

RECEIVED
CITY CLERK'S OFFICE
CITY OF NANTUCKET

2012 NOV 29 P 3:10

1. Minutes of the City Council Meeting, November 26, 2012.
2. PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2013.
3. Communication from the Mayor re: Contract Services transfer request in the amount of \$15,000.00 which moves funds from Principal Assessor to Professional & Technical Services and another \$15,000.00 which moves funds from Senior Assessor to Professional & Technical Services to allow for continued funding until March 2013.
4. Proposed Zoning Amendment, concerning medical marijuana treatment centers, Sections 650-5, new section 650-32, from Council President Pope and Councilor Elder.
5. Communication from the Planning Board re: Results Way Mixed Use Overlay District.
6. Communication from MetroPCS Massachusetts, LLC re: request to extend time limitations on Application for Special Permit, 98 Pleasant St., to install a Wireless Communications Facility to March 31, 2013 until 12:59 PM, Order No 12-1005122C.
7. Communication from Construction Materials Service, Inc. re: request to extend time limitations on Application for Special Permit (to extend the 65 day requirement in which to hold the Public Hearing), 379 South St., to construct a new 2400 sq. ft. office building on a nonconforming property to January 8, 2013 until 9:00 PM, Order No 12-1005236.
8. Application for Special Permit from Crown Castle, on behalf of T-Mobile, to exchange six existing antennas on a cell tower, 445 Simarano Dr.
9. Application for Taxi License, Yan Fang Ye, d/b/a Ye's Taxi, 20 Devens St.
10. Minutes, Community Development Authority, October 25, 2012.
11. Minutes, Planning Board, November 5, 2012.
12. Minutes, Traffic Commission, October 23, 2012.
13. CLAIMS:
 - A. Antonio Braga, 51 Christie Way, Apt 53L, pothole or other road defect

REPORTS OF COMMITTEES:

14. ORDERED: The Operations and Oversight committee will investigate the reasons that various parts of the city have been having sporadic power outages, and what can be done to assure that our residents and businesses will have reliable electric service which is critical to all. The committee will endeavor to bring together whatever sources deemed appropriate for this purpose including representatives from National Grid, state officials, and local staff and officials. The goal will be to work collaboratively to find a quick resolution to this problem, and to inform the public of the city's progress in this regard.....Submitted by Councilor Delano

15. **ORDERED:** That the Commissioner of Public Works prepare a written report for submittal to the Operations and Oversight Committee that includes all residential and non-residential properties located outside the limits of the city that are currently benefitting from City of Marlborough water and sewer services; said report to include the status of all payments due, dates of connection and authorization to do so. Further Ordered, that the Commissioner and City Solicitor work with the Operations and Oversight Committee to suggest changes to the water and sewer ordinances that would create a uniform process by which any properties existing outside the limits of the City of Marlborough are granted permission to connect to Marlborough's municipal water and sewer systems as well as a fee schedule that would properly compensate the city for the use of these valuable resources. Said report should be made available to all members of the City Council on or before January 17, 2013.Submitted by Councilor Delano

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

16. **Order No. 12-1005149 – Proposed Conveyance of a Portion of City-Owned property, 93 Framingham Rd. Recommendation of the Legislative and Legal Affairs Committee is to recommend conveyance to Melanson Development Group a portion of municipal property at 93 Framingham Rd together with the following orders from the City Solicitor in proper form.**

[1ST ORDER]

ORDERED:

That the City Council of the City of Marlborough,

having been notified by the Commissioner of Public Works, pursuant to M.G.L. c. 40, § 15, that the City's fee interest in a portion of municipal property taken for sewer purposes and located in part off Framingham Road, and identified and described as a portion of the land shown as Parcel 93A on Map 93 of the Marlborough Assessors Map,

and being more particularly shown as "Parcel 'D'" on a plan entitled "Plan of Land in Marlborough, MA, Owner: Celeste Walker, Executrix, 990 Center Street, Apt. #2, Jamaica Plain, MA 02130-3029, Prepared for: Melanson Development Group, Inc., P.O. Box 564, Woburn, MA 01801; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752; Date: November 29, 2010; Scale: 1" = 40'," containing 24,032 square feet (0.55 acres), more or less, said plan to be recorded in the South Middlesex Registry of Deeds,

is no longer needed for such purposes,

hereby declares, by a simple majority vote pursuant to M.G.L. c. 30B, § 16(a), that the fee interest in said Parcel D is available for disposition by sale, with the following restrictions on the subsequent use of said Parcel D:

1. the City reserves to itself a perpetual public sewer easement in, under, upon and through said Parcel D, for the purposes of maintenance, repair, construction or reconstruction of public sewer lines; for the installation, repair or replacement of additional sewer pipes or any other municipal utilities or services; and for passive recreation purposes; and
2. the City also reserves the right to excavate or disturb ground without responsibility for repairing the surface, whether with loam or seed, and hereby prohibiting the grantee, its heirs, successors or assigns from planting, installing or maintaining any bushes, plants, trees or a structure of any kind in or about said Parcel D, unless approved in advance by written approval of the Commissioner of Public Works of the City of Marlborough.

