder and Landers**

**Also Present: Councilors Pope, Clancy, Robey and Oram; MEDC Director Tim Cummings**

**Order No. 12-1005262 - Communication from Mayor submitting for City Council endorsement the MEDC Master Plan titled "Building the New Marlborough Economy" (a hard copy and digital files have been filed with the City Council Office.)** The Master Plan provides a roadmap that identifies goals for future growth and economic development for the foreseeable future. Having a fully endorsed Master Plan will provide a vital tool that can guide the City's growth for years to come.

**-REFER TO OPERATIONS & OVERSIGHT**

The committee discussed the MEDC Master Plan including the executive summary, which are both very comprehensive, lengthy documents. Chairman Delano recommended adding a City Council preamble as a way to put the body's stamp of approval on the document. Councilor Elder agreed, adding that the preamble sets a good tone of what we would like to focus on as a city. Councilor Landers also expressed support for the MEDC Plan and the proposed preamble.

The Committee discussed the preamble making minor changes to the Chairman's draft.

**Motion made by Councilor Elder, seconded by the Chair, to recommend approval of the Master Plan Preamble, as amended. Vote 3-0**



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

**Present: Chairman Landers and Councilor Clancy; Absent: Councilor Jenkins**

**Also Present: Asst. Solicitor Panagore Griffin, John Breslout**

The Public Services Committee met on March 4, 2013 at 5:30 PM to discuss the following Order referred to committee on January 7, 2013.

**Order No. 13-1005286A - Communication from John Breslout, President of JBS Development, LLC, requesting Acceptance as Public Way of GRAVES LANE together with required easements in the subdivision entitled The Residence at Oak Crest.** Solicitor Panagore Griffin submitted all required documents and certified that the documents are in proper legal form for acceptance by the City Council. By February 12, 2013 letter to the Marlborough City Council, Chairman Barbara Fenby forwarded the Planning Board recommendation and vote taken on December 3, 2012 to endorse the November 15, 2012 Plan of Acceptance of Graves Lane & Municipal Easements. **On a motion made by Councilor Clancy, seconded by the Chair, the Public Services Committee recommends the acceptance as a Public Way of GRAVES LANE, together with required easements in the subdivision entitled The Residence at Oak Crest. Vote 2-0.**

**Suspension of Rules requested – granted**

ORDERED: That the following On Proposed Zoning Amendment by Attorney Bergeron to Sections 650-40(F), 48(C)(1) and 47(F), Order No. 13-1005306, as follows:

1) That Sec. 650-40(F) be amended by adding thereto the following new subsection 11

“(11) Bridges, walkways or passageways, enclosed or otherwise, connecting buildings located on different lots in a Limited Industrial district shall not thereby violate any lot setback provision of any building or buildings connected by said structures “

2) That Section 650-48(C)(1) be amended by adding thereto, at the end thereof, the following sentence:

“In a Limited Industrial district, the parking shall be provided within 500 feet of the building or structure to be served, on the building lot, on any lot under the same ownership, or on any lot subject to an easement to the owner of said building to be served which, in the opinion of the Building Commissioner, causes said parking to be available for the purposes of this section.”

3) That Section 650-47(F) be amended by adding thereto the following subsection 5:

(5) In all Limited Industrial districts, the side yard landscaping requirement shall not apply to side yard or rear yard lines that bisect parking lots, if both lots are in common ownership or if there are parking easements that, in the opinion of the Building Commissioner, adequately allow for parking in one lot by persons using the other lot.

4) That the Table of Lot Areas, Yards and Height of Structures, which is referred to in Section 650-41, be amended by adding to the table of heights and their relationship to their distance from a Residential zone, the following:

“Over 500 feet from a residential zone: 85 feet”

Refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE MARCH 25, 2013 CITY COUNCIL MEETING**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the Application for Special Permit from Cumberland Farms Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5:00 AM to midnight, Order No. 12-1005220A, X-12-100508, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE MARCH 25, 2013 CITY COUNCIL MEETING**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING ORDINANCE AS FOLLOWS:

1. Adding to Section 650-5.B a definition for “Data Storage/Telecommunications Facility”, in alphabetical order, as follows:

**DATA STORAGE/TELECOMMUNICATIONS FACILITY**

A building for the operation, monitoring, and maintenance of data storage computers, telecommunications equipment and ancillary equipment, including appurtenant office space.

2. Adding to the Table of Use Regulations, Section 650-17, a category for “Data Storage/Telecommunications Facilities” under “Industrial Uses”, as follows:

	<b>Zoning District Abbreviations</b>											
	<b>RR</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>	<b>RB</b>	<b>RC</b>	<b>RCR</b>	<b>B</b>	<b>CA</b>	<b>LI</b>	<b>I</b>	
<b>Industrial Use</b>												
Data storage/telecommunications facilities	N	N	N	N	N	N	N	N	N	N	Y	Y

3. Adding to Section 650-48.A a new item (15) as follows:

- (15) Data storage/telecommunications facilities shall provide one parking space for each 2,500 square feet of building area; provided, however, that the site plan for a data storage/telecommunications facility shall provide an area labeled as "Reserve Parking Area" on the site plan, to be maintained as existing natural vegetation or as landscaped area, said Reserve Parking Area to be sufficient in size to accommodate the parking requirements in existence at the time for an office use at the site.

**APPROVED;** adotped.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.



# IN CITY COUNCIL

FEBRUARY 25, 2013

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That there being no objection thereto set **MONDAY, MARCH 25, 2013** as a date for a **PUBLIC HEARING** on the Application for Fuel Storage License, Partners HealthCare System, Inc., off of Forest Street., to store 60,000 gallons above ground diesel fuel, be and is herewith refer to **PUBLIC SERVICES COMMITTEE, AND ADVERTISE.**

ADOPTED

---

ORDER NO. 13-1005343



# IN CITY COUNCIL

FEBRUARY 25, 2013

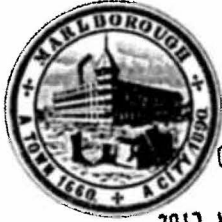
Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That there being no objection thereto set **MONDAY, MARCH 25, 2013**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd, X-96/97-6754F, be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 13-1005342



RECEIVED  
CLERK'S OFFICE  
OF MARLBOROUGH

2013 MAR 21 A 11: 26

# 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)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 21, 2013

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

### **Re: Recognition and Swearing in of New Firefighter Recruits**

Honorable President Pope and Councilors:

I wish to ask that the City Council swear-in and congratulate the following individuals who will be entering the Massachusetts Fire Academy next month and, upon successful completion of their training, will serve in the City of Marlborough Fire Department.