The above declaration shall be null and void unless, on or before January 1, 2014, the Marlborough Planning Board, pursuant to Chapter 650-28 of the Marlborough zoning ordinance, has granted to Melanson Development Group, Inc. an open space development special permit which incorporates said Parcel D as described above.

ORDER NO 12-1005149A

[2ND ORDER]

ORDERED:

That the City Council of the City of Marlborough,

having declared in Order No. 12-1005149A, that the fee interest in said Parcel D is available for disposition by sale, with the use restrictions recited in said Order,

now hereby authorizes the Mayor, by a two-thirds vote pursuant to M.G.L. c. 40, § 15, to convey the City's fee interest in said Parcel D to Melanson Development Group, Inc., of 5 Robertson Way, Woburn, Middlesex County, Massachusetts, for at least the minimum amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, and upon such other terms as the Mayor shall consider proper and consistent with the intent of this Order and at a sales price that would maximize the total economic return to the City.

ORDER NO 12-1005149B



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

140 Main St.

Marlborough, MA 01752

(508) 460-3775 FAX (508) 460-3723

NOVEMBER 26, 2012

Regular meeting of the City Council held on Monday, NOVEMBER 26, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:02 PM.

ORDERED: That the Minutes of the City Council Meeting, NOVEMBER 5, 2012, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application from David Scarfo, agent for T-Mobile, for Special Permit for minor upgrades to existing telecom site located at 342 Lincoln St, Order No. 12-1005191, all were heard who wish to be heard, hearing recessed at 8:08 p.m.; adopted.

ORDERED: That the Mayor addressed the City Council regarding concerns pertinent to Sewer Issues, **FILE**; adopted.

ORDERED: That the Collector's Office transfer request in the amount of \$4,631.00 which moves funds from Collector to Contract Services and Temporary Clerk to fund temporary help, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11440001-50042

\$4,631.00

Collector

TO:

Acct. # 11440004-53140

\$3,500.00

Contract Services

Acct. # 11440002-50586

\$1,131.00

Temporary Clerk

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Public Library Grant from the Massachusetts Board of Library Commissioners awarded to the City in the amount of \$12,500.00 to fund a program called "Conservation Circles" which provides an opportunity for English language learners to practice their skills and learn about services the library provides; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Emergency Performance Grant (EMPG) from the Massachusetts Emergency Management Agency awarded to the City in the amount of \$11,250.00 which reimburses the City for costs associated with local emergency preparedness training, equipment and software upgrades; adopted.

ORDERED: That the temporary Appointment of Michael Berry as the Parking Clerk Hearing Officer for the next 60 days due to the resignation of Kim Gaudette, **FILE**; adopted.

ORDERED: That the Appointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms expiring on August 23, 2015, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the New Senior Center Proposal, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Senior Center transfer request in the amount of \$500,000.00 from Undesignated Funds to Senior Center to fund costs associated with design and engineering plans for a new Senior Center, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$500,000.00
Undesignated Funds

TO:

Acct. # 19300006-53045 \$500,000.00
Senior Center

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:

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	
Industrial Use												
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.

refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, ZONING BOARD AND ADVERTISE PUBLIC HEARING FOR DECEMBER 17, 2012**; adopted.

ORDERED: That the Communication from Attorney Bergeron, on behalf of 54 Main St., LLC to **WITHDRAW WITHOUT PREJUDICE** Application for Special Permit, Dunkin Donuts, 54 Main St., Order No. 12-1005152A, **APPROVED**; 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.

Yea: 11 - Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

ORDERED: That the Communication from Public Employee Retirement Administration Commission (PERAC) re: FY14 Appropriation, **FILE**; adopted.

ORDERED: That the Communication from Nobis Engineering, Inc. re: Immediate Response Action (IRA) Plan and Completion Report, formerly Jenney Gasoline Station site, 25 E. Main St., **FILE**; adopted.

ORDERED: That the Communication from Carl Aquilina, Site Acquisition Lead, SAI Communications re: Radio Frequency Energy Report, for Special Permit, Marlborough Hospital, 157 Union St., Order No. 11-1002976D, **FILE**; adopted.

Councilors Seymour and Robey abstained

ORDERED: That the Notice of Filing and Public Hearing, Department of Public Utilities, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, September 24, & October 15 & 23, 2012 **FILE**; adopted.

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

- A. Bonnie Beland, 58 Emmet St., other

Reports of Committees:

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

Order No. 12-1005149 – Proposed Conveyance of a Portion of City-Owned property, 93 Framingham Rd. Recommendation of the Legislative and Legal Affairs Committee is to recommend conveyance to Melanson Development Group a portion of municipal property at 93 Framingham Rd together with the following orders from the City Solicitor in proper form.

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having been notified by the Commissioner of Public Works, pursuant to M.G.L. c. 40, § 15, that the City's fee interest in a portion of municipal property taken for sewer purposes and located in part off Framingham Road, and identified and described as a portion of the land shown as Parcel 93A on Map 93 of the Marlborough Assessors Map,

and being more particularly shown as "Parcel 'D'" on a plan entitled "Plan of Land in Marlborough, MA, Owner: Celeste Walker, Executrix, 990 Center Street, Apt. #2, Jamaica Plain, MA 02130-3029, Prepared for: Melanson Development Group, Inc., P.O. Box 564, Woburn, MA 01801; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752; Date: November 29, 2010; Scale: 1" = 40'," containing 24,032 square feet (0.55 acres), more or less, said plan to be recorded in the South Middlesex Registry of Deeds,

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2. the City also reserves the right to excavate or disturb ground without responsibility for repairing the surface, whether with loam or seed, and hereby prohibiting the grantee, its heirs, successors or assigns from planting, installing or maintaining any bushes, plants, trees or a structure of any kind in or about said Parcel D, unless approved in advance by written approval of the Commissioner of Public Works of the City of Marlborough.

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ORDER NO 12-1005149A

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now hereby authorizes the Mayor, by a two-thirds vote pursuant to M.G.L. c. 40, § 15, to convey the City's fee interest in said Parcel D to Melanson Development Group, Inc., of 5 Robertson Way, Woburn, Middlesex County, Massachusetts, for at least the minimum amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, and upon such other terms as the Mayor shall consider proper and consistent with the intent of this Order and at a sales price that would maximize the total economic return to the City.

ORDER NO 12-1005149B

Suspension of Rules requested – granted

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Emergency Management Grant from the Massachusetts Emergency Management Agency awarded to the City in the amount of \$9,000.00 to replace radios and equipment in the Emergency Operations Center; adopted.

Suspension of Rules requested – granted

ORDERED: The Quest Diagnostics, TIF proposal, consisting of the following five documents, attached hereto, **APPROVED**; adopted.

1. The TIF agreement, Order No. 12-1005210A-1
2. The TIF plan, Order No. 12-1005210A-2
3. The EDIP-local tax incentive only project application, Order No. 12-1005210A-3
4. The economic opportunity area application, Order No. 12-1005210A-4
5. The Council Resolution, 12-1005210A-5

A roll call vote was taken for each of the documents noted above (except EDIP-local tax incentive only project application) as follows:

Order No. 12-1005210A-1

Yea: 11 - Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

Order No. 12-1005210A-2

Yea: 11 - Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

Order No. 12-1005210A-4

Yea: 11 - Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

Order No. 12-1005210A-5

Yea: 11 - Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:02 PM.

Public Hearing – 2013 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 3, 2012** at 8:00 p.m. in Council Chambers, 2nd 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 2013. 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



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OF MARLBOROUGH

2012 NOV 29 A 11:49

City of Marlborough

Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 29, 2012

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

Re: Transfer Request – Contract Services

Honorable President Pope and Councilors:

I am seeking your support for the following transfer request for the Assessor's Department:

- 1) Transfer in the amount of \$15,000.00 from 11410001-50160 (Principal Assessor) to 11410004-53180 (Professional & Technical Services).
- 2) Transfer in the amount of \$15,000.00 from 11410001-50170 (Senior Assessor) to 11410004-53180 (Professional & Technical Services).

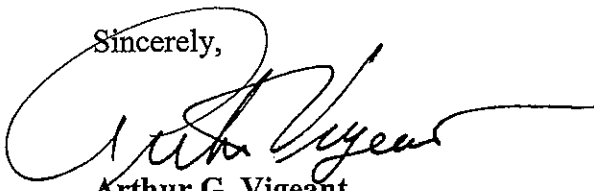
The City has been utilizing the services of Regional Resource Group, Inc. (RRG) to operate and carry out the duties of our Assessing Department since September due to unanticipated staffing changes. RRG has conducted a thorough evaluation of the office and consolidated numerous files and databases that will leave the office in a stronger position than they found it.

Since the abatement begins January 1, 2013, I believe it is prudent to continue our arrangement with RRG to provide continuity and consistency in the Assessor's Department through the abatement process. This will ensure that the same team that led the city through the revaluation period will also be the ones that will review any abatements that come before them.

This transfer request will allow us to move forward with this arrangement beyond this calendar year in to 2013 until the end of March. I intend on having a long term solution for the Assessor's Department early next year.

Thank you in advance for your consideration

Sincerely,



Arthur G. Vigeant
Mayor

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
			Assessor				Assessor		
\$ 55,344.00	\$ 15,000.00	11410001		50160 Princ Assessor	\$ 15,000.00	11410004		53180 Prof & Tech Service	\$ 3,000.00
\$ 51,433.00	\$ 15,000.00	11410001		50170 SNR Assessor	\$ 15,000.00	11410004		53180 Prof & Tech Service	\$ 3,000.00
					\$ 30,000.00				

Reason: To fund contracted appraisal services



 Department Head Signature

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 regulations under Section 650-32 of this ordinance.