- Jonathan Ayotte
- Joshua Clement
- Kenneth Hancock
- Bryan D'Antonio
- Jonathan Rice

All five individuals are Massachusetts licensed EMT's. I am enormously pleased with the caliber of these men and ask that you join me in wishing them as well as they commence their twelve week recruit program.

Sincerely,

**Arthur G. Vigeant**  
Mayor



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
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)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 21, 2013

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

### Re: Transfer Request – Public Service Internship Program

Honorable President Pope and Councilors:

Last year the City Council unanimously joined with me to establish the first ever “Public Service Internship Program” in the City of Marlborough. This initiative was an enormous success and provided 15 college students with a unique opportunity to learn first-hand about the operations of municipal government.

I am again seeking your partnership again this year so that we can build off the success of last year and provide the same valuable opportunities to another group of deserving students. Below is my transfer request:

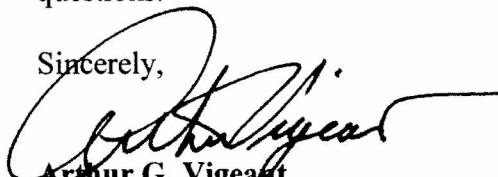
- 1) Transfer in the total amount of \$25,000.00 from 60019906-58891 (Loan Origination Fee) to 11210003-51250 (Summer Employment Initiative).

These funds will allow us to hire a maximum of 20 college interns for the remainder of FY2013 and allow us to begin advertising this opportunity well in advance of their summer break. On your February 25, 2013 agenda I provided you a summary of the jobs and responsibilities of our interns from last year. I anticipate many of the same opportunities and more to be available again this year should you approve this request.

I intend on seeking the balance of funds for this program in my FY14 budget request and will also include a funding request for the Youth Employment Program, which begins in July and provides opportunities to high school aged students.

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

Sincerely,

  
Arthur G. Vigeant  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2013

		FROM ACCOUNT:			TO ACCOUNT:			Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$178,315.00	\$25,000.00	60019906	58891	Loan Origination Fee	\$25,000.00	11210003	51250	Summer Employment Init.	\$0.00
	Reason:	Funds for Summer Employment - See letter from Mayor							
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								
\$25,000.00	Total				\$25,000.00	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

Handwritten signatures for Department Head, Auditor, and Comptroller are present over their respective signature lines.





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

# City of Marlborough

## Office of the Mayor

2013 MAR 21 A 11:26 140 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)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 21, 2013

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

**Re: Transfer Request – Comptroller's Office**

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request from the Comptroller's office:

- 1) Transfer in the total amount of \$6,176.00 from 11330006-57850 (Bond Issue Expense) to 11940006-51860 (Widows Pensions).

Enclosed with this request is correspondence from Comptroller Thomas Abel outlining the reasons for this transfer.

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

Sincerely,

Arthur G. Vigeant  
Mayor



CITY OF MARLBOROUGH  
**OFFICE OF THE COMPTROLLER/TREASURER**  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

March 25, 2013

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

Dear Mayor Vigeant:

I am requesting a transfer of \$6,176 dollars from account number 11330006-57850 Bond Issue Expense to account number 11940006-51860 Widows Pensions. This transfer is needed to fund a widow's pension for FY 2012 and FY 2013. Last year, the state did not send the city a bill and it was assumed that the person had passed away. Please see available funds from year FY 2012 on attached Account Inquiry sheet. The State has now billed the city for two years and we require a transfer to pay the pension.

Yours truly,

A handwritten signature in black ink, appearing to read 'Thomas J. Abel', is written over the typed name.

Thomas J. Abel  
Comptroller/Treasurer  
City of Marlborough

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --


DEPT: Comptroller

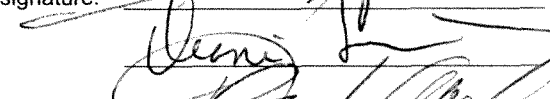
FISCAL YEAR: 2013


FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$24,880.00	\$6,176.00	11330006	57850	Bond Issue Expense	\$6,176.00	11940006	51860	Widows Pension	\$19,638.00
				Reason: To fund pension bill from state> Please see letter from Comptroller.					
				Reason:					
				Reason:					
				Reason:					
				Reason:					
				Reason:					
				Reason:					
	\$6,176.00	Total			\$6,176.00	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: 



Account

- Detail
- Months
- Seg Find
- Totals

Fund	100	...	GEN FUND	Acct	100 -01-00-1940-00-0-0000-6-51860		
Org	11940006	...	R&P OTHEXP	Acct name	WIDOWS PENSIONS		
Object	51860	...	WIDOWS PEN	Type	Expense	Status	Active
Project	...					<input type="checkbox"/> MultiYr Fund	Account Note

5 Year Comparison		Current Year		
Yr/Per 2013/01	Fiscal Year 2013	Fiscal Year 2012	Fiscal Year 2011	
Original Budget	49,439.00	49,439.00	48,338.00	
Transfers In	.00	.00	.00	
Transfers Out	.00	.00	.00	
Revised Budget	49,439.00	49,439.00	48,338.00	
Actual (Memo)	29,800.40	43,620.60	47,998.00	
Encumbrances	.00	.00	.00	
Requisitions	.00			
Available	19,638.60	5,818.40	340.00	
Percent used	60.28	88.23	99.30	

Display detail information for current account.



# City of Marlborough

RECEIVED  
CLERK'S OFFICE  
OF MARLBOROUGH

## Office of the Mayor

140 Main Street

2013 MAR 21 A 11: 26 Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 21, 2013

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

### **Re: Snow & Ice Deficit Spending Authorization**

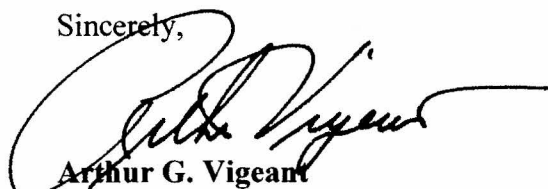
Honorable President Pope and Councilors:

Pursuant to City Council Order No. 13-1005334, I have attached an order authorizing the city to further incur deficit costs in the Department of Public Works Snow and Ice Accounts not to exceed \$1,850,000. This will cover costs associated with the last two storm events as well as one larger storm or two smaller events.