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

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

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

650-32 MEDICAL MARIJUANA TREATMENT CENTER

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

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

1. DEBILITATING MEDICAL CONDITION shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient's physician.
2. MARIJUANA shall have the meaning given "marihuana" in Chapter 94C of the General Laws.
3. MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing, (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.
4. PERSONAL CAREGIVER shall mean a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient.
5. QUALIFYING PATIENT shall mean a person who has been diagnosed by a licensed physician as having a debilitating medical condition.

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

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

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

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

4. The effective date of these amendments shall be January 1, 2013.

ADOPTED
In City Council
Order No 12-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 28 P 4: 18



November 26, 2012

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

PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

RE: Results Way Mixed Use Overlay District

Dear Ms. Pope:

The Planning Board is in a position to give a favorable recommendation concerning the proposed zoning amendment to the Zoning Code of the City of Marlborough for the addition of the RESULTS WAY MIXED USED OVERLAY DISTRICT.

In support of this recommendation, the Board offers the following findings:

1. Mixed use developments bring housing, employment and retail services closer together. They offer residents and employees living options that do not require a car trip for every movement from home to job, job to store, or restaurant to home. Over the long term, we cannot build enough roads to keep up with job and housing growth if we do not alter the current zoning standard that keeps housing, employment, and retail activities separated. Most New England communities developed with proximity valued, not prohibited. The communities, of which we are so fond, would not be allowed under current zoning codes.
2. Despite a sluggish economy and housing market, recent reports from the Boston Foundation site a regional need for 12,000 to 19,000 new units of housing by the year 2020. The housing model today for younger people is rental or condo. This proposed mixed use district would allow the developer to speak to this looming housing issue in Metrowest which in turn should help fill positions at area companies.
3. The mixed use district is consistent with recommendations of regional planners by utilizing smart growth principles by integrating people and places to achieve community and lifestyle. This piece of property is an ideal location and site for mixed use development - straddling residential and commercial/industrial. Its access (through residential from the north and commercial/industrial from the south) will not create any additional burdens on existing residents or businesses than the underlying zoning use. In fact, it may be an improvement given the on-site housing.

4. While it is our view that a more comprehensive modification to the Zoning Code allowing mixed use wherever in the City it could work to our advantage might be better, approval of the RESULTS WAY amendment should not be held up. The proposed Results Way location and project offer significant economic advantages to the City of Marlborough. Adding housing of a type that is in short supply, improving the attractiveness of a vital district in a way that will help attract employers and jobs, bringing construction jobs in the short run and increasing tax revenues and fees both short and long term all are good reasons to facilitate this project.

The developer should be encouraged to maximize pedestrian and bicycle connections to the surrounding community. The developer should also be encouraged to hire and purchase from the Marlborough community of construction workers, contractors, and suppliers.

Sincerely,



Barbara L. Fenby
Chairperson

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 28 P 4: 49

Date: 11/12/12

Order No. # 12-1005122

Application for Special Permit from City Council for MetroPCS Massachusetts, LLC

Applicant's Name

for Installation of a Wireless Communications Facility

Purpose

at 98 Pleasant Street

Location

REFER TO Wireless Subcommittee

Committee

PUBLIC HEARING: August 27th, 2012

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 12:59 p.m. on March 31st, 2013.

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

By: Andy Candiello
Authorized Agent

Acting on behalf of, and at the direction of,
Petitioner:
MetroPCS Massachusetts, LLC

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CITY OF MARLBOROUGH

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

2012 NOV 29 A 10:25

Date: NOV. 28, 2012

Order No. # 12-1005236

Application for Special Permit from CONSTRUCTION MATERIALS SERVICE, INC.
Applicant's Name

for CONSTRUCTION OF A 2400 SF OFFICE BUILDING
Purpose

at 379 SOUTH ST.
Location

REFER TO URBAN AFFAIRS
Committee

PUBLIC HEARING: 1/7/2013
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 SCHEDULING
~~PUBLIC HEARING~~ petition by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 9:00 p.m. on JANUARY 8, 2013.

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

By: [Signature]
OWNER

Acting on behalf of, and at the direction of,
Petitioner:
CONSTRUCTION MATERIALS SERVICE

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

2012 NOV 28 P 1:20

Crown Castle for T-Mobile, 500 West Cummings park suite 3600
Woburn, MA

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

01801

445 Simarano Dr fka 40 Crane Meadow Rd Plat #116 Parcel #1

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

445 Simarano Drive Marlborough LLC / 200 US Route 1, suite 200
Scarborough

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

ME
0407

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

Article 680 Section 25 Paragraph D Sub-paragraph 3

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

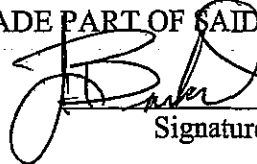
IND

7. Specific reason(s) for seeking Special Permit

T-Mobile, an existing carrier on this 160' cell tower, proposes
to change their existing six antennas to six new
antennas at the 160 AGL.