As you know, the Commonwealth of Massachusetts allows municipalities to deficit spend on their snow and ice account as allowed by M.G.L. Chapter 44, section 31D.

I appreciate your attention on this matter. Thank you for your consideration.

Sincerely,

  
Arthur G. Vigeant  
Mayor

ORDERED:

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,850,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2013.

ADOPTED  
In City Council  
Order No. 13-

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 25, 2013

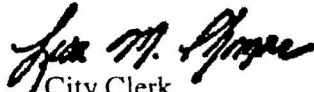
### ORDERED:

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,350,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2013, be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 13-1005334

Approved by Mayor  
Arthur G. Vigeant  
Date: March 1, 2013

A TRUE COPY  
ATTEST:

  
City Clerk



# City of Marlborough

RECEIVED  
CITY CLERK'S  
CITY OF MARLBOROUGH

## Office of the Mayor

2013 MAR 21 A 11:26 140 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)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 21, 2013

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

### **Re: Regional Veterans District – Final IMA**

Honorable President Pope and Councilors:

I am seeking your authorization to sign the final version of the inter-municipal agreement between the City of Marlborough and the Town of Sudbury that will establish the “Marlborough-Sudbury Regional Veterans District.” Enclosed is the final draft agreement that has been reviewed by our Legal Department.

I want to thank the Veterans Affairs Committee and the entire Council for working closely with my office on this proposal to ensure it is a fair and equitable deal for the city as well as our veteran’s community and their families.

Formation of veterans’ services districts comes under the general direction and authority of the Massachusetts Department of Veterans Services (DVS). This agreement has been given approval by the DVS for a trial period of one year. At the conclusion of FY14, this IMA can then be assessed and reevaluated before any renewal takes place.

Sincerely,

**Arthur G. Vigeant**  
Mayor



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

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury (the "Parties"), establishes the "Marlborough – Sudbury Regional Veterans District" (the "District") and is hereby entered into and is effective from 1st day of March, 2013 by and between the City of Marlborough ("Marlborough") and the Town of Sudbury ("Sudbury") in accordance with the following terms:

1. Purpose and Duties: (A) This agreement contractually enables the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury.  
(B) Sudbury will provide for a part-time employee ("Agent/Administrative Assistant") to serve as administrative support for the District. Said employee will be an employee of the Town of Sudbury.  
(C) The Director of Veterans Services and the Agent/Administrative Assistant will develop a schedule of available hours in each community in consultation with the Town Manager of Sudbury and the Mayor of Marlborough. The Director and the Agent/ Administrative Assistant will have the ability to serve all qualifying veterans and their dependents in both municipalities regardless of which office they are working in on any particular day.  
(D) The Agent/Administrative Assistant will work under the direction of the Director of Veterans Services and assist the office in carrying out relevant duties including but not limited to the coordination of benefits to eligible applicants, the completion of local and state compliance reports, and other duties as needed.
2. Term: The term of this agreement shall be from March 1, 2013 until June 30, 2014. The Town of Sudbury and the City of Marlborough reserve the right to terminate this agreement at any point with at least (45) business days written notice.
3. Location and Time of Services: The Director and the Agent/ Administrative Assistant shall perform their duties in offices to be provided by both Marlborough and Sudbury.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of \$833.50 per month, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to eligible Veterans in Marlborough and Sudbury under M.G.L. c. 115 shall be paid by the respective municipality in which the eligible Veteran resides.
6. Indemnifications: Notwithstanding the final sentence of M.G.L. c. 40, § 4A, Sudbury agrees to indemnify and hold harmless Marlborough, its employees, agents and volunteers from any and all claims, demands, losses, damages, injuries, suits, penalties, costs, liability and expenses for personal injuries or property damage arising out of the provision of services under this agreement except for

those arising from the gross negligence, intentional act or omission of the Director in the performance of his duties under this agreement.

7. Amendments: The Parties may modify this Agreement only in writing and when signed by both Parties.
8. This District is subject to approval by the Massachusetts Department of Veterans Affairs.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2013.

City of Marlborough:

Town of Sudbury:

\_\_\_\_\_  
**Arthur G. Vigeant, Mayor**

\_\_\_\_\_  
**Maureen Valente, Town Manager**



*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)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

March 21, 2013

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

**Re: Reappointment of Police Chief**

Honorable President Pope and Councilors:


I am pleased to submit for reappointment as Chief of Police Mr. Mark Leonard. Chief Leonard will serve a term of four years to expire on the date of confirmation by the City Council.

Chief Leonard has led the Marlborough Police Department since March 1, 2001 and has served our community as a full-time Police Officer since 1986. He possesses a Master's Degree in Criminal Justice and a Bachelor's Degree in Business Management. He also graduated from FBI National Academy in 1997.

Chief Leonard is a dependable and responsible leader for our police department. He leads our department by example and with great integrity. I look forward to his continued service to our city for years to come.

Thank you in advance for your consideration.

Sincerely,

  
Arthur G. Vigeant  
Mayor



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
**City of Marlborough**  
**Legal Department**

2013 MAR 21 A 11: 26 140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

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

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

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**ELLEN M. STAVROPOULOS**  
PARALEGAL

March 21, 2013

Patricia A. Pope  
President  
Marlborough City Council

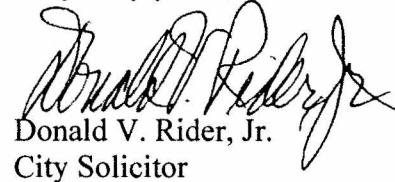
RE: Medical Marijuana Treatment Centers -  
Proposed Moratorium

Dear President Pope and Members:

Recently, the Massachusetts Attorney General's Office approved a moratorium adopted by the town of Burlington relative to medical marijuana treatment centers. At your request and that of Councilor Seymour, I have enclosed for the Council's consideration a proposed moratorium that closely parallels Burlington's version. Please note that the moratorium is proposed as an amendment to the City's zoning ordinance.

Thank you for your attention to this matter.

Very truly yours,



Donald V. Rider, Jr.  
City Solicitor

Enclosure

ORDERED:

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

1. Section 650-5, entitled “Definitions; Word Usage,” is hereby amended by adding to said Section the following definition:

**MEDICAL MARIJUANA TREATMENT CENTER:** A not-for-profit entity, as defined by Massachusetts law only, registered under Massachusetts law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, shall be deemed a “Medical Marijuana Treatment Center” and subject to the temporary moratorium under Section 650-32 of this ordinance.

2. A new Section 650-32, entitled “TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS,” is hereby added, as follows:

**650-32 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**

- A. Purpose.

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transference, transportation, sale, distribution, dispensing, and administering of marijuana, products containing marijuana, related supplies, or educational materials, for medical purposes. The law provided that it became effective on January 1, 2013 and that the Massachusetts Department of Public Health (“MDPH”) is required to issue regulations regarding the law’s implementation within 120 days of the law’s effective date. Currently under the City’s Zoning Ordinance, a medical marijuana treatment center is not a permitted use in the City, and any regulations to be promulgated by MDPH are expected to provide guidance to the City in regulating medical marijuana, including medical marijuana treatment centers. The regulation of medical marijuana treatment centers raises novel and complex legal, planning, and public safety issues, and the City needs time to study and consider the regulation of such centers and those issues, as well as to address the potential impact of MDPH regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding the regulation of such centers and other uses related to such regulation. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of medical marijuana treatment centers, so as to allow the City sufficient time to engage in a planning

process to address the effects of such use, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Moratorium.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. In no case shall the acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transference, transportation, sale, distribution, dispensing, and administering of marijuana, products containing marijuana, related supplies, or educational materials, for medical purposes be considered accessory to any use permitted in the City. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the City shall undertake a planning process to address the potential impacts of medical marijuana in the City, shall consider MDPH regulations regarding such centers and related uses, and shall consider amending its Zoning Ordinance to address the impact and operation of such centers and related uses.

ADOPTED  
In City Council  
Order No 13-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

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

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**ELLEN M. STAVROPOULOS**  
PARALEGAL

March 21, 2013

Patricia A. Pope  
President  
Marlborough City Council

RE: Proposed Zoning Ordinance -  
Boston Scientific

Dear President Pope and Members:

The Council has asked that I place in proper legal the zoning ordinance amendment proposed by Boston Scientific. My verbal understanding is that the 4<sup>th</sup> and final section of the proposed ordinance was deleted by agreement at the Urban Affairs meeting. The remainder of the proposed ordinance appears to be in proper form.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor



**City of Marlborough**  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01923

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
CLERK'S OFFICE  
CITY OF MARLBOROUGH

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

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

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**ELLEN M. STAVROPOULOS**  
PARALEGAL

March 21, 2013

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 12-1005220  
Application for Special Permit  
Cumberland Farms, Inc.

Dear President Pope and Members:

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: Philip Lombardo, Esquire



**DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. **12-1005220**

Application of:  
Cumberland Farms, Inc.  
100 Crossing Boulevard  
Framingham, MA 01702

**Locus:**  
**412 & 418 Maple Street**  
**Map 93, Lot 68, 66A and 67C**

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of Cumberland Farms, Inc. as provided in the DECISION and subject to the following FINDINGS OF FACT AND CONDITIONS.

Decision filed: \_\_\_\_\_

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on March \_\_\_\_, 2013.

**APPEALS**

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

ATTEST:

City Clerk

**ORDERED:**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Cumberland Farms, Inc. 100 Crossing Boulevard, Framingham, MA 01702 for a gasoline filling station and convenience store, as provided in this Decision and subject to the following Findings of Facts, Rulings and Conditions.

## FINDINGS OF FACT

1. Cumberland Farms, Inc., together with its affiliates, successor and/or assigns, is hereinafter referred to as "Applicant."
2. Applicant is a party to a contract calling for the acquisition of the premises to be known and numbered **412 and 418 Maple Street**, Marlborough, Massachusetts containing **33,133 square feet** and described on Marlborough Assessor's Map **93, Lot 68, 66A and 67C**, as further described by the metes and bounds shown on a conceptual site plan ("the Site Plan") numbered "Sheet 4 of 12" and entitled "Site Plan" drawn by Bohler Engineering, scale 1"=20', dated **April 27, 2012**, last revised **October 17, 2012**, and consisting of one page (hereinafter the "Site"). Applicant proposes to construct a gasoline service station and convenience store on the Site ("the Project").
3. Applicant has filed with the City Clerk of the City of Marlborough an application for Special Permit ("Special Permit Application" or "Application"). Pursuant to Section **650-17** of the Zoning Ordinance of the City of Marlborough (**2012 Code**), Applicant is seeking permission for a gasoline filling station.
4. The Site is located in a **Commercial Automotive** zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Special Permit Application, Applicant has submitted a document entitled, "Traffic Impact Study for the Cumberland Farms Development, Route 85 (Maple Street), Marlborough, Massachusetts," prepared by McMahon Associates, Inc., dated October 2012; a certified list of abutters; filing fees; site development plans prepared by Bohler Engineering, consisting of 12 sheets, each dated April 27, 2012 and last revised October 17, 2012; a "Boundary & Topographic Survey," by Control Point Associates, Inc., dated August 23, 2011; plans prepared by Aharonian & Associates, Inc., Architects, consisting of Proposed Floor Plan and Exterior Elevations (sheets A1.1, A3.1b and A3.2b), dated August 28, 2012; a plan showing Canopy Elevations, dated August 22, 2012; Proposed Sign Plan, dated January 9, 2012, revised February 8, 2012; plan showing Directional Sign Details, dated May 2, 2012; and a Lighting Proposal plan, dated August 23, 2012, by LSI Industries; and a "Drainage Report for Proposed 'Cumberland Farms'," prepared by Bohler Engineering, dated April 30, 2012, revised October 17, 2012.
6. The Site Plan was certified by the Building Inspector, on behalf of the City Planner, for the City of Marlborough as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the application for a Special Permit and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

8. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, held a public hearing on the Application on December 17, 2012, and the time for the Council to take final action on the Application was timely extended by agreement of the parties to April 15, 2013.

9. Applicant presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
RULINGS:**

A. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and **Chapter 650** (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

B. The City Council finds the proposed Special Permit, as conditioned hereinafter, does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or of Massachusetts General Laws c. 40A.

C. The City Council finds that the proposed use of the Site is an appropriate use and 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 as provided hereinafter. The City Council makes these findings subject to the completion and adherence by Applicant, its affiliates, successors and/or assigns to the conditions more fully set forth hereinafter.