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

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



Signature of Petitioner or Applicant

Address: 500 West Cummings park,

Suite 3600, Woburn, MA 01801

Telephone No. 781-970-0053

Date: 11/27/12

City Clerk's Office

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

Crown Castle on behalf of T-Mobile

(Name of Petitioner)

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

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

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Crown Castle on behalf of T-Mobile Address: 500 West Cummings pkw Suite 3600, Woburn, MA 01801
445 Simarone Dr Fla
Project Name: Bos Marlborough 2 Address: 40 Crane Meadow Rd

1. PROPOSED USE: (describe) Existing cell tower

2. EXPANSION OR NEW: Antennas change only

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

buildings N/A # stories N/A lot area (s.f.) 4900sf leased in

4. LOT COVERAGE: 0 % Landscaped area: 0 % 744, 876sf

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 1/m Peak period: 1/m

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 0 Peak period: 0

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

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Cell tower area not lit.

8. NOISE:

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

N/A

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. N/A

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

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A

*Attach additional sheets if necessary



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 11/26/12

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Bos Marlborough 2

Project Use Summary: Cell tower

Project Street Address: 40 Crane Meadow Road / Simarano Dr

Plate: 116 Parcel: 1

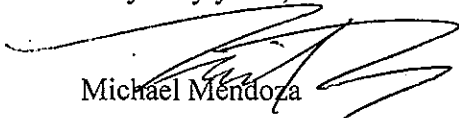
Applicant/Developer Name: Crown Castle / Jeff Barbadora

Plan Date: 10/10/12 Revision Date: 10/24/12

Dear President and Members:

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

Very truly yours,


Michael Mendoza
Building Inspector

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

\$250.00

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

**Lisa M. Thomas
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a solid horizontal line.

Signature of Applicant

Attorney on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

A handwritten signature in black ink, appearing to read "Deborah G. Fox", is written over a solid horizontal line.

Tax Collector

\$ 100⁰⁰ pd 11/26/12



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

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CITY OF MARLBOROUGH

2012 NOV 26 P 2:29

**Lisa M. Thomas
City Clerk**

**CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

I. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: YANFANG YE
- B. Address: 20 Devents ST
- C. Telephone Number: 917-655-2236
- D. Business Name: YE'S TAXI
- E. Business Address: 20 Devents ST
- F. Business Number: _____

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE *[Signature]*

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough on . In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk

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CITY OF MARLBOROUGH

2012 NOV 27 A 11:41

Marlborough Community Development Authority

MINUTES

Thursday, October 25, 2012, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room

Members Present: Mayor Vigeant, Steve Vigeant, Lynn Faust, Steve LeDuc, Sally Swartz, Joyce Torelli, Diane Smith, Tom Abel

Also Present: Doug Bushman, Anne Marie Blake, Linda Overing of Breezeway Farm Consulting, press

Absent: Eric Asman

Lynn Faust called the meeting to order at 8:32 A.M.
The Board approved the minutes of September 27, 2012.
The Board approved the Housing and CDA bills payable.

Breezeway Farm Consulting Report: Linda Overing presented the Breezeway Farm Consulting Report which was accepted as presented and attached as reference.

Linda informed the Board of DHCD rescheduling the grant deadline to late January/early February 2013. The Breezeway Farm contract expires January 31 and Steve V. questioned whether the grant application would be complete by that time and Linda said that they would continue to work on the grant until submission.

Linda talked about the Community Development Strategy and that it needs to be updated with input from the Mayor, CDA, Department heads, the MEDC and downtown organization. A public hearing will be scheduled for early November for community input.

The board held a discussion on 16 Clinton St. and have decided to not move forward with demolition until such time as we have a Director.

Housing Director's Report: The Housing Directors Report was accepted and is attached as reference. The board voted to "*table the budget and pay increases to next meeting.*"

Doug is to formulate a response to Sen. Eldridge's letter regarding legislation to regionalize housing authorities. Board members are to send comments to Doug for the letter.

Doug will discuss bonding at the Dec. meeting.

The Advocates contract is signed.

The next board meeting will be on Thursday, November 29, 2012 at 8:30 a.m.

Meeting adjourned at 9:30 a.m.

Respectfully submitted, Anne Marie Blake

City of Marlborough
Commonwealth of Massachusetts

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CITY OF MARLBOROUGH



November 5, 2012
7:00 PM

PLANNING BOARD 4:18

Barbara L. Fenby, Chair
Colleen M. Hughes, Clerk
Philip J. Hodge

Edward F. Coveney
Clyde L. Johnson
Sean N. Fay

Carrie Lizotte, Board Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: CLizotte@marlborough-ma.gov

The Planning Board for the City of Marlborough met on Monday, November 5, 2012 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Phillip Hodge, Sean Fay, Edward Coveney and Clyde Johnson. Also present: City Engineer Thomas Cullen.

MINUTES

September 24, 2012

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file the meeting minutes.

October 15, 2012

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file the meeting minutes.

October 23, 2012

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file the meeting minutes.

CHAIRS BUSINESS

Building Commissioner

The Board welcomed the new Building Commissioner, Michael Mendoza. Mr. Fay shared a few of the Boards issues, including the illegal signs and the collection bins. Mr. Fay gave a brief overview of the illegal signs that are scattered throughout the City. Mr. Fay suggested that the Code Enforcement Officer would be more efficient if she was given the right tools to (i.e. handheld ticket machine) ticket the offender. Ms. Hughes stated that the research from another community showed the effectiveness of the machine. Mr. Mendoza stated that signs have always been an issue in any community and that he will have Ms. Wilderman continue to fine the offenses with the ticket books.

Mr. Fay also stated that the biggest offense was the collection bins that were multiplying in the parking lots of retail businesses. He stated that the previous Commissioner agreed that they were considered off-premise signs and should be treated as such. Mr. Fay also spoke of the community organizations and their continuing lack of asking permission by the Planning Board for their signs during events.

The Chair stated that the sign ordinance does need to be tweaked to today's standards and is willing to submit some changes to the ordinance. City Council member Joseph Delano stated that he was willing to aide in the changes and that if there is evidence of an illegal sign, then the sign owner should be fined.

Mr. Mendoza stated that he will review the ordinance and is willing to work the Planning Board. He stated that if something is not described in the ordinance then it is simply not allowed.

On a motion by Mr. Fay, seconded by Mr. Coveney it was duly voted:

To move up agenda item 5B.

SUBDIVISION PROGRESS REPORTS

Country Club Estates

Proposed Agreement

Attorney Falk and the City Solicitor have written a proposed agreement that reflect the agreement from 2010 written by Attorney Bergeron and the City Solicitor. This Agreement is intended to set forth the plan of action Toll Brothers would enable the City to complete a proposed taking for street expansion purposes for Stow Road, affecting 15 lots in the subdivision. For their consideration the following is the basic terms:

- Toll Brothers will pay for any necessary taking plans, appraisal reports, and title reports;

- After receiving approval from City departments of the taking plans and other documents, the Planning Board will recommend the proposed taking to the City Council;
- The Planning Board, with assistance of Toll Brothers, will submit the proposed taking to the City Council;
- ~~Toll Brothers will pay for the hearing advertisements and damages awards, if any;~~
- Toll Brothers will indemnify the City against lawsuits challenging the takings during the 3-year statute of limitations period, up to a total sum of \$45,000;
- If the City Council approved the proposed taking within 3 months after the Planning Board's submittal of the proposed taking, the Planning Board will reduce the bond to \$45,000, and the 3-year statute of limitations period has expired, the Planning Board will release the remainder of the bond; and
- If the City Council fails to approve the taking plan within 3 months after the Planning Board's submittal of the proposed taking, the Planning Board will release the full balance of the bond.

The City Solicitor stated that this was an agreement that would accommodate both the City and the developer.

Mr. Fay stated it was a step in the right direction, that his only concern was the 3 month time frame; he stated it was too short of time to get everything accomplished. Mr. Falk stated he discussed the appraisals with an appraisal company and they feel they should have a short turn around.

Councilor Delano stated he did not think it's appropriate to put deadlines on the City Council. He also stated that he is concerned about the risk this puts the current homeowners and he feels they will "pay for it".

The City Solicitor stated that is why there is a cushion of the remaining about of \$45,000 that would protect the City against any lawsuits that may possibly arise. The City Solicitor asked that if the Board would be more comfortable with a 6 month period vs. a 3 month period, so that it would end about the same time as the fiscal year. The Board was more comfortable with the 6 months vs. the 3 months.

The City Solicitor and Attorney Falk will reconfigure the language to a 6 month period and then will resubmit the proposed agreement at the next meeting.

APPROVAL NOT REQUIRED PLAN

Phelps Street

Decision

Mr. Cullen has reviewed the ANR known as "4 Phelps Street" and can a favorable recommendation to the Planning Board to endorse the plan.

On a motion by Ms. Hughes, seconded Mr. Coveney it was duly voted:

To accept and file correspondence; to accept and endorse a plan of land believed to be Approval Not Required of "4 Phelps Street" owned by Ernest Winske, 169 Boston Post Road East, Marlborough, MA, 01752. Name of Engineer: Thomas Dipersio, Thomas Land Surveying, 265 Washington Street, Hudson, MA 01749. Deed of property recorded in South Middlesex Land Court Cert# 195774 Book 1109 Page 24.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen stated that he has had some dialog with the developers for Mauro Farms development in regards to the sidewalks and curbing with their subdivision completion schedule. He also mentions that Blackhorse Farms is installing some water and sewer services and the trees are installed.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

Ravenswood

Correspondence from the City Engineer

The City Engineer has performed his initial review of the proposed definitive subdivision known as "Ravenswood". Mr. Cullen stated in his comments that the proponent should have submitted a subdivision plan meeting all the rules and regulations without waivers, so he could fairly access the current proposed plan.

In his general comments he stated that he does not believe that the currently presented proposed subdivision meets the Alternative Standards as defined, with a multitude issues being pavement width, centerline raii, curbing or sidewalks. He also noted that there is currently no sewer infrastructure on Stow Road, however there is indication there will be in the future; and easements would have to be secured prior to construction.