D. The City Council, pursuant its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS Applicant a Special Permit to construct and operate a gasoline filling station and convenience store as shown on the Plan filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding upon Applicant, its affiliates, successors and/or assigns:

1. Plans referenced by this decision. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built consistent with the following plans by Bohler Engineering (Sheets 1-12):
  - Sheet 1, Cover Sheet, dated April 27, 2012 and last revised October 17, 2012
  - Sheet 2, General Notes Sheet, dated April 27, 2012 and last revised October 17, 2012
  - Sheet 3, Demolition Plan, dated April 27, 2012 and last revised October 17, 2012
  - Sheet 4, Site Plan, dated April 27, 2012 and last revised October 17, 2012
  - Sheet 5, Grading Plan, dated April 27, 2012 and last revised October 17, 2012
  - Sheet 6, Drainage & Utility Plan, dated April 27, 2012 and last revised October 17, 2012
  - Sheet 7, Soil Erosion & Sediment Control Plan, dated April 27, 2012 and last revised October 17, 2012

- Sheet 8, Soil Erosion Control Notes & Details Sheet, dated April 27, 2012 and last revised October 17, 2012
- Sheet 9, Landscape Plan, dated April 27, 2012 and last revised October 17, 2012
- Sheet 10, Landscape Notes & Details Sheet, dated April 27, 2012 and last revised October 17
- Sheet 11, Construction Detail Sheet, dated April 27, 2012 and last revised October 17, 2012
- Sheet 12, Construction Detail Sheet, dated April 27, 2012 and last revised October 17, 2012

and the following additional plans:

- Plans prepared by Aharonian & Associates, Inc., Architects, consisting of Proposed Floor Plan and Exterior Elevations (sheets A1.1, A3.1b and A3.2b), dated August 28, 2012
- Plan showing Canopy Elevations, dated August 22, 2012
- Plan showing Proposed Sign Detail, dated January 9, 2012, revised February 8, 2012;
- Plan showing Directional Sign Details, dated May 2, 2012
- Lighting Proposal plan, dated August 23, 2012, by LSI Industries

(collectively, the “Site Development Plans”).

2. Conditions/permit consistent with plans. The issuance of the Special Permit is further subject to detailed technical Site Plan Review in accordance with Chapter 270 of the City of Marlborough Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit and no Occupancy Permit shall be issued until Applicant has complied with all conditions. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to this Special Permit, and any violations of such Site Plan Review conditions shall be violations of this Special Permit leading to its possible revocation by the City Council. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Site Development Plans submitted, reviewed and approved by the City Council as the special permit granting authority. Any changes to the Site Development Plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.
  
3. Applicable laws, regulations, codes. Applicant agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant’s facility. A violation of any such rules, regulations or ordinances shall constitute a violation of this Special Permit.

4. Signs. The locations and design of signage shall be reviewed and approved during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom. Notwithstanding the foregoing, in no event shall the signage contain so-called message board or LCD components. It is a further condition that the location of the signage shall not be substantially different than that shown on the plans submitted herewith allowing, however, for minor changes in the field so as to avoid any conflicts with existing City infrastructure.
5. Pavement markings/traffic directionals. The location and placement of pavement markings and traffic directional signage, and all other traffic-related issues, shall be reviewed and approved during Site Plan Review in accordance with the applicable rules and regulations of the City of Marlborough.
6. Lighting. All illuminations of individual parking lot light fixtures shall not exceed the number of fixtures shown on the Site Plan and shall be installed per the lighting fixture details shown on the Site Plans. As to lighting for the parking lots, (a) Exterior parking lot lighting shall not spill onto abutting residential property; (b) Parking lot light poles shall not exceed 20 feet in height; (c) Reflectors shall be utilized and configured to mitigate light from entering abutting residential properties; (d) Light fixtures not to exceed 138 watts; and (e) Exterior parking lot lighting shall be extinguished each day no later than 1:00 AM local time, except for any security lighting required by the Marlborough Police Department.
7. Snow Storage. Snow storage and removal is to be maintained and conducted on-Site by Applicant, its affiliates, successors and/or assigns in accordance with the requirements of Site Plan Review.
8. Catch basins. All catch basins shall be installed in accordance with plans to be reviewed and approved at Site Plan Review. All catch basins shall have oil/gas separators. The catch basins, including oil/gas separators, shall be monitored and cleaned by Applicant, its affiliates, successors and/or assigns on a quarterly basis with reports given to the City Engineer annually, as provided in the Drainage Report for Proposed Cumberland Farms, revised October 17, 2012, referred to in the Findings of Fact, paragraph 5.
9. Landscaping. The Applicant will install a 6' high white-vinyl fence behind the store (leading west to east from Maple Street) and the side of the building (leading south to north from Walker Street). The fence will be tapered at the end, near each road, to preserve sight lines. The Project landscaping shall be as shown on the Landscape Plan and the Landscape Notes & Detail Sheet referred to in Condition No. 1 above and further subject to Site Plan Review. The Applicant has represented that the proposed Landscape Plan is the result of consultation with City staff so as to complement the Women's Veterans Park across the street and this will be confirmed through the Site Plan Review process. All landscaping

shall be properly maintained and replaced as necessary by Applicant, its affiliates, successors and/or assigns.

10. Fire safety. Safety equipment shall comply with all local, state and federal regulations as prescribed by the Fire Chief of the City of Marlborough or his designee(s).
11. Fuel Truck Deliveries. Fuel truck deliveries shall take place only during the hours of 9:00 a.m. and 3:00 p.m., Monday through Saturday.
12. Hours of Operation. Pursuant to § 342-2 of the City Code, the City Council grants to the Applicant an exemption from the normal curfew hours of no earlier than 6 a.m. to no later than 11 p.m. daily, as set forth in § 342-1 of the City Code. This exemption shall be non-transferable as to both the location as well as the holder. For the initial period of one year from the date of issuance of a certificate of use and occupancy for the Site, the hours of operation shall be from 5:30 a.m. to 10:00 p.m., 7 days per week. Thereafter, at the discretion of the City Council, this exemption may be renewed for successive periods of up to five years.
13. Trash removal. Applicant, its affiliates, successors and/or assigns agrees to screen the Project's trash area. Applicant, its affiliates, successors and/or assigns further agrees that the dumpsters located on Site will be covered. No trash pickup shall occur weekdays before 7:00 a.m. or after 6:00 p.m. or at any time during weekends.
14. Staffing. During all hours of operation, the operation shall comply with regulations as to number of on-site personnel (527 CMR 5.08). Namely, there shall be at least two (2) employees on-duty and on the Site, one of whom must, upon request provide assistance to persons with disabilities or to persons over the age of 65. The Chief of Police or his designee(s) may order the gasoline station and convenience store to close at any time when two employees are not on-duty at the Site.
15. Plans.
  - a. All plans, including the Site Development Plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
  - b. Notwithstanding condition a. hereof, engineering changes may be made to said plans, including the Site Development Plans, by the Site Plan Review Committee so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project,

reduce the green area, alter traffic flow or increase the size of the building shown on the Site Development Plans.

16. Street Opening. In connection with all improvement work within public right-of-ways which requires a street opening permit, the City Engineer shall be provided by Applicant, its affiliates, successors and/or assigns with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant, its affiliates, successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within or associated with the public way.
17. Parking Areas. Parking areas will be swept and maintained by Applicant, its affiliates, successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws Chapter 90, § 18, Applicant, its affiliates, successors and/or assigns shall request that the designated handicapped parking space(s) be one which is subject to enforcement by the Police or otherwise legally enforceable by the City of Marlborough. Applicant, its affiliates, successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Marlborough Traffic Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.
18. Drainage. If the drainage system (during construction and post-construction) constructed by Applicant, its affiliates, successors and/or assigns fails and the failure is the cause of damage to another's property, with liability and damages determined in an appropriate judicial forum, Applicant, its affiliates, successors and/or assigns shall be responsible to pay the owner of said damaged property the costs so awarded for the repair or replacement of the damaged property. In the event Applicant, its affiliates, successors and/or assigns does not pay for costs so awarded, it shall be a violation of this Special Permit.
19. Rest Rooms. During hours of operation, Applicant shall make the public restrooms of the convenience store available to the general public and will not restrict access to customers only.
20. Traffic Signals.
  - a. The Applicant shall modify the westbound approach of Walker Street at its intersection with Maple Street to convert the existing lane arrangement of a shared left-thru lane and an exclusive right-turn lane to an exclusive left-turn lane and a shared thru-right lane by means of pavements markings. Furthermore, the applicant shall re-design the traffic light signal at Walker and Maple Streets, such that for westbound traffic on Walker turning left, there is a protected left turn phase, which will run concurrently with the protected left turn phase for the eastbound Mill Street approach, and Applicant shall, subject to approval by Marlborough Department of Public Works, cause said signal, at Applicant's

expense, to be changed in accordance with such re-design promptly after approval for same is received.

b. The plans for the foregoing signalization may include coordination with signalization with the traffic signal at South Street nearby. No building permit shall issue for the Project until the plans for the foregoing work in condition a. hereof are approved by the Department of Public Works, and the convenience store building shall not be issued a certificate of occupancy, temporary or otherwise, unless the foregoing work has been implemented.

21. Off-Site Mitigation. The Applicant shall pay to the City, within ten (10) calendar days of issuance of a building permit for the Project, the escrowed sum of \$50,000 for off-site mitigation to fund sidewalks, curbing and the like adjacent to the Site and along Walker Street, and the said sum shall be released to the City from escrow if the Project is actually constructed and upon issuance of a certificate of use and occupancy for the Project.
22. Pollution Liability Insurance. The Applicant, its affiliates, successors and assigns shall keep and maintain pollution liability insurance in the amount of at least \$5,000,000 providing occurrence coverage, and shall deliver to the City's chief procurement officer, prior to issuance of a certificate of use and occupancy certificate for the Project and at such times as the policy is renewed, a certificate evidencing said insurance coverage.
23. Outside Sale or Display. There shall be no outside display or sales of items, including without limitation, beverages, wood, ice, and videos. There shall be no music or loudspeaker advertising over any outdoor amplifier system.
24. Left-Hand Turn. The Site Plan shows a left turn into the Site for vehicles traveling southbound on Maple Street. Applicant, its affiliates, successors and/or assigns agrees that the Site will be subject to a review of the traffic configuration after one year from the issuance of the certificate of use and occupancy to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety, and agrees to make changes in compliance with the recommendations of the Marlborough Department of Public Works and the Marlborough Traffic Commission, as well as MassDOT if applicable with the participation of Applicant and its traffic consultant.
25. 81X Plan. Pursuant to M.G.L. c. 41, § 81X, the three parcels which make up the Site shall be shown as combined into a single lot on a plan to be approved by the Marlborough Planning Board.
25. Alcoholic Beverages. No alcoholic beverages shall be sold or provided at the Site.
26. Filing of Special Permit. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its affiliates, successors and/or assigns at its expense shall record



this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before a Building Permit is issued. Applicant, its affiliates, successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

27. Posting of Decision. A copy of this Special Permit shall be posted on the premises in plain view by all enforcement authorities.

**Yea:      Nay:      Abstain:**

ADOPTED  
In City Council  
Order No. **12-1005220**

---

Signed by City Council President

# City of Marlborough

RECEIVED  
CITY CLERK'S  
CITY OF MARLBOROUGH

Commonwealth of Massachusetts

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 MAR 14 P 3:50



PLANNING BOARD P 3:50

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

March 14, 2013

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

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

Re: Acceptance of Dufresne Dr. as a Public Way  
City Council Order No. 12-1005153B

President Pope:

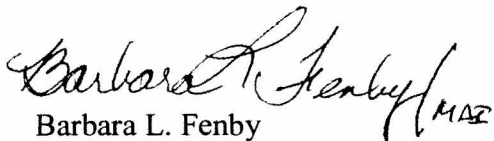
At its regular meeting on March 11, 2013, the Planning Board took the following action:

Street Acceptance:

On a motion by Mr. Fay seconded by Mr. Hodge it was duly voted to:  
Recommend to the City Council the acceptance of Dufresne Dr. as an accepted City way.  
The motion carried

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

Sincerely,

  
Barbara L. Fenby  
Chairperson

Cc: City Clerk  
File

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 MAR 15 P 12:12

Date: March 14, 2013

Order No. # 12-1005151A

Application for Special Permit from Logical Partners, LLC

Applicant's Name

for Construction of 3 residential townhouse condominiums

Purpose

at 126 Pleasant St., Marlboro, MA

Location

REFER TO \_\_\_\_\_

Committee

**PUBLIC HEARING:** 10-16-12

Date of Public Hearing

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 5 p.m. on May 15, 2013.