Mr. Fay stated that since the proponent came in several times informally to show the plan and the waivers were discussed, he was surprised that several waivers that the proponent knew were important to the Planning Board were still asked to be waived from the rules and regulations. He stated that the fact that no easements were secured for sewer seem to be a fatal flaw in this proposal.

The Chair asked if the developers were notified of the Engineers comments. Mrs. Lizotte stated that she was asked by the City Engineer to hold on to the comments until they were discussed by the Planning Board. The last communication from the developer stated they were waiting for the comments to come straight from the City Engineer.

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

To send the City Engineers comments to the developer and their representative and ask them to appear at the next Planning Board meeting on November 26, 2012.

SIGNS

UNFINISHED BUISNESS

INFORMAL DISCUSSION

Results Way Mixed Overlay District

At this time, the Board did not have any concrete comments. Ms. Hughes asked if she could make a suggestion about asking for local contractors. Ms. Hughes and Mr. Hodge are going to discuss the findings prior to the next meeting.

COMMUNICATIONS/CORRESPONDENCE

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

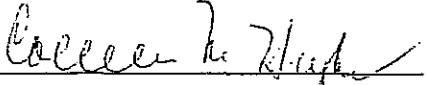
To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Johnson, seconded by Mr. Coveney was duly voted:

To adjourn at 8:20 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 29 A 11:48



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on October 23, 2012 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere and Fire Chief James Fortin. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, September 25, 2012.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business - (NONE)

3-Old Business

Chief Leonard began by asking for a suspension of rules to discuss an additional item not on the agenda. ALL IN FAVOR

New Item: Traffic Issues on Lincoln Street

Chief Leonard received an e-mail from Kate Watkins, resident of Lincoln Street, regarding this issue. She has written to the city several times and is writing again due to another accident that just occurred where “a woman drove her car into the telephone pole in front of our house.” She said that this occurred at 6:00 am and was very scary. If it had been a little later there would have been children standing at the bus stop in that exact spot. She said that she doesn’t understand why the city can’t do something to make this area safer. She had previously suggested such things as adding a crosswalk, Slow Children signs or possibly making this section of Lincoln Street one way.

Chief Leonard advised that the police department is still looking into the specifics of this particular accident as it just occurred yesterday. However, that it appears that the woman had a sneezing fit and lost control of her vehicle. Chief Leonard noted that the Traffic Commission had discussed these same issues back in 2010 and that he had responded specifically to each of the items mentioned in the original correspondence from Mr. & Mrs. Watkins dated November 7, 2010. Commissioner LaFreniere noted that Chief Leonard's previous response was very detailed and right on track. He said that the Engineering Department can look at signage and lighting again. Tim Collins noted that there are double yellow lines on this road and that most cars do appear to cross the yellow lines when traveling this curve. The stone wall has been "constantly" hit. Chief Leonard asked again if the curve can be highlighted with advance warning signs. The commission had previously discussed a guardrail but there is not enough room for it. Tim Collins suggested putting reflective tape on the pole. He noted, however, that it is a joint owned pole that is owned by Verizon and National Grid. Chief Leonard asked if we needed permission to affix something to the pole. Commissioner LaFreniere advised that he would like to take a look at the intersection again.

MOTION was made, seconded, duly VOTED to REFER to the DPW for further safety measures.

3-Old Business

3h) Communication from Meagan McLean, re: crosswalk sight distance concerns near 655 Farm Road.

Chief Leonard advised that he has also received a call from the management office of the condos (Sheffield Court) on this same issue. Residents have complained about how difficult it is to pull out of the driveway when vehicles are parked in the street near the entrance. Tim Collins presented an aerial photo of the location. There is plenty of parking in the parking lot for all residents. There are 24 units and 53 parking spaces. He said that it is quicker to park out front when you live in the front unit especially when it is not a restricted area. Otherwise you have to park in back and walk through the building to the stairs in the front. The management company had previously requested that all vehicles park on the property. This worked for a while but is not working anymore. All agreed that parking should be restricted for safety reasons especially when there is plenty of parking available. Commissioner LaFreniere said that if parking is restricted near the crosswalk only it will just cause cars to park a little further down and it will still be the same situation. There is a signalization project coming to this area at some point and we need a regulation that will make sense in anticipation of the whole side changing with the new signals. All agreed that it was better to restrict parking on the entire curve to a certain point and extend it to both sides of the street.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to determine the appropriate limits on both sides and present their findings at the next meeting.

3f) Silver St. parking concerns.

Tim Collins revised the diagram he had at the prior meeting to now indicate the turn pattern for a tractor trailer or fire truck traveling in both directions. Neither would be able to make the turn if cars were parked on the street. It was also discussed that there is plenty of parking available for residents. Tim Collins confirmed that there are no regulations at this time. Chief Leonard said that based on this information and the inability to get the ladder truck down this street in an emergency, formal parking restrictions need to be created. Parking should be restricted on the entire side on one side and a partial section on the other. It was discussed that this would have an impact on residents and that they would need to be notified ahead of time. Tim Collins said that he can send notices and get feedback. He usually hand delivers these notices. Chief Flynn questioned what they do in the winter when overnight parking is not allowed on the street. Commissioner LaFreniere said that they all have enough spots, for some it is just a convenience to park in the street if the driveway is narrow and cars need to be moved to let others out. It appears that some choose to park in the street for this reason. Chief Leonard agreed that it makes sense to notify residents and also the city council.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to determine the specifics of the restriction and draft the notice to residents.

3g) Communication from Shawn Butland, re: truck exclusion on Ferrecchia Drive.

Tim Collins advised that no traffic counts have been done yet. They are waiting for construction in the area to end so that they can get a true count.

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

3i) Communication from Kim Harding, re: Request for HP spot on Cotting Ave.

Chief Leonard has not yet spoken to Ms. Harding; however, Cotting Ave. is one of the streets on Tim Collins' list for discussion with regard to the Rules and Regulations Manual. It is "a mess" as far as regulations go. Tim Collins advised that basically the regulations indicate that there is no parking allowed on either side but it is not signed this way. There are five different regulations in the manual including some that overlap. There are only signs on 2 small sections indicating that parking is restricted. He also mentioned that he found time limit parking in the regulations – from 8 am to 5 pm – 30 minute parking allowed. This regulation dates back to 1957. The manual also states that one section is one way while another states 2 way. He noted, however, that people currently park all over the street.

Tom Cullen also presented a diagram of the Dunkin Donuts parking lot. Dunkin Donuts is trying to get approval for a drive through at this location. He just received this new proposal. Commissioner LaFreniere said that he thinks there is an opportunity for a better design. He thinks they should only have one opening onto Main Street. The driveway may not be wide enough, however, for 2 way traffic. They are talking about putting a drive through on a "postage stamp lot". He said that we need to be looking at the public safety issue. If our intersections and roadways are compromised it does not make sense. Dunkin Donuts has said they can't remain at this location if they don't have a drive through; however, the street's integrity needs to be preserved. The "jump off

point for design has to be what works for the surrounding street". Tom Cullen had suggested that they move the building. Also in the area, Gary White has taken over the Modern Guest House where there are 20 units. It is unclear as to the number of vehicles that this facility will involve.

Chief Leonard asked how many cars can actually park on each side. Commissioner LaFreniere said that there is room for 7 or 8 spaces without impacting the driveways on the east side. Some of the houses have room to accommodate a large number of vehicles. Number 62 is supposedly a 2 family that has room for 10 cars. Tim Collins said that this morning he saw four cars parked on the street. People don't want to worry about having to move cars in the morning so it is easier to park in the street. Chief Leonard advised that his first thought is to restrict parking on the west side and allow it on the east side. There was further discussion as to where a handicapped spot would even be allowed. There is no room in front of the house because of the driveway and fire hydrant. It would have to be across the street. Commissioner LaFreniere said that he does not mind accommodating the handicapped and disabled, however, there is concern that the Commission would be providing a specific benefit that does not apply to the public at large. Others would then want the same assistance.

The recommendation is:

No Parking on the west side between Granger and Main Street.

No Parking on the west side between Maple Terrace and Granger.

No Parking on the east side from Granger to the end.

Chief Leonard clarified that we are not doing anything right now so as to accommodate Dunkin Donuts; we are just trying to clarify what is actually there now.

MOTION was made, seconded, duly VOTED to deny the request for a handicapped spot on Cotting Ave. and to REFER to ENGINEERING to revise the regulation as discussed above.

3d) Traffic Commission rules and regulations update.

The Commission reviewed another group of streets from the alphabetical listing on the "conflict list" at the direction of Tim Collins. The streets discussed were Court Street, Culliane Drive, Curtis Ave., Bigelow Street – special speed zone, Clark Drive, Concord Rd. at East Main, Conrad Road, Cook Lane and Corey Road. The purpose of this review is to be sure that the specific regulations in the manual match what is truly in existence at the street location. Final regulations for each street will be able to be viewed in the rules and regulations manual upon completion.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to make approved revisions and TABLE for discussion at next meeting.

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3c) Stop signs on Bigelow Street.

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

3e) Communication from Lewis F. Clark, Jr. re: Traffic concerns on Lower Pleasant St.

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

3j) Communication from Christian Dumais, re: Parking concerns on High Street.

MOTION was made, seconded, duly VOTED:
To TABLE – Still under review.

3k) Problems with Parking on Newton Street.

This item was not listed on agenda – but Tim Collins had asked that it be added on again for further discussion.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:36 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, October 23, 2012 (Including City of Marlborough Meeting Posting)

Additional Handouts

-Photo - Aerial view of Brown Street
-Photo - Aerial view of 666 Farm Road
-E-mail chain to Chief Leonard from Kate & Nathan Watkins (original date 11/7/2010), regarding Lincoln Street Traffic Issues along with Chief Leonard's response.