By: \_\_\_\_\_

Logical Partners LLC

Acting on behalf of, and at the direction of,  
Petitioner: \_\_\_\_\_

By: \_\_\_\_\_

Patricia A. Pope City Council President,  
acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**



City of Marlborough, Massachusetts

CITY CLERK DEPARTMENT

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 MAR -7 P 2:38

**Lisa M. Thomas**  
City Clerk

MARLBOROUGH, MA

DATE: March 7, 2013

**To the City Council:**

Owner Name: Michael Komarovsky

Residential Address: 39 Ledgewood Rd, Framingham, MA 01701

Telephone Number: (617) 669-6170

Business Name: AAARUS ART GALLERY

Business Address: 305 Lincoln St, Marlboro MA 01752

Business Telephone Number: (508) 481-8899

Owner Signature: Michael Komarovsky

The above-signed Michael Komarovsky respectfully requests that he/she be granted a JUNK DEALER'S license.

**In City Council**

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**Call to Order**

**February 25, 2013**

2013 MAR 13 P 3:43

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 Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge, Edward Coveney and Shawn McCarthy. Also in attendance were Board Secretary Melissa Irish and Assistant City Engineer Timothy Collins.

**1. Meeting Minutes:**

**A. February 11, 2013**

On a motion made by Ms. Hughes, seconded by Mr. McCarthy, it was voted to accept the minutes of the February 11, 2013 meeting. Motion carried. (Mr. Fay and Mr. Hodge Abstained)

**2. Chair's Business: None**

**3. Approval Not Required:**

**A. 93 Framingham Rd**

Ms. Hughes read the notice into record; Mr. Bruce Saluk presented the reconfiguration of lots 2, 3 and 4 of the existing plan.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to accept the plan place it on file, and refer to the Engineering Department. Motion carried.

**4. Public Hearings:**

**A. Subdivision Amendment "Addition Hill" Kelly Engineering Group 7:15pm**

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

Presentation

Those speaking in Favor

Those speaking in Opposition

Questions from the Board Members

Presentation: Mr. David Mackwell of Kelly Engineering Group spoke representing the proponent.

Mr. Mackwell opened the presentation with a Power Point presentation and a review of the current configuration of the site. There are currently 4 separate lots of land. The reconfiguration of the roadway and creation of the roundabout will give them the ability to reconfigure for 5 lots and the ability to place an additional building on the newly configured lot. The new configuration will be keeping in the campus style that is currently used.

Copies of the documents used in the presentation are available for viewing in the Planning Board office.

The proponent is asking for 10 different waivers from the subdivision regulations they are as follows:

- Section III
- B 1. (d) Comparative Analysis
- B 2. (d) Major Features
- B 2. (l) Existing Profiles
- B 2. (n) Hydraulic Calculations
- B 2. (o) Location of Trees
- B 2. (r) (2) Streets
- B 2. (r) (3) Easements
- B 2. (r) (5) Grading Plan
- Section IV
- B 4. (c) Change in Grade
- B 5. (c) Change in Grade

Also requested were a restatement of any waivers pertaining to the original subdivision.

In Favor – No one spoke.

In Opposition – No one spoke.

Mr. Larry Midura of 85 Ash Street spoke neither for nor against the proposal but had questions regarding the drainage and deterioration of the rip rap along the rail trail running the perimeter this project.

Ms. Hughes questioned if there would be any impact on the parking and or Sasseville Way?

Mr. Mackwell responded that parking would not be adversely affected there would be reconfiguration and a new smaller lot established. Sasseville Way would not be impacted, as the driveway is off of Sasseville.

Mr. McCarthy questioned the points of egress and if they will be adequate?

Mr. Mackwell stated the approaches are double lanes but the street is single lane traffic.

Both Dr. Fenby and Mr. Fay questioned the rail trail impacts positive or negative.

Mr. Mackwell indicated there were no proposed changes but changes could be investigated.

The Public Hearing was closed by Chairperson Fenby at 7:31pm. The proposal was referred to the Engineering Department for comment.

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

### **A. Petition for Rescission of Definitive Subdivision Plan**

#### **The Marlborough/Northborough Realty Trust – September 2007**

Ms. Hughes read the notice into record.

On a motion made by Ms. Hughes seconded by Mr. McCarthy it was voted to accept the notice, place it on file and set a public hearing for the first meeting in April (8<sup>th</sup>) and advertise said hearing. Motion carried.

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

## **7. Definitive Subdivision Submission: None**

**8. Signs:** None

**9. Unfinished Business:**

**A. Continued discussion regarding Farm Rd signage.**

Item carried over to the March 11th agenda.

**B. A Frame sign issues (multiple locations)**

Item carried over to the March 11<sup>th</sup> agenda.

**C. Black Horse Farms Update (Lighting)**

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

**10. Informal Discussions:** None

**11. Correspondence:**

**A. Citizen Planner Training Collaborative 2013 Conference**

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

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

**A. Town of Framingham, Planning Board, Public Hearing March 7. (2 matters)**

**B. Town of Northborough, Planning Board, Public Hearing March 5.**

**C. Town of Berlin, Zoning Board of Appeals, Hearing Notice March 13. (2 matters)**

**D. Town of Sudbury, Zoning Board of Appeals, Public Hearing March 4.**

**E. Town of Sudbury, Board of Appeals Notice of Decision, February 4.**

**F. Town of Hudson, Zoning Board of Appeals Public Hearing, March 14.**

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

**Adjournment:** On a motion made by Mr. McCarthy seconded by Mr. Hodge it was voted to adjourn at 7:36pm

Respectfully submitted,

Colleen Hughes

/mai



# CITY OF MARLBOROUGH

## RECREATION DEPARTMENT

239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 463-3100

RECEIVED  
CITY CLERK'S OFFICE  
MAR 14 2013 9:36 AM

**COMMISSIONERS:**  
Brenda Calder  
Thomas Evangelous  
Robert Kays: Chairman  
Nancy Klein  
Jeffrey Long  
Mark Vital  
Dennis Zilembo

**DIRECTOR**  
David T. Grasso

**PROGRAM MANAGER**  
Charles Thebado

**February 13, 2013**

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

**Present were Commission Members:**

Chairman Kays, Commissioner Long, Commissioner Vital, Commissioner Klein, and Commissioner Calder

**Also attending were:** Recreation Director Grasso, Recreation Program Manager Thebado, DPW Parks and Forestry Foreman Chris White

**APPROVAL OF MINUTES 1-9-13**

On a motion duly made and seconded, it was unanimously:

**VOTED:** To approve the 1-9-13 minutes.

---

**PARKS REPORT:**

- Mr. White stated that the two outdoor rinks have been maintained when the weather has cooperated but as of today the facilities are closed due to the warm weather. Once the warm weather dissipates the Parks Department will flood the Ward Park Rink to smooth out the skating surface and reopen.
- All walking trails are being plowed after this past week's snowfall and will be plowing the Rail Trail as well.
- The Recreation Commission thanked Mr. White for his due diligence of maintaining the outdoor skating rinks and making sure the walking trails reopened as soon as possible after any snowfall.

**RECREATION REPORT:**

- Mr. Grasso stated that the signage for the rules and regulations for the outdoor skating facilities are in place at both locations.
- The Memorial Day weekend Soccer Tournament will take place the week of May 24<sup>th</sup> (Sat & Sun). Games will be played at Ghiloni Park and the High School.
- The Recreation staff has met with Togo Palazzi and Dennis Zilembo to discuss a summer basketball clinic to take place at the High School.
- The Recreation Department is also in talks with Dan Rudzinsky regarding additional outdoor summer programs for youth.



- A letter of communication was received from Mr. Paul Brodeur of 41 Hayden St. concerning the proposed Senior Center to be located at Ward Park. The Commission reviewed the communication and requested Chairman Kays to respond on behalf of the Commission.
- Recreation Department is in the process of taking inventory of sports equipment and will be taking steps to replenish the inventory for our upcoming school vacation programs and summer activities.
- The Ski Club has a few more weeks left to run after not running last week due to the unseasonably warm weather and as of now the program has run without any incidents.
- A February Vacation program will take place next month at Jericho. The program will feature exciting winter activities along with offsite trips to places such as the Boston Children's Museum, Pinz Bowling, Roll on America, Fun Town and the Basketball Hall of Fame.
- Spring programs are coming together and will be posted online by the end of the month. New programs such as Young Rembrandt's and Bricks 4 Kids (Lego Program) will be offered.
- The Recreation Department is in the process of putting together their summer staff and has been accepting applications for summer employment.

The Commission thanked Mr. Grasso and accepted his report.

Meeting adjourned at 5:15pm.

---

CITY OF MARLBOROUGH

BOARD OF ASSESORS

MEETING MINUTES—March 6, 2013

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 MAR 14 A 11: 01

1. CALL TO ORDER AT 2:10 PM

MEMBERS PRESENT

Anthony C. Arruda, Jr., Chairman

Bradford Dunn, Assessor

Harald Scheid, Assessor

Also, in attendance: Paula Murphy, Principal Clerk

2. Motion to accept the minutes of the February 19, 2013 meeting by Mr. Dunn, second by Mr. Scheid.

Vote: 3-0

3. DISCUSSION AND VOTE OF ABATEMENT REQUESTS

Motion by Mr. Dunn, second by Mr. Scheid to approve abatements for those condo owners who were affected by the fire at 271 West Main Street. The abatements will be on a pro-rata basis from the date of the fire to the end of the fiscal year. Also, to approve administrative abatements for those condo owners at the same address who had not filed an official abatement appeal as they were not aware that the Board, with approval by the City Council had adopted the regulation to process administrative abatements.

Vote: 3-0

---

Motion by Mr. Dunn, second by Mr. Scheid to approve an abatement of \$31,800 for the property at 55 Diana Drive and \$24,000 for the property at 31 Diana Drive. Mr. Dunn had inspected both properties and could find no reason for the increase in valuations.

Vote: 3-0

Motion by Mr. Dunn, second by Mr. Scheid to process an administrative abatement for the property identified as Map 39 Parcel 26B on Robin Hill Street changing the assessed value from \$218,000 to \$41,000. After investigation it was found that the property line had been incorrectly identified.

Vote: 3-0

It was determined that the remainder of the appeals would be deferred until a meeting on March 13, 2013

4. PUBLIC INPUT

There was no public in attendance

5. OLD BUSINESS

There was no old business to discuss

6. NEW BUSINESS

The next meeting shall be on March 13 at 10:30 AM

7. Motion to adjourn by Mr. Dunn, second by Mr. Scheid

Vote: 3-0

Anthony C. Arruda, Jr.,  
Chairman

---



RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2013 MAR 14 A 10:54

**Liberty Mutual Group**  
 5050 W Tilghman Street  
 Suite 200  
 Allentown, PA 18104-9154  
 (610) 398-9800  
 (800) 521-0986

3/11/13

**Office of the City Clerk  
 140 Main St  
 1<sup>st</sup> Floor  
 Marlborough, MA 01752**

ATTN: Massachusetts MGL ch.84

DATE OF LOSS: 1/10/2013  
 LOSS LOCATION: Elm before Pleasant  
 DESCRIPTION OF LOSS: Insured ran over a pothole that was covered by snow.

OUR CLAIM NUMBER: 025500344-0002  
 OUR INSURED: H Dangelo

OUT OF POCKET (if known): n/a

Dear Office of the City Clerk:

Based on our investigation of this accident, we believe your insured to be responsible for the damage to our insured's vehicle. We request reimbursement under the provisions of the Massachusetts Law for amounts paid under physical damage coverage.

Original Appraisal: \$3,733.46	Supplemental Appraisal: \$0.00	Total Damages: \$3,733.46		
Loss of Use: \$0.00	Tow: \$0.00	Storage: \$0.00	Miscellaneous:	Item Description:
Total Loss? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	ACV: \$0.00	Salvage: \$0.00		
Bailment Claimed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Supporting Papers? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Total Subrogation: \$3,733.46		

Please include our claim number on your check for the total amount of damages shown above. Please contact our insured directly to discuss any out of pocket expenses they may have incurred. Payment for out of pocket expenses should be made directly to our insured. Please call me if you have any questions. If you prefer to communicate by email, my address is listed below. When communicating by email, please be sure to include our claim number in the subject line.

Mar'Kel Dunn  
 Customer Claims Representative  
 markel.dunn@LibertyMutual.com  
 1-800-521-0986 Ext 73475  
 Fax 1-603-334-0372

LEGAL 3/14/13 *[Signature]*